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**SEPA Guidance: Waste Recovery Plans**

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## Introduction

This guidance provides information and advice for anyone preparing a waste recovery plan as part of an application to use waste in construction, restoration, reclamation or land improvement.

A waste recovery plan must be included with the registration or permit application. The plan must show waste ‘recovery’. The plan must demonstrate:

* There is a genuine purpose for the activity and the use of waste.
* The waste types are suitable for the use.
* No more than the quantity of waste necessary is used.
* The use of waste will not result in environmental harm.

Where SEPA approves the waste recovery plan it will form part of the registration or permit.

If SEPA does not agree the activity is waste recovery, considers it is likely to result in environmental harm or the waste recovery plan has insufficient information, the application is likely to be refused.

Where it is not possible to show waste recovery, a waste disposal (landfill) permit will be required for the proposed activity to go ahead.

Infilling of quarries, and recovery projects carried out on flood plains or areas prone to flooding, are likely to require permits rather than registrations.

If you are unsure, contact SEPA before applying at wastepermitting@sepa.org.uk.

## Waste Recovery

The plan must show waste recovery, defined as “any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy”.

## What to include in the waste recovery plan

The waste recovery plan must include evidence of why the proposed activity is required (the useful purpose) and that the waste is directly replacing other materials which would otherwise have been used (substitution).

Each activity is likely to be unique and the information required to demonstrate recovery may be different in each case. The plan must include the information set out below. The level of detail required for each of these sections may vary depending on the scale and complexity of the proposed activity.

The waste recovery plan may include documents prepared for other purposes, such as planning applications or health and safety documents.

The waste recovery plan must be clearly identified with a version number and a date.

## Purpose of the activity

There must be a clear justification for the use of waste. The waste recovery plan must clearly describe the purpose of the proposed activity and show that it meets a specific need including:

* Why the activity is needed,
* How the activity will meet that need, and
* How the activity will be carried out and completed.

The waste recovery plan must include evidence that the activity could and would be carried out using non-waste. This is because the definition of ‘recovery’ requires waste to “replace other materials which would otherwise have been used”. Annex 1 provides further information on the types of evidence SEPA would consider as part of this test.

## Waste types

The waste recovery plan must clearly describe the wastes which are to be used in the activity and how they are suitable for that use. It must show how the waste will perform an intended function comparable to the non-waste material that would otherwise have been used.

Annex 2 provides a list of wastes normally accepted in a typical recovery activity.

Hazardous wastes will not be authorised for use.

### **Waste Acceptance**

The waste recovery plan must include clear waste acceptance criteria setting how only the wastes specified for use will be accepted. It must also include measures for visual and chemical verification where necessary. Annex 3 provides further information on waste testing.

### Waste Soils

Where soils are only to be sourced from greenfield or otherwise undeveloped land which carry no risk of contamination, this should be made clear in the waste recovery plan. Procedures for how that will be confirmed with waste producers must be included.

Where soils are to be sourced from brownfield land, the waste recovery plan must include screening criteria for physical and chemical contamination. Screening criteria must ensure:

* The soil that will be used is non-hazardous waste (17 05 04).
* The soil will not result in harm to human health or the environment.

Where screening criteria have been agreed with a Local Authority through the planning system, these may be used.

For human health screening criteria, applicants should consider using industry accepted Generic Assessment Criteria relevant to the land use, such as S4ULs and C4ULs.

The use of soil must not result in the entry of hazardous substances to groundwater. For groundwater screening criteria, please see [WAS-PS-10-02](https://www.sepa.org.uk/media/izxccosj/wat-ps-10-02.docx).

Applicants may also derive and justify their own screening criteria based on a site-specific assessment.

All waste soil accepted for use must be accompanied by a written assessment containing:

* Information about the pollutants that could be present in the waste.
* An assessment to determine if the waste has hazardous properties based on representative sampling and analysis.
* Confirmation of the appropriate waste code, based on the assessment.
* Confirmation it meets the acceptance criteria and will not result in environmental harm.

The waste recovery plan must include details of how evidence to satisfy this condition will be gathered, assessed and recorded.

### Alternative waste types

Alternative waste types to those listed in Annex 2 may be considered in limited circumstances. If an alternative is proposed, a suitably qualified person must provide evidence about the chemical, physical and engineering properties of the waste.

This must include assurance that the waste is non-hazardous, suitable for its intended purpose and that the activity will not result in environmental harm. A suitably qualified person will be someone with expert knowledge of the type of activity proposed, the waste being used and the environmental risks involved, for example:

* An agronomist, if you are restoring soils on farmland fields.
* A geotechnical engineer, if you are building a bund or embankment, building a road or development platform, it may be a civil engineer.
* An experienced practitioner, if you are carrying out a small and straightforward project such as car park repairs.

## Waste Quantities

The waste recovery plan must include the total tonnage of each type of waste proposed for use.

The waste recovery plan must show that only the amount of waste necessary will be used to complete the project and no more. For example, if only 1,000 tonnes is required for the activity, do not apply to use more than that. The scale of the project should also be appropriate for the proposed use.

For example:

* SEPA would not authorise a noise attenuation bund which is higher or wider than the dimensions needed for protection from noise pollution. Any extra waste used to build such a bund would be considered disposal.
* SEPA would not authorise the construction of a shed which involved building up the level of the land to heights which were not justified. The excessive use of waste in this manner would be considered disposal.

Provide plans and cross sections showing the original and planned final ground levels. These must be marked in metres above ordnance datum (mAOD) and allow SEPA to establish the depth of waste at locations throughout the site. Drawings must be to a suitable scale.

## Further detail your recovery plan may need to include

In some circumstances, the following may be required in the waste recovery plan:

* Engineering work information
* Drainage details or plans
* Gas monitoring plans
* Aftercare monitoring plans

If this is not included and SEPA deems them relevant, the application may be refused.

## **Varying the waste recovery plan**

At registration level, SEPA will base its determination on the waste recovery plan submitted with the application. If the authorisation is granted the waste recovery plan cannot be varied. If the activity changes, for example, there is a change to the proposed use, the waste types or quantities, a new application with a new waste recovery plan is required.

At permit level, the waste recovery plan can be amended via a variation application. This is subject to SEPA’s standard timescales and fees for permit variations.

## Disclaimer

This guidance is based on the law as it stood when the guidance was published.

Whilst every effort has been made to ensure the accuracy of this guidance, SEPA gives no warranty, covenant or undertaking (express or implied) regarding the fitness for purpose of, or any error, omission or discrepancy in this guidance. Reliance on its contents and the contents of any websites that are linked to or from this guidance is entirely at the user’s own risk. SEPA is not liable for any loss or damage that may come from using this guidance. This includes:

* any direct, indirect and consequential losses
* any loss or damage caused by civil wrongs, breach of contract or otherwise

SEPA reserves the right to depart from this guidance and take appropriate action as it considers necessary or appropriate.  Applicants and authorised persons are responsible for ensuring that they are compliant with the law. If necessary, independent legal / specialist advice should be sought.

## Annex 1 – Evidence of recovery

Evidence of an obligation to carry out the activity

Applicants may provide evidence of an obligation to carry out the activity.

This may be because a regulator has imposed a requirement which means the work would have to be carried out whether waste or non-waste was used. For example, a quarry activity which is required by planning conditions to restore it according to an approved plan.

If there’s an existing planning condition or obligation SEPA will look at all the available information. This may include:

* The extent to which the planning authority was involved in the design of the scheme when they granted the planning permission and imposed the condition.
* Whether the planning authority would be likely to agree anything significantly different.

Where the obligation does not specify exactly how the works must be carried out, the waste recovery plan must show why and how carrying out the activity with either waste or non-waste would meet the obligation.

Planning Permission

The waste recovery plan should include detail of how the activity is authorised in planning terms, including a copy of any planning consent where relevant. This is particularly important if this used as evidence that there is an obligation to carry out the works. It may also be relevant to any assessment of recovery where costs are included.

Planning documents can also show that there is permission to use the land and support any claim that an activity could and would go ahead as proposed. If a project does not yet have planning permission, include alternative evidence of recovery in the waste recovery plan.

Evidence the activity is viable

There may be cases where the evidence surrounding any obligations, purpose or the extent of works are insufficient to approve a waste recovery plan. In such cases, applicants may provide alternative evidence that the activity would have a reasonable prospect of proceeding if non-waste materials were used because of a meaningful financial or other benefit.

‘Meaningful financial benefit’ means the profit and payback period would make it worthwhile to incur the full cost of using non-waste, considering normal commercial considerations, such as the degree of risk.

‘Other benefit’ means there are other non-financial benefits to the activity, for example improved flood defence systems, reducing future associated flood risk.

In this instance, the waste recovery plan should include:

* Details of the proposal and how it will provide direct financial or other benefit.
* The expected income, capital gain or other benefit.
* What the costs of generating this benefit would be, including via use of non-waste, and any ongoing operating costs.

Evidence could be provided which costs the proposed works using non-waste materials and shows the benefits of the works, for example by a prospective increase in land value, expected income or by cost savings e.g. the costs avoided in the installation and operation of equipment.

A financial case would not always need to demonstrate financial gain. For example, if a loss-making restoration project was required as part of a wider profit-making project.

The viability assessment does not hinge solely on profit, and it does not seek to quantify the monetary benefit of using wastes. However, the presence and direction of payment between applicant and the waste producer is one indicator for SEPA to consider in terms of determining whether a proposed activity should be classed as recovery or disposal.

Any case put forward could take account of any monetary benefit that gained from the proposed activity. This could include the value of materials extracted from the proposed authorised place or the value of the land once it has been restored. It could also take account of the cost of not carrying out the proposed works which might include the withholding of bonds or the provision of equipment to maintain the proposed authorised place in a safe condition. Where a proposal forms part of a larger scheme, it will be assessed as part of the whole scheme being commercially worthwhile. The presence of any funding secured for the implementation of the works will also be considered.

It is accepted that any such viability assessment cannot be completely future proof and SEPA would not expect it to be. The case should show that the purpose of the proposed activity is reasonable and does not rely on income from the disposal of wastes. If SEPA determines that the activity is a recovery activity, we would not expect the financial case to be updated/revisited over the lifetime of the activity.

While SEPA envisages that any financial case submitted would not contain detailed confidential information, we accept that some of that information may be regarded as commercially confidential by the applicant. Applicants can apply for the submission or any part of it to be excluded from the public register. Any such application would be determined by SEPA in accordance with the legislation.

## Annex 2 –Waste Types

**Table 1: Waste types suitable for recovery activities, according to use**

| **WASTE TYPE** | **WASTE CODE** | **ACCEPTABLE USES** **(SUBJECT TO APPROVED RECOVERY PLANS)** |
| --- | --- | --- |
| Wastes from non-metalliferous excavation. | 01 01 02 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Agricultural improvement schemes.Ecological improvements, wetland schemes and lakes. |
| Waste gravel and crushed rocks other than those containing dangerous substances. | 01 04 08 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Agricultural improvement schemes.Ecological improvements, wetland schemes and lakes. |
| Waste sand and clays. | 01 04 09 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Agricultural improvement schemes.Ecological improvements, wetland schemes and lakes. |
| Mollusc or crustacean shells from which the soft tissue or flesh has been completely removed. | 02 02 02 | Surface treatment of dirtroads and tracks.Drainage.Where clean shells from fish processing are to be used, they must be treated in accordance with The Animal By-Products (Enforcement) (Scotland) Regulations 2013.  |
| Soil from cleaning and washing beet. | 02 04 01 | Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Agricultural improvement schemes.Ecological improvements, wetland schemes and lakes.Material you deposit in place of non-waste topsoil must meet the British Standard for topsoil BS 3882:2015. |
| Bottom ash and slag from power stations (furnace bottom ash).  | 10 01 01 | Structural fill for building, stabilising slopes, drainage and road construction.The waste must meet the relevant civil engineering standards for use. |
| Pulverised fuel ash from power stations.  | 10 01 02 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.The waste must meet the relevant civil engineering standards for use. |
| Gypsum (solid or sludge only).  | 10 01 0510 01 07 | Agricultural improvement schemes. |
| Incinerator bottom ash.  | 10 01 15 | Structural fill for building, stabilising slopes, drainage and road construction.The waste must meet the relevant civil engineering standards for use. |
| Wastes from the processing of slag.  | 10 02 01 | Structural fill for building, stabilising slopes, drainage and road construction. |
| Unprocessed slag.  | 10 02 02 | Structural fill for building, stabilising slopes, drainage and road construction. |
| Furnace slag (from casting of non-ferrous pieces).  | 10 10 03 | Structural fill for building, stabilising slopes, drainage and road construction. |
| Waste ceramics, bricks, tiles and construction products (after thermal processing). | 10 12 08 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Road or track construction and repair, hard surfacing or car parks. |
| Waste concrete and concrete sludge.  | 10 13 14 | Structural fill for building, stabilising slopes, drainage and road construction. |
| End-of-life tyre bales.  | 16 01 03 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Baled tyres must meet the PAS 108:2007 specification. |
| Concrete  | 17 01 01 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Road or track construction and repair, hard surfacing or car parks. |
| Bricks.  | 17 01 02 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Road or track construction and repair, hard surfacing or car parks. |
| Tiles and ceramics. | 17 01 03 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Road or track construction and repair, hard surfacing or car parks. |
| Mixtures of concrete, bricks, tiles and ceramics. | 17 01 07 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Road or track construction and repair, hard surfacing or car parks. |
| Road base and road planings other than those containing coal tar. | 17 03 02 | Road or track construction and repair, hard surfacing or car parks.Use of bituminous road planings is limited to construction of hard surfaces infrastructure such as roads, tracks, pathways and parking within 30cm of the final waste level.You must not deposit bituminous road planings more than 2 metres deep. |
| Soil and stones (topsoil, peat, subsoil and stones). | 17 05 04 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Agricultural improvement schemes.Ecological improvements, wetland schemes and lakes.Use as a growing media is limited to the top 50cm of the recovery activity.Material you deposit in place of non-waste topsoil must meet the British Standard for topsoil BS 3882:2015. |
| Dredging spoil. | 17 05 06 | Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.You must remove water from dredgings before you use them.Material you deposit in place of non-waste topsoil must meet the British Standard for topsoil BS 3882:2015. |
| Track ballast, soil and stones other than those containing dangerous substances. | 17 05 08 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Road or track construction and repair, hard surfacing or car parks.Track ballast must be free from significant oil and organic contamination.Material you deposit in place of non-waste topsoil must meet the British Standard for topsoil BS 3882:2015. |
| Bottom ash and slag (incinerator bottom ash). | 19 01 12 | Structural fill for building, stabilising slopes, drainage and road construction.The waste must meet the relevant civil engineering standards for use. |
| Washed sewage grit (waste from de-sanding only). | 19 08 02 | Agricultural improvement schemes.Ecological improvements, wetland schemes and lakes. |
| Stone filter media only (if cleaned to remove sewage contamination). | 19 08 99 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.Road or track construction and repair, hard surfacing or car parks. |
| Glass. | 19 12 05 | Structural fill for building, stabilising slopes, drainage and road construction. |
| Minerals (such as sand and stones) from the treatment of waste aggregates that are otherwise naturally occurring minerals. | 19 12 09 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.This excludes:* Fines from treatment of any non-hazardous waste.
* Gypsum from recovered plasterboard.

It does not include residual ‘fines’ from mechanical treatment of mixed waste at transfer stations. Source materials must be:* Properly classified as hazardous or non-hazardous.
* Accurately described (characterised).
 |
| Crushed bricks, tiles, concrete and ceramics, including mixtures of materials. | 19 12 12 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material.This excludes:* Metal from reinforced concrete.
* Fines from treating any non-hazardous waste.
* Gypsum from recovered plasterboard.

It does not include residual ‘fines’ from mechanical treatment of mixed waste at transfer stations. Source materials must be:* Properly classified as hazardous or non-hazardous.
* Accurately described (characterised).
 |
| Soil substitutes other than those containing dangerous substances only. | 19 12 12 | Agricultural improvement schemes.Ecological improvements, wetland schemes and lakes.A ‘soil substitute’ is a material that serves as a direct replacement and performs the same function as top soil. It can only be used at a place where there is no existing soil profile.You should not include hazardous waste or dangerous substances. The soil substitute must be free from contaminants such as:* Asbestos fragments.
* Plastics.
* Glass.
* Metals.
* Treated timber.
* Foils and films.

Material you deposit in place of non-waste topsoil must meet the British Standard for topsoil BS 3882:2015. |
| Treated bottom ash including incinerator bottom ash and slag other than that containing dangerous substances only. | 19 12 12 | Structural fill for building, stabilising slopes, drainage and road construction. |
| Solid wastes from soil remediation other than those containing dangerous substances. | 19 13 02 | Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Landscaping associated with construction work, restoration of mineral workings and general fill material. |
| Soil and stones (topsoil, peat, subsoil and stones). | 20 02 02 | Structural fill for building, stabilising slopes, drainage and road construction.Construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses.Agricultural improvement schemes.Landscaping associated with construction work, restoration of mineral workings and general fill material.Ecological improvements, wetland schemes and lakes.Use is limited to the top 50cm of the recovery activity as a growing media.Material you deposit in place of non-waste topsoil must meet the British Standard for topsoil BS 3882:2015. |

## Annex 3 - Testing Waste

The waste producer must test waste and provide the results of the analysis if the waste has come from:

* Land that has or may have been contaminated by previous use.
* A waste treatment or transfer facility.
* Any site where contamination may be suspected suspect.

This includes all soils and stones (17 05 04) derived from brownfield sites. This waste type must be accompanied by a written WM3 assessment confirming the correct classification. It must also be accompanied by representative sampling and analysis to demonstrate it meets the screening criteria set out in the waste recovery plan.

Waste producers do not need to test their waste (except for classification), if they are in the following list of waste codes and:

* Come from a single source.
* Are well characterised and described.
* Carry no risk of contamination, for example greenfield soil from a site that has not previously been developed.

List of waste codes that do not need to be tested include (providing registration or permit authorises them):

* 01 01 02: waste from non-metalliferous excavation.
* 01 04 08: waste gravel and crushed rocks other than those containing dangerous substances.
* 01 04 09: waste sand and clays.
* 10 12 08: waste ceramics, bricks, tiles and construction products (after thermal processing).
* 17 01 01: concrete.
* 17 01 02: bricks.
* 17 01 03: tiles and ceramics.
* 17 01 07: mixtures of concrete, bricks, tiles and ceramics.
* 17 05 04: soil and stones.
* 19 12 09: minerals (for example, sand and stones).
* 20 02 02: soil and stones.