

# D1 – Deposit of waste from dredging of inland waters

## What is the purpose of this exemption?

This exemption allows you to deposit dredging spoil ([dredgings](#)) on the banks of the waters it was dredged from and to treat it by screening and dewatering.

## What types of activities can I do?

Example activities include:

- A contractor is involved in clearing silt from sections of a river and deposits the dredgings on the banks of the river.
- A contractor is involved in clearing silt and plant matter from sections of a canal. The contractor screens the dredgings to remove litter and then deposits the dredgings to be dewatered. Once they are dewatered, the dredgings are then moved to another place to be spread to land under an environmental permit.

## Where can I carry out this activity?

You can only deposit the waste along the banks of the [inland waters](#) from where it was removed.

## What can't I do?

You can't:

- deposit dredgings on the bank of a different [inland water](#). This is to prevent contaminants and [invasive non-native species](#) being transferred from one water body to another. See [Related permits](#).
- use this exemption for the deposit of dredgings from any other waters.
- deposit dredgings that are [hazardous waste](#).
- treat dredgings other than by screening or dewatering.

## What are the key limits?

Over any 12-month period, you can deposit or treat **up to 50 cubic metres of dredgings** for each metre of land on which waste is deposited.

## What are the key conditions?

The waste must be deposited at the closest possible point to where it was dredged from.

The waste must be deposited either:

- on the [bank](#) of the waters from where it was dredged, or

- on land adjoining the water it was dredged from as long as you can deposit on that land by mechanical means in one operation. This means that you can't deposit onto a bank and then move it further away by the same or another machine. Your equipment should be able to take the dredgings from the waters and move it to that land in one move.

## **What else do I need to know?**

Please note that registration under this exemption or any other exemption does not absolve you from the need to comply with other legislative requirements. In particular the following will often apply to U1 activities.

### **Planning permission or other planning consent**

The granting of an exemption by the Environment Agency does not mean that the activity in question does not require planning permission. Planning permission may still be required for an exempt waste operation. It is your responsibility therefore to contact your local planning authority at an early stage to ascertain whether a planning application is required and obtain the necessary permission if you need it before any waste operations are started;

### **Flood Defence Consent**

This is particularly relevant if you have registered a U1 or D1 exemption to raise ground levels within the flood plain of a main river (however the consent is not needed where you have planning permission). This consent may also be required where the development may obstruct flood flows or maintenance access to a main river.

You can get more information on whether you need a Flood Defence Consent by phoning us on 03708 506 506 and asking for the Development and Flood Risk team for the location of the works. You can also see whether your development is on a main river flood plain by looking at [What's in your backyard?](#)

It is your responsibility to obtain this consent, where it is needed, before you begin operations.

### **Plant matter**

In terms of this exemption, the term "dredging spoil" or "dredgings" includes plant matter that is removed from [inland waters](#).

A *Code of Practice for Vegetation Management* is currently being developed by industry and government. It should be published in spring 2010.

### **Lagoons and containers**

Small lagoons or containers for depositing dredgings alongside small waterways that the dredgings originate from are excluded from the Landfill Directive. However, this only relates to lagoons alongside the waters the waste was dredged from and you must stay within the limits outlined in [What are the key limits?](#)

Lagoons situated elsewhere will require an environmental permit. See [Related permits](#)

### **Definition of "place"**

Under this exemption a place can be a distinct area of land where the exempt activity takes place or is planned to take place. However we recognise that this particular exemption is carried out on a water network. In these situations the definition of place can vary due to nature and type of organisation, with different organisations being able to identify different operational areas or places to be registered. If you fall within this category we suggest that you contact the Environment Agency on 03708 506506 to discuss the nature of your operation and agree how to register your exemption.

To find out more about “place” when applying to farms or linear operations please go to our [Guidance on the meaning of place](#).

## What waste can be deposited under this exemption?

The wastes codes below are those listed in the List of Wastes (LoW) Regulations. You should read the guidance on the LoW to ensure that the waste type you want to treat fits within the waste code.

You need to make sure your waste falls within the LoW code and the written description in the table.

Further guidance on this can be found at <http://www.environment-agency.gov.uk/business/topics/waste/32140.aspx>

| Codes  | Waste types   |
|--------|---|
| 170506 | Dredging spoil other than those mentioned in 170505 |

The full text of the legislation can be found at:  
<http://www.legislation.gov.uk/ukxi/2010/675/contents/made>

## Related exemptions

You can use dredgings in construction under **U1 Use of waste in construction**.

You can spread plant matter that is strimmed along the banks of the river where you have cut it under **U13 Spreading of plant matter to confer benefit**.

You can spread dredgings from the creation or maintenance of habitats, ditches or ponds within parks, gardens, fields and forests only under **U10 Spreading waste on agricultural land to confer benefit** and **U11 Spreading waste on non-agricultural land to confer benefit**.

## Related permits

In the following circumstances you will need to apply for an environmental permit:

- You want to treat or deposit more than the amount allowed under this exemption
- Your lagoon is not excluded from the Landfill Directive.
- You want to spread dredgings to land or use dredgings in construction but can not comply with the limits and conditions of those exemptions mentioned in [Related exemptions](#)

Further information can be found at:

<http://www.environment-agency.gov.uk/business/topics/permitting/32330.aspx>

## Registration of this exemption

A link to the registration process is available on the following web page:

<http://www.environment-agency.gov.uk/business/topics/permitting/116406.aspx>

## Definitions

“**bank**” means a bank, wall or embankment adjoining or confining, or constructed for the purposes of or in connection with, any channel and includes all land between the bank and low-watermark.

**“dredgings”** or **“dredging spoil”**, in terms of this exemption, includes plant matter that is removed from inland waters. You should satisfy yourself that they are not hazardous.

**“hazardous waste”**, except in Section 5.1 of Part 2 of Schedule 1—

(a) in relation to England, has the meaning given in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005,

(b) in relation to Wales, has the meaning given in regulation 6 of the Hazardous Waste (Wales) Regulations 2005.

Guidance on what is hazardous waste can be found at:

<http://www.environment-agency.gov.uk/business/topics/waste/32200.aspx>

**“inland waters”** means the whole or any part of:

(a) any river, stream or other watercourse (within the meaning of Chapter II of Part II of the Water Resources Act 1991), whether natural or artificial and whether tidal or not;

(b) any lake or pond, whether natural or artificial, or any reservoir or dock, in so far as the lake, pond, reservoir or dock does not fall within paragraph (a) of this definition; and

(c) so much of any channel, creek, bay, estuary or arm of the sea as does not fall within paragraph (a) or (b) of this definition.

**“invasive non-native species”** is any non-native animal or plant that has the ability to spread causing damage to the environment, the economy, our health and the way we live.

The full ‘**Glossary of terms**’ can be viewed [here](#)