

Re-using Waste Soils on a Commercial Site

Objectives:

The objective of this briefing note is to provide guidance to Property Care Association members on the requirements in reusing excavated soils at the site where the soils originated from. Please note this briefing note is for guidance only and if soils are to be reused at a site it is recommended that approval is sought from the Local Planning Authority and relevant environmental regulator.

Although not entirely applicable to waste soils containing invasive species, CL:AIRE's The Definition of Waste: Development Industry Code of Practice provides a detailed guide on the reuse of soils at a site. <https://www.claire.co.uk/projects-and-initiatives/dow-cop/28-framework-and-guidance/111-dow-cop-main-document>

Legal Definition of Waste:

On excavating soils at a site, the soil arisings are deemed to be a waste until they are fully recovered. Soils are deemed to be recovered when they meet the following criteria:

- They do not create an unacceptable risk of pollution of the environment or harm to human health.
- Suitable for reuse both chemically and geotechnically.
- They have certainty of use at the site.
- There is a requirement for the quantity of material being reused.

To demonstrate the above is being met requires a materials management plan to be drafted, which requires approval by a CL:AIRE Qualified Person. <https://www.claire.co.uk/projects-and-initiatives/qualified-person-register>

Unacceptable Risk

In determining whether soils impacted by Japanese Knotweed present an unacceptable risk to the environment and/or human health, there is a requirement to understand the history of the site being excavated. This requires a desk study and site survey to determine historical and current sources of contamination. From this desk top study, an initial Conceptual Model of the Site can be developed to determine if an intrusive site investigation is required to refine the assessment of risk the site poses.

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On determining whether the land is affected by contamination, a tiered risk assessment should be undertaken for the site. This risk assessment refines the conceptual model and determines if the contamination present poses a risk to the environment and /or human health. If the contamination does pose a risk, an options appraisal is undertaken for the management of the affected soils prior to drafting a remediation strategy. Remediation strategies may include relocation of soils to less sensitive areas of the site; placement of materials at depth with a 'clean' capping layer provided; or sampling soils and screening against remediation criteria with failures requiring off-site disposal.

Prior to implementing the Remediation Strategy, a Materials Management Plan is drafted that highlights the tracking system to be used from the excavation point, through to the final deposition of materials; contingency arrangements if a greater volume of contaminated material is encountered; and how the works will be verified. The Materials Management Plan will be required to be authorised by a CL:AIRE Qualified Person who is independent of the works.

Suitable for reuse both chemically and geotechnically.

*The suitability of reuse of material chemically is determined as described in the **Unacceptable Risk** section above.*

Further to the risk to the environment and human health, materials reused at a site are required to have the correct geotechnical properties for their end use to prevent unwanted settlement/slip at a later date.

Certainty of Use

Certainty of use must be demonstrated for the excavated arisings not to be deemed a waste. For example if material is banded at a site to allow herbicide management and the arisings are not subsequently reused at the site on completion of the works, the soils are deemed to be a waste and as such would require removal from the site. However, if the banded area formed part of a landscaping area and was seeded/planted post completion of the herbicide programme the soils may now be deemed as recovered.

Quantity of Material

Materials should only be reused in quantities necessary for their proposed use. For example, a landscaping bund has been given planning permission which equates to a volume of 100m³. On excavating material impacted by Japanese Knotweed that are scheduled for reuse within

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the bunded area, a volume of 150m³ is generated. 50m³ of this material would require removal from the site unless permission can be gained from the Local Planning Authority.

Invasive Species-Specific Requirements

This briefing note provides guidance on the requirements to demonstrate that soils can be reused at their site of origin irrespective of whether they are contaminated by Japanese Knotweed. For specific requirements relating to soils impacted by Japanese Knotweed this guidance note should be read in conjunction with the Environment Agency's 'Managing Japanese Knotweed on development sites 2006' (updated 2013).