

SEPA Regulatory Position Statement – Developments on Peat

Background

Peat is a body of sedimentary material, usually dark brown or black in colour, comprising the partially decomposed remains of plants and organic matter that is preserved in anaerobic conditions within an essentially waterlogged environment.

There are two principal types of peat:

The upper (acrotelm) layer which is quite fibrous and contain plant roots etc. Acrotelmic peat is relatively dry and has some tensile strength.

The lower (catotelm) layers are highly amorphous, with very high water content and tend to have very low tensile strength. The structure of catotelmic peat tends to disrupt completely on excavation and handling.

Peat lands hold large stocks of poorly protected carbon and excavation of peat will result in large carbon losses from the excavated peat and also the areas affected by drainage. Minimising peat excavation will reduce these potential carbon losses and consequently reduce the carbon payback period associated with developments on peat.¹



While there can be uses for peat within a development, peat is not always suitable for proposed uses. In such cases, peat may be regarded as waste in law, meaning regulatory controls must be applied to its storage, treatment recovery and/or disposal.

SEPA has a supportive, considered and consistent approach on waste management issues and endeavours to communicate these to operators at the earliest possible stage of any development proposal. The aim of this statement is to set out SEPA's position on the waste management issues arising from the generation of waste peat as a result of developments on peat.

Developments on peat should seek to minimise peat excavation and disturbance to prevent the unnecessary production of waste soils and peat. If less peat is generated, less waste controls will apply.

¹ Further guidance on the carbon impacts associated with developments on peat is being developed by SEPA. Scottish Government Guidance is available at <http://www.scotland.gov.uk/Publications/2008/06/25114657/0>

Waste from Peat Developments

Waste peat is likely to be generated by construction developments on peatland and the following statement is intended to help ensure a consistent approach to the management of such material.

Developers are strongly advised to approach their local SEPA office at the earliest appropriate time in the planning stages of the development to ensure that all the activities that may have waste management implications are clearly identified. This will allow SEPA to identify any regulatory implications of the proposed activities which will consequently allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements.

Is it Waste?

Decisions on whether a particular substance, object or material is waste must be considered on a case by case basis; the answer will depend on the circumstances of the proposed development including the nature of the materials and the ways in which they are proposed to be treated, used and/or disposed of. Further guidance on the definition of waste process can be found in the SEPA guidance documents 'Is it Waste?'² and 'The supplementary guidance to "Is it waste"'³ which are available for download from www.sepa.org.uk.

Prevention

The best management option for waste peat is to prevent its production.

This can be done through the use of forward planning, comprehensive on site investigations and the use of site waste management plans (SWMP)⁴ and assessment of alternative construction methods e.g. piling. The early considered use of these techniques will allow developers to prevent/minimise the production of waste peat (and other wastes) associated with the development. SEPA is developing guidance on waste minimisation techniques and good practice guidance to assist developers in reducing the amount of waste peat generated.

Clearly, if the amount of waste peat produced as part of a development is reduced then the degree of regulatory control required in respect of its management will be reduced.

Re-use

Developers should attempt to re-use as much of the peat produced on site as is possible. There are a number of on site activities which may involve the use of peat e.g. restoration of hardstanding areas, road banking, etc. Any developer wishing to re-use any waste peat material should contact their local SEPA office to discuss any proposed re-use activities, once these have been determined, in the planning stage of a development. SEPA will seek to ensure that there are no risks to the

² http://www.sepa.org.uk/waste/waste_regulation/idoc.ashx?docid=6d388f08-ab71-49d7-948f-5c7d3e4cef1d&version=-1

³ http://www.sepa.org.uk/waste/waste_regulation/idoc.ashx?docid=08a49c7b-2e0d-478a-b1ff-94275aab6203&version=-1

⁴ Further information regarding site waste management plans can be found at <http://www.envirowise.gov.uk/scotland/Sectors/Construction/Key-Issues/SWMP-in-Scotland.html>

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environment or human health associated with the proposed activities and will identify any regulatory requirements that would affect such activities.

The fact that materials have a potential reuse within the site boundary is not sufficient in itself to say that they are not waste. For example, where there is no justified requirement or demonstrable need for the peat to be used or it is clearly not suitable for the identified use, it will likely be classed as a disposal operation, and the proposed activity will require authorisation from SEPA accordingly.

Recycling/Recovery/Treatment

There are a number of options available for the recycling/recovery/treatment of waste peat. For example, waste peat can be used as a fuel for personal or commercial purposes, as a compost/soil conditioner or it can be dewatered to reduce its volume and improve its mechanical properties. These activities will likely require authorisation from SEPA.

Proposals to carry out any recycling/recovery/treatment activity should be discussed with the local SEPA team prior to the activity commencing, to ensure that any relevant authorisations are in place.

Storage

Storage of peat that is not waste will not require authorisation from SEPA. However, care must be taken to ensure that peat storage does not cause environmental pollution. For example, highly organic materials such as peat can have a devastating impact on watercourses if they wash off from storage areas.

The on-site storage of waste peat is likely to require a waste management licence or suitable exemption and if the storage prior to treatment or recovery period exceeds three years (or where storage prior to disposal is for more than one year) then a permit in accordance with the Landfill (Scotland) Regulations 2003 will likely be required.

Disposal

Disposal, in particular of catotelmic peat, can lead to a number of issues due to its very low tensile strength and high water content e.g.

- It is likely to have a very low bearing capacity, making it a hazard to people or animals walking on it;
- Slides or movement are highly likely and can be caused by heavy rainfall;
- Potential for contaminated run-off.

Peat arising and requiring management as a waste within a development will require characterisation and consideration of its condition upon excavation. The propensity of the waste peat to flow will be a key characteristic in determining whether it can be landfilled i.e. if it is classified as a liquid it cannot be landfilled without some form of pre-treatment.



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Where landfill on-site is identified as the preferred option for the disposal of waste peat it will be necessary to obtain a PPC permit⁵ from SEPA prior to the commencement of any landfill operations on-site. In such cases the operator should contact their local SEPA office to discuss their proposals.

Enforcement

This guidance applies only in Scotland and is subject to periodical review in light of policy/legislative developments. SEPA reserves its discretion to depart from the position outlined in this guidance to avoid the risk of pollution or harm to human health or the environment and to ensure that the effectiveness of the Waste Framework Directive is not undermined. Enforcement action will be carried out in accordance with SEPA's Enforcement Policy⁶.

⁵ Detailed information on landfill and PPC permitting can be found at http://www.sepa.org.uk/waste/waste_regulation/landfill.aspx

⁶ SEPA Policy Statement on Enforcement – Policy No.5 – can be found at http://www.sepa.org.uk/about_us/policies.aspx