Paragraph 7
(treatment of land for agricultural benefit or ecological improvement)

This paragraph applies where specific types of wastes (see the Regulations and SEPA Guidance Note for details of waste types) are used to treat land used for agriculture, provided that such treatment results in benefit to agriculture or ecological improvement. The treatment of operational railway or British Waterways Board land, or land which is a forest, woodland, park, garden, verge, landscaped area, sports ground, recreation ground, churchyard or cemetery is also covered where such treatment results in ecological improvement.

Paragraph 9
(treatment of land for reclamation or improvement)

This paragraph applies where specific types of wastes (see the Regulations and SEPA Guidance Note for details of waste types) are used to treat land which has been subject to industrial or other man-made development, provided that the use to which the land could be put is improved by the treatment.

You are advised to discuss any proposed activities with your local SEPA office to establish whether a licence is required or whether the activity is exempt from licensing.

Paragraph 19
(use of waste for relevant works)

This paragraph applies to the storage and use on a site of specific types of wastes (see the Regulations and SEPA Guidance Note for further information), provided that the waste is suitable for use in relevant work carried out at the site. Relevant work means the use of waste for the construction, maintenance or improvements of a building, road, railway, airport, dock or other transport facility; recreational facilities; drainage; or certain engineering works.

The requirements that exempt activities are subject to

Requirements applicable to all paragraphs (Regulation 17 - Schedule 4, Part 1, Paragraph 4)

Whatever the exemption, the types and quantities of waste submitted to the exempt activity and the methods of disposal or recovery must not endanger human health and must not use processes or methods which could harm the environment by:

- presenting a risk to water, air, soil, plants or animals;
- causing nuisance through noise or odours; or
- adversely affecting the countryside or places of special interest.
What to do if you wish to undertake an exempt activity

Is there anything to be done if an activity is exempt?

Yes. You are required to register the activity with SEPA prior to commencement of the activity. Exemptions under Paragraphs 7, 9 and 19 must be registered at least 21 days before the activity is to be carried out. This is a new requirement following amendment of the Regulations to provide SEPA with sufficient time to consider the registration. It is an offence to carry out an exempt activity without it being registered or to carry out an activity in breach of the registration obligations. A person found guilty of an offence is liable to be fined on summary conviction.

How do I register an exempt activity?

SEPA has produced standard notification forms for the purpose of registering exemptions under Paragraphs 7, 9 and 19. You should contact your local SEPA office to obtain a registration form and guidance note on how to complete the form. You will also be advised of the fee required. Once the form is completed you should return it, together with the accompanying documents and appropriate fee, to your local SEPA office.

What happens when I have provided notice?

Once SEPA has received the notice it will determine whether or not the activity should be registered. Within 21 days you will receive either confirmation of the registration or notice that the registration has been refused.

Once an activity is registered - is that it?

No. If the same activity extends beyond a 12-month period, the registration will need to be renewed. SEPA may also remove the activity from the Register where it considers that the exemption does not meet any of the relevant requirements.

Remember, you should always ensure that you meet the legal requirements associated with the exempt activity in question.