Response form

# Standard rules consultation number 29

## Proposals for new standard rules permit for using unbound incinerator bottom ash aggregate (IBAA) in construction as a deposit for recovery operation

How we will use your information

The Environment Agency will make all responses publicly available after the consultation, unless you have specifically requested that we keep your response confidential.

This includes comments received online and by email unless you have specifically requested that we keep your response confidential. We will not publish names of individuals or personal data. We will publish the name of the organisation for those responses made on behalf of organisations.

We will not respond individually to responses unless you have specifically asked us to do so by providing us with an email address, in which case we will acknowledge your response. After the consultation has closed, we will publish a consultation response document on GOV.UK. We will contact you to let you know when this is available.

In accordance with the Freedom of Information Act 2000, we may be required to publish your response to this consultation but will not include any personal information. If you have requested your response to be kept confidential, we may still be required to provide a summary of it.

Privacy notice

The Environment Agency would like to keep you informed about the outcomes of the consultation. If you would like to receive an email acknowledging your response and telling you when we’ve published the summary of responses, please provide your email address with your response.

By giving us your email address, you consent for us to email you about the consultation. We will keep your details until we have notified you of the response document publication.

We will not share your details with any other third party without your clear and full consent unless required to do so by law.

You can withdraw your consent to receive these emails at any time by contacting us at wastetreatment@environment-agency.gov.uk

The Environment Agency is the data controller for the personal data you provide. For more information on how we deal with your personal data please see our [personal information charter](https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter) on GOV.UK.

You can email our Data Protection team: dataprotection@environment-agency.gov.uk

Your details

We welcome your views on the proposed new standard rules permit for using unbound incinerator bottom ash aggregate (IBAA) in construction as a waste deposit for recovery operation.

What is your name?

What is your email address?

When we come to analyse the results of this consultation, it would help us to know if you are responding as an individual or on behalf of an organisation or group. Please select from the following options:

□ Responding as an individual

□ Responding on behalf of an organisation or group

□ Other

If you’re responding on behalf of an organisation or group, please tell us who you are responding on behalf of.

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| Can we publish your response? We will not include personal information.This is a required question. Please select one of the following:

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| □ Yes |
| □ No  |

If you answered ‘No’, please tell us why as we will need to understand this when responding to any Freedom of Information requests. Questions on the draft standard rules permitWhere there is a free text field, please give as much information as possible to support your answer, including cost/benefit information whenever possible. For example, if meeting a requirement of the standard rules permit would be costly to your business, provide an estimate of the work that would be required at your facility (or facilities), and the likely costs and timescale. If you already meet the requirements of the standard rules guidance, please state this and set out any costs and benefits associated with doing so. This will help us to assess the cost-benefit of this guidance and whether and how we should modify its requirements. Limits on permitted activitiesThe draft rules limit the IBAA deposit for recovery activities to: * associated storage and use of unbound incinerator bottom ash aggregate (IBAA) in construction
* the following specified construction activities:
	+ building a road sub-base
	+ building a structural platform
	+ pipe bedding

We have set out placement restrictions, which includes limits on the width and depth of IBAA used, to minimise the impact on the environment over time from the loss of heavy metals from the IBAA.Question 1. Do you agree that the proposed activity limits are appropriate?

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| □ Yes |
| □ No  |
| □ Don’t knowIf no, please explain your answer. |
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Assessment of recoveryThe draft standard rules permit sets out the requirement for a waste recovery plan.These standard rules are for the recovery of waste only and do not apply to any activities involving disposal. You must therefore include a waste recovery plan with an application for these standard rules. It is a legal requirement. You can choose to submit your waste recovery plan at the pre-application stage and we will give our advice of recovery or disposal. If we do not agree that your proposed operation is a recovery activity, we will not grant a standard rules permit. Trade bodies may wish to produce a waste recovery plan template for operators to use. We recognise the efficiencies of doing this and we will support the development by industry of a template.Question 2. Are you satisfied that the [guidance](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits) on how to prepare a waste recovery plan will help you to produce waste recovery plans for your operations?

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| □ Yes |
| □ No  |
| □ Don’t know |

Please provide additional comments to support your answer if needed.Tonnages allowedThe draft rules set out a maximum tonnage allowed at any one site for IBAA or IBAA mixed with non-waste materials such as virgin aggregate. Use of IBAA above this threshold will require a bespoke assessment and permit.Question 3. Do you agree with the proposed tonnage limits? Note: the amount of waste that you can deposit will be limited by the total amount stated in your approved waste recovery plan.

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| □ Yes |
| □ No  |
| □ Don’t knowIf no, please explain your answer. |

Placement restrictionsEach construction activity allowed under this permit has restrictions on * the width and/or depth of IBAA used
* the location of the construction activity. IBAA must not be used above groundwater source protection zones or used below the water table.

We have modelled the movement of heavy metals in IBAA and how they move through the ground over time. We are satisfied that our placement restrictions minimise risk to groundwaters from dust, and allows any hydrogen, which may evolve over time, to disperse.Question 4. Do you agree with the proposed IBAA placement restrictions?

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| □ Yes |
| □ No  |
| □ Don’t knowIf no, please explain your answer. |

Distance to surface water from structural platforms The draft rules set out distance requirements from the deposit of IBAA to construct structural platforms and any surface waters. If construction is within these set-back distances, we will need to carry out a site-specific assessment. This means a bespoke permit is needed. We have modelled the movement of metals in IBAA and how they move through the ground over time. We are satisfied that our setback distances to surface water ensure any risk to them is minimal.Question 5. Do you agree with the proposed set-back distances to surface water?

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| □ Yes |
| □ No  |
| □ Don’t knowIf no, please explain your answer. |

Requirement for topographical surveys or other forms of measurement The draft standard rules permit sets out the requirement for a topographical survey or other forms of measurement to be carried out prior to commencement of the recovery activity and on its completion. Plans produced from the surveys or measurements must be submitted to the Environment Agency to demonstrate compliance with the approved waste recovery plan.Where topographical surveys have been carried out, these plans should be submitted. However, other forms of measurement could be used to produce plans that show the original level prior to deposit of IBAA and the final depth/height and width after deposit. For example, a plan with photographs and diagrams produced to an appropriate scale showing that pipe bedding has been laid to the thickness and width specified in the approved waste recovery plan. Question 6. Do you agree that the requirement for topographical surveys or other forms of measurement is appropriate to enable compliance with the approved waste recovery plan to be checked?

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| □ Yes |
| □ No  |
| □ Don’t knowIf no, please explain your answer. |

Question 7. Please provide any other comments you wish to make about the draft standard rules. Questions on the generic risk assessmentThe draft rules are accompanied by a generic risk assessment. Question 8. Do you agree that the generic risk assessment adequately covers the risks associated with the storage and use of IBAA in construction?

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| □ Yes |
| □ No  |
| □ Don’t knowIf no, please explain your answer. |

Questions on the business impactYou only need to complete this section if you are considering using the proposed standard rules permit.The Growth Duty requires us to give appropriate consideration to the potential impact of decisions on economic growth, alongside our other statutory duties. As part of this duty we are carrying out an assessment of the economic impacts of the proposed standard rules permit.We do not intend to publish the responses to question 9 as part of this consultation.Question 9. Are there any potential economic impacts, either positive or negative, that the introduction of the standard rules could have on your business?

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| □ Yes |
| □ No  |
| □ Don’t knowIf yes, please explain your answer. |

Responding to this consultationImportant datesThis consultation will start on 9 December 2024 and will close at 11:45pm on 3 March 2025.How to respondYou can view the consultation documents and questions online on the Environment Agency’s [[[Citizen Space consultation website](https://consult.environment-agency.gov.uk/environment-and-business/standard-rules-consultation-no-27)](https://consult.environment-agency.gov.uk/environment-and-business/standard-rules-consultation-no-29-proposals-for-ne/consult_edit#:~:text=https%3A//consult.environment%2Dagency.gov.uk/environment%2Dand%2Dbusiness/standard%2Drules%2Dconsultation%2Dno%2D29%2Dproposals%2Dfor%2Dne%20%C2%A0)](https://consult.environment-agency.gov.uk/environment-and-business/standard-rules-consultation-no-29) Respond onlinePlease submit your response on our Citizen Space consultation website, as it helps us to: * gather all responses in one place
* summarise responses quickly and accurately
* reduce the costs of the consultations

Respond by emailYou can submit your response by email, if you cannot use our Citizen Space consultation website, by using the Response form, which you will find under the ‘Related’ section of the consultation on Citizen Space. Please email your Response form to: wastetreatment@environment-agency.gov.uk.Ask for a printed versionPlease contact us if you need a printed version of the document to be posted to you. National Customer Contact CentreTelephone: 03708 506 506 Minicom for the hard of hearing: 03702 422 549Monday to Friday, 8am to 6pmConsultation principlesWe’re running this consultation in line with the guidance set out in the government's [consultation principles.](https://www.gov.uk/government/publications/consultation-principles-guidance)If you have any queries or complaints about the way this consultation has been carried out (the process), please email consultations.enquiries@environment-agency.gov.uk.Otherwise, for all other queries relating to this consultation please email wastetreatment@environment-agency.gov.uk.  |

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