

5 Legal Aspects 1

The legal side of setting up a Community Composting operation need not be as daunting as it first appears. Advice and guidance is available at all points along the way. However, it may be helpful to have some insight into the various aspects early in the planning stage as some decisions will have a bearing on the legal steps to be taken. You may need a licence if you wish to sell the end product, for example.

Planning permission

This should be considered when planning where to site your operation. If setting up your project constitutes a change in the use of the land, planning permission may be required. The local planning officer at your local authority will be able to advise you if this is needed in your case.

Licensing

Community Composting schemes must either hold a waste management licence or an exemption certificate from the Environment Agency. Most schemes apply for an exemption. Exemptions may be granted where less than 1,000 cubic metres are being composted (this does not include any material being stored on site) in the following circumstances:

1. The waste is composted on the site where it is produced
2. The waste is composted on the site where the end product is to be used
3. The waste is composted on a site occupied by the producer of the waste, or
4. The waste is composted on a site occupied by the user of the compost.

So allotment sites could qualify for exemption if composting takes place on the site where the end product is to be used or where the composting material is produced. Where all users are registered as occupiers of the composting site an exemption may also be granted under item 4 above (see *Legal Aspects 2*). The licensing authority is likely to interpret the regulations favourably for small-scale Community Composting schemes.

The Environment Agency is responsible for administering waste disposal regulations which cover composting operations. Licences and advice may be obtained from them. The details of your area office may be found in the telephone directory. Your local authority may also be able to advise you.

Waste disposal licences cost approximately £600 per year. Conditions of the licence must then be adhered to; these may include testing of the material and the construction of concrete bases and a system catch any effluent, all of which cost money. Detailed record keeping is required. Once licensed, becoming exempt again at a later date also costs (£800 in the case of Dean Community Compost; see *Case Studies 3*). This must be carefully considered.

Legally, unless the venture is run on a non-profit-making basis, a licence is required to permit you to transport waste. This is necessary if your scheme plans to collect the raw materials. Additional licence fees are in the region of £70 for three years at present.

Forming a Composting Club will mean that you can avoid licensing (see *Legal Aspects 2*)

Registration

All schemes must be registered with their local Waste Regulation Authority at the County Council either as a Licensee or exempt. You must register for waste disposal and, if relevant, for carriage of waste even if your project qualifies for exemption.

Insurance

All projects need insurance.

Necessary cover

- Public liability (at least £2,000,000)
- Accidents, theft, fire and vandalism
- Personal accident if power-driven machinery is used

Where the project is part of an existing scheme, for example for recycling or in a school, it may be possible to add cover to an existing policy. Insurance packages are available for affiliated members from the British Trust for Conservation Volunteers (BTCV) at a cost of around £100 per year.

Health and Safety

The welfare of workers on the site is of paramount importance.

Reasons for safety measures

- Risk of injury or damage to personal property must be minimised
- Providing a safe work place will help to encourage volunteers
- In case of accident, insurers will require evidence that all precautions were taken
- A comprehensive Health and Safety policy may be required for grant funding

Areas to be addressed

- Use of hand tools such as spades, forks, shovels, bill hooks, rakes and loppers
- Use of machinery such as shredders, chippers, tractors and trailers
- Health and hygiene such as protection against tetanus, leptospirosis, bioaerosols, noise, lifting strain and damage to eyes
- Child health and welfare, if appropriate

Safety equipment and protective clothing must be supplied as appropriate and training provided if necessary, for example in the case of the operation of shredders. Individuals operating machinery must be fully trained and familiar with the equipment. Those involved are responsible for safe operation of equipment and safety of themselves and others. Machinery can only be operated by the named operators who are fully trained and insured. If children or people with disabilities are involved, remember that thought must be given to extra supervision and safety provisions.

According to the activity undertaken on site a range of protective equipment may be required.

Protective equipment

- Gloves / gauntlets
- Goggles
- Ear defenders
- First aid kit
- Guards where appropriate on machinery

Protective clothes and footwear should be worn at all times. Any fuel stored on site must be kept in a secure area and no smoking allowed nearby.

The Composting Association is aiming to produce guidance notes for composting site managers on occupational health issues. These are principally aimed at larger operations but may have relevance for projects of this scale.

Other relevant sections

- Planning the Enterprise
- Getting Started
- Legal Aspects²
- Labour Needs and Issues
- Site Issues 1 & 2
- Composting in Schools
- Shredding and Shredders
- Case Studies

Useful contacts

- BTCV
- The Composting Association