

Guidance on the reuse of Type 1 aggregate

## October 2024

## 1.0 Who is this guidance for?

This guidance is intended for:

* anyone involved in the design, construction, upgrading and decommissioning of access tracks, pathways, hardstanding areas and other civil engineering projects that use Type 1 aggregate material.
* SEPA staff who advise on and regulate waste activities.

## 2.0 Purpose and scope

This guidance explains when Type 1 aggregate excavated from access tracks, pathways, hardstanding areas and other civil engineering projects can be reused as a product and when it is a waste and waste regulatory controls will apply.

SEPA reserves the right to depart from this guidance and to take appropriate action to prevent harm to human health or pollution of the environment.

## 2.0 What is Type 1 aggregate?

Type 1 aggregate is a granular sub-base product made from quarried stone or recycled materials that are screened to provide a graded mixture of stone and fines ranging from dust up to 63mm solids. This range of sizes ensures minimal voids to create a solid foundation with load bearing properties used in the construction of access tracks, pathways, hard standing areas and other civil engineering projects.

There are British standards and specifications that set out the properties and requirements for Type 1 aggregate.

## 3.0 When can Type 1 aggregate be reused as a product?

Where excavated Type 1 aggregate is not being discarded and is not a waste, it may be used again for the same purpose for which it was conceived subject to complying with the following criteria:

### 3.1 Standards and specifications

The aggregate must meet the properties and requirements for a Type 1 aggregate set out in BS EN 13242 , BS EN 13285 and [Specification for Highway Works, Clause 803.](https://www.standardsforhighways.co.uk/ha/standards/mchw/vol1/pdfs/MCHW%20Vol%201%20Series%20800%20web%20PDF.pdf) A quality control regime should be established to provide assurance that the Type 1 aggregate meets the appropriate standard and specification.

### 3.2 Condition

The aggregate must be clean and uncontaminated and there must be no reason for the aggregate to be discarded such as oil contamination or the presence of invasive species.

Removal of the aggregate should be carried out to minimise the fragmentation of the underlying geosynthetic material with large fragments removed manually.

SEPA expects the excavated aggregate to contain less than 1% by mass of geosynthetic material or any other material such as soil, clay, metals, wood or plastic; this is in line with the limits set for recycled aggregate material in BS EN 13242 and clause 803 of Specification for Highway Works.

If the contamination of the aggregate exceeds 1% by mass this will be an indication that the aggregate is waste. Where SEPA becomes aware of aggregate with contamination greater than 1% being used without the appropriate authorisation, we may take enforcement action in line with our Enforcement Policy and Guidance.

### 3.3 Suitability

The aggregate must be suitable for the proposed use without further processing. If treatment is necessary such as crushing, screening or washing, then this is preparation for reuse (a waste recovery operation) and waste regulatory controls will apply.

### 3.4 Certainty of use

There are three common reuse scenarios for excavated aggregate:

* No change in ownership – where excavated Type 1 aggregate is reused by the product owner in their own defined infrastructure project(s) and/or
* ​Direct reuse – where excavated Type 1 aggregate is transferred to a new product owner(s) for use in their own defined infrastructure project(s)
* ​Indirect reuse – where excavated Type 1 aggregate is transferred to a third party before passing on to a new product owner(s) for use in their own defined infrastructure project(s)

In each scenario there must be an identified use for the excavated Type 1 aggregate and no more aggregate should be supplied than is necessary for the project. Where Type 1 aggregate is being transferred to a new product owner(s), it is the existing product owner who is responsible for ensuring the new product owner(s) has a suitable purpose for the aggregate.

We recommend all parties document product transfers and keep records to demonstrate that the criteria set out in section 3.0 are complied with.

## 4.0 When is Type 1 aggregate a waste?

Excavated Type 1 aggregate is a waste if the aggregate is discarded or there is an intention or requirement to discard it or if the criteria in section 3.0 is not met. This is also the case if at a later stage it is discarded or there is an intention or requirement to discard it, for example, if it is being stored indefinitely with little prospect of being used.

Use of excavated Type 1 aggregate for a purpose for which it was not conceived is not reuse and waste regulatory controls will apply. Similarly, if the excavated aggregate is mixed with waste materials, the resulting entire mix will be waste and subject to waste regulatory controls.

## 5.0 Definitions

**Aggregate** means for the purposes of this guidance, a Type 1 unbound mixture, granular product used in the construction sector, as specified in clause 803 of Specification for Highway Works and meeting the product standards of BS EN 13242 and BS EN 13285.

**Reuse** means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived.

**Treatment** means waste recovery or disposal operation, for example crushing, screening or washing of aggregate.

**Product owner** is the natural or legal person responsible for the Type 1 aggregate.

**Waste** means any substance or object which the holder discards or intends or is required to discard.

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