

REGULATORY POSITION STATEMENT

The Management of Waste Tyres on Farms

Introduction

Farmers are required to comply with existing waste legislation and to treat, keep or dispose of tyres in a way that will not cause pollution of the environment or risk to human health. Duty of Care obligations must be complied with at all times and in some instances a waste authorisation will be required.

Tyres that are already stored and used on silage clamps on farms, will not require a waste authorisation for their continued storage and use. Tyres that no longer have a use on the farm must be securely stored and disposed of in accordance with regulations. Stockpiles of tyres present a considerable fire risk and emit harmful chemicals when burnt. Tyre fires are very difficult to extinguish, particularly in remote, inaccessible, rural locations.

Need a waste exemption?

The Waste Management Licensing Regulations were introduced on the 19 December 2003.

If a farmer intends to import and use waste tyres, a non-agricultural paragraph 16 waste exemption 'Beneficial Use of Waste' is required. This exemption permits the reuse of waste tyres for silage clamps, provided there is no further processing of the tyres. There is no maximum limit on the number of tyres that can be stored, provided they have a particular use. The exemption only permits the amount of tyres required for the activity e.g. silage clamps and any surplus tyres should be disposed of within 12 months. Additional details are available on the NIEA website:

<https://www.daera-ni.gov.uk/articles/beneficial-use-waste-paragraph-16-exemption>

Where the tyres are no longer of use on a farm, the tyres must be stored separately from any other waste and must be removed off site within 12 months. Tyres must be stored securely so that, they cannot escape from the farmer's control or cause pollution. They must also be inaccessible to the public to prevent vandalism and theft.

Duty of Care

Duty of care places a legal responsibility on anyone who produces, stores, transports, treats or disposes of waste tyres to take the necessary steps to keep them safe and prevent them from causing harm, especially to the environment and human health.

Please note that farmers intending to collect waste tyres themselves for reuse, will require an upper tier waste carrier registration.

Farmers must comply with Duty of Care obligations by making sure that the tyre collector is a registered waste carrier and that, the tyres are disposed of to an appropriately authorised waste facility. The farmer must receive a completed waste transfer note and retain a copy for at least two years. They should also request proof that the collector is authorised, or alternatively check the NIEA public registers of waste management facilities and registered waste carriers.

Farmers will not be penalised for storing waste tyres which are required according to the waste exemptions (for example silage clamps). However, should NIEA become aware that illegal tyre dumping/landfilling is taking place, then enforcement action may be taken.

Illegal disposal of waste tyres may result in prosecution proceedings being initiated under the Waste and Contaminated Land (NI) 1997 ('1997 Order'). The Department may issue a Notice under Article 27(2) of the 1997 Order requiring the waste tyres be removed. District Councils may also serve notice under Article 28(1) of the 1997 Order. Failure to adhere to such notices may result in further charges. Any of these offences may attract a fine of up to £5,000 in the magistrate's court. Additional offences relating to Duty of Care legislation may also be relevant.

Farmers are reminded that, land which is not in agricultural use and is being used for the storage of tyres, is not eligible for Single Farm Payment.