

FAO of Paul Harper
Equestrian Surfaces
Phoenix Way
Phoenix Industrial Estate
Burnley
Lancashire
BB11 5SX

Our ref: Equestrian Surfaces
Your ref:

Date: 20th June 2012

Dear Sir

Thank you for your submission received 21 December 2011 and subsequent supporting information regarding the classification of waste carpets and fibres for the use in equestrian surfaces.

The End of Waste Panel is the way in which we organise ourselves to ensure that the end of waste submissions we receive are dealt with by the right people within the organisation. Each submission is looked at on its own merits. The Environment Agency is not the final judge of whether or not something is waste: that is for the courts. We are simply giving a view.

We base our view on submissions to the panel on current waste law principles. The European Directive, the Waste Framework Directive (2008/98/EC) ("WFD") is the foundation of waste law, and together with its related guidance and applicable case law from both Europe and England and Wales, underpins the way in which we approach each submission. For these case by case assessments, we follow Article 6 of the WFD and specifically, the legal test laid down in the English and Welsh case: R(on the application of OSS Group Ltd) v Environment Agency and others [2007] EWCA Civ 611, the requirements of which are summarised below and reflected in our end of waste submission templates:

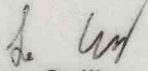
- the waste has been converted into a distinct and marketable product; and
- the processed substance can be used in exactly the same way as a non-waste virgin material; and
- the processed substance can be stored and used with no worse environmental effects than a comparative virgin material.

Based on the information provided, our view is that your material meets the 'End of Waste' test. Please be aware that our decision is only relevant to your specific submission and that any batch that fails to meet the prescribed technical specification you have supplied will be regarded as waste, unless you can show otherwise. You will need to ensure you have the necessary quality assured processes and testing regimes in place to ensure this specification is always achieved.

Should any standard or specification that you have relied upon either directly or indirectly in your submission change in the future, you may need to review and amend your own standards and specifications to ensure your fuel retains its non waste status.

We want to make it easier for our customers to use waste derived products without the need for regulatory control where the waste material used has achieved end of waste status. Our aim is to remove any unnecessary regulatory burden on business whilst at the same time, ensuring the environment is appropriately protected.

Yours sincerely



Lee Collins
Environment Officer, East Lancashire Team

Tel - 01772 714396

Email – lee.collins@environment-agency.gov.uk