



CIWM Construction, Demolition and Excavation Specialist Expert Group

What is Waste Guide

The construction industry guide to determining if a material is a reusable resource or a waste

Version 1.3 – May 2025



Contents

Introduction	3
Is my material a Reusable Resource or a Waste?	5
1 - Demolition Materials	5
2 - Excavation Materials.....	6
3 - Aggregates	7
4 - Construction Materials	8
5 - Temporary Works	9
6 - Packaging.....	9
Is my material Hazardous Waste?	10

Project Steering Group and Contributors

Martin Ballard (Chair)	Wates
Jonathan Atkinson	CL:AIRE
Tina Benfield	CIWM
Alison Dearden	Wates
Paul Hutchinson	MGL Group
Charlie Law (Author)	Sustainable Construction Solutions
Tom O'Reilly	Wates
Nicole Walker	Swift Environmental

Introduction

This guide has been developed by a small project steering group from the Chartered Institution of Wastes Management (CIWM) Construction, Demolition and Excavation (C,D&E) Waste Specialist Expert Group (SEG) which works to bring about continual improvement in the management of waste in the construction sector. The steering group is made up of experts in resources and waste management from a number of the large contractors who are members of the CIWM C,D&E SEG, as well as other invited industry experts, and each revision has been produced with the support of the Environment Agency (EA). This guidance will be updated on a regular basis, so if there are any questions that should be included, please contact the group chair.

The waste hierarchy (Eliminate, Reduce, Reuse, Recycle, Recover, Dispose) should be followed to reduce the amount of material ending up as waste, with disposal at landfill regarded as the last resort.

Legally, ‘re-use’ is defined in Article 3, Para. 13 of the [European Waste Framework Directive](#) (EWFD) as **“any operation by which products or components that are not waste are used again for the same purpose for which they were conceived.”** EA guidance confirms this applies, even where some minor treatment (e.g. cleaning) or repair is required. Determining early in the construction process whether the material or item has resale value is a good test of whether it can meet reuse criteria. Early identification of this material, ideally in the pre-redevelopment audit, is therefore essential.

Conversely, ‘waste’ is defined in Article 3, Para. 1 of the EWFD as **“any substance or object that the holder discards, intends to discard, or is required to discard.”** Even if the material is sent for recycling, or undergoes treatment in-house, it can still be waste and therefore all waste duty of care requirements will apply. The presence of a Pre-redevelopment Audit will help in determining whether a material is intended to be discarded.

When determining whether your material is suitable for reuse, or is a waste, it is also important to consider any possible contamination of the material that may present a human health or environmental risk (e.g. contaminated soils, timber treatments, presence of asbestos, etc.). The presence of these risks can greatly impact the amount and complexity of treatment that a material needs (to meet re-use, or have onward resale value) and affect the point at which a material can realistically meet end of waste (EoW).

When determining the waste status of material or items recovered from construction and demolition activities, there are essentially 4 main scenarios that could apply:

1. **It never becomes waste, as it is never discarded.** This status may apply to items or materials that can generally be directly re-used without treatment. This will also apply to items/materials which need minor treatment (e.g., cleaning) or repair to be re-used for the same purpose for which they were originally conceived.
2. **It has become waste, but can meet ‘end of waste’ in line with Article 6(1) of WFD.** This may apply to items or materials that need more significant treatment to be ‘re-used’ or ‘recovered’. In some cases, the treatment activity may require an environmental permit (e.g., a mobile plant permit to undertake the recovery of aggregates) which can be operated at the site of production (i.e., the demolition site). In other cases, a material might need to be transferred to a permitted waste treatment site for complex treatment before it can meet the end of waste conditions under WFD Article 6(1). A good test of this is to consider *how much* treatment the material needs (for example a mixed material or hazardous material may require complex off-site treatment before it can

realistically meet the end of waste criteria – in which case it might need to be transferred off-site to an authorised site as waste initially). This may also apply to items or materials which have been incorrectly or mistakenly discarded, but are subsequently identified as being appropriate for reuse/resale following treatment and/or an assessment or check (e.g., meeting an appropriate engineering standard) to ensure EoW is achieved in line with Article 6(1)).

3. **It cannot meet re-use or the end of waste test (for example the material has low market value or is contaminated) but can still be recovered.** In such cases, material will need to be regulated as a waste but can still be recovered via an appropriate route. The storage, treatment and subsequent use of this material may require a permit or lower risk authorisation under EPR (or transfer to an existing permitted site). You should explore the option of recovering the material as waste where it is feasible to do so. This scenario often applies to mixed materials which are difficult to treat, or materials with low market value.
4. **It is a waste material that cannot be recovered at this time and may need to be disposed of.** This is the least desirable option. In this case, it may be worth reviewing how the material is produced (has arisen) in the first place and whether any improvements to the demolition process (i.e., better segregation at source) can be made to increase material recovery. Thorough segregation of materials during the demolition or re-development process is usually the best way to reduce the production of unrecoverable materials (or wastes with low value that otherwise may have met a desirable 're-use' or 'end of waste' status).

Comprehensive guidance on determining the waste status of materials is provided by the website: [Check if your material is waste - GOV.UK](#). The EA also currently offer a chargeable opinion service (the Definition of Waste Service) on the waste status of materials which can be accessed through this link.

When measuring and reporting waste, you will need to categorise it as either Demolition, Excavation or Construction waste in accordance with the following:

- **Demolition waste** – Material arising from the demolition or strip out of an existing structure that is discarded by the holder.
- **Excavation waste** – Material resulting from excavation activities such as a reduced level dig and site preparation and levelling, and the excavation of foundations, basements, tunnels, and service trenches, typically consisting of soils and stones, that is discarded by the holder.
- **Construction waste** – Any other material produced at the construction site, which is not classified as Demolition or Excavation waste, that is discarded by the holder.

Is my material a Reusable Resource or a Waste?

1 - Demolition Materials

Q1.1: We are demolishing / stripping out an existing building, and stacking the bricks / floor boards / timber joists / raised access floor tiles / ceiling tiles / light fittings / etc. for reuse on our site and/or another site elsewhere (some cleaning or minor repair may also be required). Is this waste?

A1.1: This is a reusable resource, not waste as long as the material has a value and there is certainty that the materials will be reused on or off site, or sold on for reuse in construction elsewhere, for the same purpose for which they were conceived, with only minor treatment (e.g. cleaning or minor repairs) required (EWFD Article 3 Para. 13).

Q1.2: We are demolishing an existing brick building and sending the material that cannot be reused off site for treatment e.g. crushing into aggregate. Is this waste?

A1.2: This is Demolition waste as this is deemed to have been discarded, even if the crushed material is subsequently bought back as aggregate to the producing site.

Q1.3: We are demolishing an existing brick building, crushing the material on site into aggregate (after obtaining the necessary Part B authorisation with T5 exemption, SR2010 No. 11 permit, or T7 exemption), and then sending some of the resulting material off site for use on another project, and keeping some for reuse on our site. Is any of the treated material waste?

A1.3: This is a reusable resource, not waste as long as the aggregate has been produced in accordance with the [Quality Protocol: Aggregates from inert waste](#) (e.g. producing a 6f5 aggregate). The aggregate is deemed to have been 'recovered' into a material, so can be transported off site, and/or reused on site without the need for waste management controls. However, if the Quality Protocol has not been followed, the crushed material remains a waste and the relevant authorisation with an exemption or environmental permit, will be required for its use or treatment, on or off site e.g. a U1 exemption, and waste controls will apply.

Q1.4: We have a large amount of furniture that is still useable to remove from a building. Can a company / charity collect this for reuse, or is this waste?

A1.4: This is a reusable resource, not waste if the furniture has a value and is going to be reused for the same purpose for which it was conceived (EWFD Article 3 Para. 13).

Q1.5: We have been given approval to cut down a number of mature trees (by the Planning Authority under Town and Country Planning Act or Forestry Commission under Forestry Act provisions). Can we let people take the logs away for home use, or is this waste?

A1.5: This is a reusable resource, not waste if the logs are taken away by individuals, or donated to a local community reuse centre, before they are put into skips, as long as there is certainty that the logs will be used for a purpose to which virgin timber is commonly used (e.g. wood chip in gardens or for animal bedding, raw material for the production of wood based products or paper, fuel for appliances (once properly seasoned), etc.). Whole trees and the woody parts of trees including branches and bark derived from forestry works, woodland management, tree surgery and other similar operations are classed virgin timber. It does not include clippings or trimmings that consist primarily of foliage – **this would be classed as Construction waste**.

2 - Excavation Materials

Q2.1: We are excavating the basement/foundations for a project and the excavated material is ideal for reuse on our / another contractor's construction project 3 miles down the road, so is this waste?

A2.1: **This is a reusable resource, not waste**, as long as the [CL:AIRE](#) Definition of Waste: Development Industry Code of Practice (DoWCoP) is applied to the process, and it has been identified prior to excavation that there is certainty of reuse on the other project. Surplus clean, naturally occurring soils from the site are not likely to be waste if there is a clear intention to reuse them on another suitable receiver site, if the material is managed under the Direct Transfer scenario of the DoWCoP, providing the receiver site is a development site and all DoWCoP factors are met. However, if the DoWCoP is not followed, and the material is intended to be discarded once excavated, **this is Excavation waste**.

Q2.2: We are excavating the basement/foundations for a project and the excavated material is ideal for reuse on another part of the same project, so is this waste?

A2.2: **This is a reusable resource, not waste**, as long as it is clean naturally occurring material and it has been identified prior to excavation there is certainty that the material will be reused in its natural state on the site of production (EWFD Article 2 Para. 1c). However, any excess material discarded off site, or any contaminated material that is found and is to be discarded, is likely to be considered as **Excavation waste**.

Q2.3: We are carrying out piling operations on site. Are the piling arisings Excavation waste or Construction waste?

A2.3: **This is a reusable resource, not waste**, as long as the [CL:AIRE](#) Definition of Waste: Development Industry Code of Practice (DoWCoP) is applied to the process, and it has been identified prior to excavation that there is certainty of reuse on the same, or another, project (see Q2.1 above). However, if the DoWCoP is not followed, and the material is intended to be discarded once excavated, **this is Excavation waste**.

Q2.4: We are excavating topsoil and would like to reuse this on the site of origin, so is this waste?

A2.4: **This is a reusable resource, not waste**, as long as it is uncontaminated and it has been identified prior to excavation there is certainty that the material will be reused in its natural state on the site of production (EWFD Article 2 Para. 1c). Topsoil to be reused on the site of origin can be stockpiled or ideally reused directly in the area intended on site. However, any excess material removed off site, or any contaminated material that is found and is to be discarded, is likely to be considered as **Excavation Waste**.

Q2.5: We are digging topsoil and would like to reuse 2,000 tonnes on another site. Is the surplus topsoil a waste or a reusable material?

A2.5: **This is a reusable resource, not waste**, as long as the [CL:AIRE](#) Definition of Waste: Development Industry Code of Practice (DoWCoP) is applied to the process, and it has been identified prior to excavation that there is certainty of reuse on another project (see Q2.1 above). However, if the DoWCoP is not followed, and the material is intended to be discarded once excavated, **this is Excavation waste**.

Q2.6: We have stockpiled topsoil and subsoils with limited segregation between the adjacent stockpile toes. After site movements, the material has become mixed. Is the mixed soil now a waste or a reusable material?

A2.6: This may be a reusable resource, not waste, as long as it is uncontaminated and it has been identified prior to excavation there is certainty that the material will be reused in its natural state on the site of production (EWFD Article 2 Para. 1c). Good practice should ensure soil types are clearly segregated with a (recommended) 2m gap between the toes of the stockpiles. Clear segregation can also help prevent misloading of incorrect materials/wastes and reduce the risk of contamination from other stockpiled wastes, both of which can result in the load being rejected at the receiving site. Mixing soils makes them less useful as a suitable material for reuse but they can be used in specific circumstances if they can meet receiver area requirements. If the material cannot be cleanly segregated or is not suitable for use as a mixed material and needs to be discarded it will be **Excavation Waste**.

3 - Aggregates

Q3.1: We have a piling mat constructed from virgin / recycled Quality Protocol aggregate. When the piling is finished we intend to reuse this as fill on the same site? Is this waste?

A3.1: This is a reusable resource, not waste provided there is certainty of reuse, and the aggregate has not become contaminated with other waste materials, e.g. hydraulic oil, soil, packaging, etc. and meets the required technical specification.

Q3.2: We have a piling mat constructed from virgin / recycled Quality Protocol aggregate. When the piling is finished we intend to reuse this as fill on another site? Is this waste?

A3.2: This is a reusable resource, not waste provided there is certainty of reuse, the aggregate has not become contaminated with other waste materials, e.g. hydraulic oil, soil, packaging, etc. and meets the required technical specification. This includes sharing the paperwork with the receiving site to demonstrate compliance with Quality Protocol.

Q3.3: Our engineer has over ordered a significant quantity of recycled Quality Protocol aggregate. We wish to sell it – is this waste?

A3.3: This is a reusable resource, not waste provided there is certainty of reuse, and the aggregate has not become contaminated with other waste materials, e.g. hydraulic oil soil, packaging etc. and meets the required technical specification. Any subsequent holder of the recycled aggregate will need to be provided with the appropriate documentation to be able to demonstrate that it is still compliant with the Quality Protocol.

Q3.4: We are importing recycled aggregate to form a piling mat, that we do not believe meets requirements of the aggregate Quality Protocol. Is the recycled aggregate a waste?

A3.4: This is Demolition waste if you cannot confirm that the material has been processed in accordance with the [Quality Protocol: Aggregates from inert waste](#). If you have been offered Quality Protocol aggregate that clearly does not meet the standards required by the Quality Protocol you should reject it and report the incident to the Environmental Regulator (Tel: 0800 80 70 60). If the material has already been used, in England or Wales you will need to register for a U1 Exemption which permits the use of up to 5,000 tonnes of mixtures of concrete, bricks, tiles and ceramics, as long as they contain no dangerous substances, over a three-year period (Note: the tonnage

limits and waste types are subject to change, so check latest U1 Exemption requirements). If these constraints are unachievable, an environmental permit will be required. In Scotland you will need to apply for a Paragraph 19 exemption, and there are no limits.

Q3.5: During the excavation we have come across an old concrete/brick structure. If we send this off site for crushing into aggregate, is this waste?

A3.5: This is likely to be Excavation waste if removed from site. This is deemed to have been discarded, and is therefore classed as waste, even if the material is subsequently bought back to site as aggregate. However, if the material can be left in place, or treated on site into a Quality Protocol compliant aggregate (after obtaining the necessary permits, see Q1.3), for reuse on or off site, then the treated material would not be classed as waste. Basic treatment on site to make it suitable for re-use can also take place under the CL:AIRE Definition of Waste site of original scenario provided a relevant permit or exemption is in place for the treatment.

4 - Construction Materials

Q4.1: We have finished the joinery package and have some leftover lengths of timber. If we send this to the local Community Wood Recycling Scheme centre, is this waste?

A4.1: This may be Construction waste. Depending on what they intend to use the material for, this may or may not be waste. If the material is going to be sold as timber, or used to manufacture products, then **this would not be waste** (EWFD Article 3 Para. 13). However, if the material is going to be turned into firewood or sent for onward recycling, and/or a waste transfer note (WTN) has been received for the whole load, then the material is not being used for the purpose for which it was conceived, and **would be classed as Construction waste**.

Q4.2: We have arranged for the insulation / plasterboard / carpet tile / ceiling tile off-cuts to be returned to the manufacturer for recycling back into new insulation / plasterboard / carpet tiles / ceiling tiles. Is this waste?

A4.2: This is Construction waste. This is deemed to have been discarded, and is therefore classed as waste, even though it will be recycled back into the same material. An alternative would be to return the product for restocking, or donate large off-cuts to local charities or community schemes for reuse for the same purpose for which they were conceived, it would then not be classed as waste (EWFD Article 3 Para. 13).

Q4.3: We have finished the construction works and have some leftover materials (e.g. bricks, timber, paint, etc.). If we send these to the local community reuse centre (e.g. Recipro), is this waste?

A4.3: This is a reusable resource, not waste if the material has a value and is going to be sold by the community reuse centre as the original material to be used for the same purpose for which they were conceived. (EWFD Article 3 Para. 13)

Q4.4: We have finished the construction works and have some excess materials (e.g. insulation and timber), which we would like to use on another project. Is this waste?

A4.4: This is a reusable resource, not waste if the material has a value and it is certain the it is going to be reused for the same purpose for which it was conceived (EWFD Article 3 Para. 13).

5 - Temporary Works

Q5.1: We are constructing the formwork for the walls/slabs/foundations and have a lot of timber off-cuts and left over timber from striking the formwork. If we send this to a wood fuel manufacture, is this still waste?

A5.1: This is Construction waste. This is deemed to have been discarded, and is therefore classed as waste, even though it will be recycled into a fuel source. However, if the formwork can be reused either on the current project, or another project, then this would not be waste (EWFD Article 3 Para. 13).

Q5.2: We are about to hand over the building and have therefore removed all of the temporary protection. If we donate this to another site, is this waste?

A5.2: This is a reusable resource, not waste if the material has a value and it is certain it is going to be reused for the same purpose for which it was conceived (EWFD Article 3 Para. 13).

6 - Packaging

Q6.1: We have a large number of pallets left over from the many deliveries to site. If we send these back to the supplier, either directly or via a logistics company, are these classed as waste.

A6.1: This is a reusable resource, not waste, if the pallets are branded with the suppliers name (e.g. green LOOP pallets), or are a recognised industry standard pallet (e.g. white unpainted Euro pallet, construction standard, other standard, etc.) that can be reused for the same purpose for which they were conceived, even if some minor repair is required (i.e. not beyond economical repair) (EWFD Article 3 Para. 13). The pallets must be returned to the supplier directly, or via a specialist pallet repair company (e.g. The Pallet LOOP). However, if the pallets are beyond economical repair and cannot be reused for the same purpose for which they were conceived, they **will be classed as Construction waste**. As construction waste, waste pallets cannot be burned on or off site outside of appropriate waste regulation.

Q6.2: We have arranged for the supplier of a material to take back their packaging material for recycling. Is this waste?

A6.2: This is Construction Waste. This is deemed to have been discarded, and is therefore classed as waste, even though it may be recycled back into the same material. However, if the packaging can be redesigned so that it can be reused a number of times for the same purpose for which it was conceived, then this would not be classed as waste (EWFD Article 3 Para. 13). The introduction of the Packaging Extended Producer Responsibility Regulations may encourage material suppliers to use more reusable packaging in the future.

Is my material Hazardous Waste?

The following have been compiled from various questions asked by the construction industry, based on the [WM3 Classification of Waste Guidance - May 2015](#). WM3 uses the List of Waste (LoW) to determine the correct description code for the waste, which is more commonly known as the European Waste Catalogue (EWC) code. Where identified as hazardous waste, you will need to dispose of the waste in accordance with the Hazardous Waste Regulations (Special Waste Regulations in Scotland).

HQ1: We have an empty 5 litre container of synthetic engine oil which has been thoroughly drained. Is this hazardous waste?

HA1: **This is hazardous Waste.** The original contents of the container are an absolute entry in the European List of Waste. As there is likely to be a residue of hazardous material remaining, however small, the container will be classed as packaging containing residues of, or contaminated by, hazardous substances. Use the hazardous waste EWC code 15 01 10*.

HQ2: We have a 5 litre container of mineral oil, which still has a small amount of the contents remaining. Is this hazardous waste?

HA2: **This is hazardous waste.** The contents of the container are an absolute entry in the European List of Waste. As there is still hazardous material remaining within the container, which has not been drained, you will need to dispose of the material and its container using the appropriate hazardous waste code for the contents from chapter 13 of the European List of Waste.

HQ3: We have a number of empty tins of oil based paint which have been thoroughly drained and scraped out, and the material inside is now dry. Is this hazardous waste?

HA3: **This may be hazardous waste.** You will need to check with the paint manufacturer(s) to confirm whether the material remains or becomes hazardous once dry. If the material has no hazardous properties once dry, then the containers can be disposed of as non-hazardous packaging waste using one of the non-hazardous codes from chapter 15 of the European List of Waste. However, if the contents remain hazardous once dry, as there is likely to be a residue of hazardous material remaining, however small, the container will be classed as packaging containing residues of, or contaminated by, hazardous substances. Use the hazardous waste code 15 01 10*.

HQ4: We have a half full tin of paint, the contents of which contains organic solvents and/or other dangerous substances. Is this hazardous waste?

HA4: **This is hazardous waste.** The contents of the container are a mirror entry in the European List of Waste. As there is still hazardous material remaining within the container, which has not been drained and scraped out, you will need to dispose of the material and its container using the appropriate hazardous waste code for the contents from chapter 8 of the European List of Waste.

Note: If the paint is still useable in its original form, then it could be donated for reuse, e.g. to [Community Repaint](#), and would not fall under the waste regulations.

HQ5: We have a number of empty mastic tubes, and the residual material inside has now cured. Is this hazardous waste?

HA5: **This may be hazardous waste.** You will need to check with the mastic manufacturer(s) to confirm whether the material remains hazardous once dry. If the material has no hazardous properties once dry, then the tubes can be disposed of as

non-hazardous packaging waste using one of the non-hazardous codes from chapter 15 of the European List of Waste. However, if the contents remain hazardous once cured, as there is likely to be a residue of hazardous material remaining, however small, the tubes will be classed as packaging containing residues of, or contaminated by, hazardous substances. Use the hazardous waste code 15 01 10*.

HQ6: We have a number of partially full mastic tubes, the contents of which contain organic solvents and/or other hazardous substances. Is this hazardous waste?

HA6: This is hazardous waste. The contents of the tubes are a mirror entry in the European List of Waste. As there is still hazardous material remaining within the container, which has not been removed, you will need to dispose of the material and its container using the appropriate hazardous waste code for the contents from chapter 8 of the European List of Waste.

Note: If the mastic within the tubes is still useable in its original form, then it could be donated for reuse, and would not fall under the waste regulations.

HQ7: We have a number of empty spray cans. Is this hazardous waste?

HA7: This is likely to be hazardous waste. You will need to check with the manufacturer(s), but many of the propellants used within spray cans are likely to contain hazardous substances, and are therefore a mirror entry in the European List of Waste. As propellant remains within the spray can, you will need to dispose of the cans using the hazardous waste code 16 05 04*.

Note: You may also wish to consider treatment of the cans to remove the propellant in line with Environmental Permitting [exemption T15](#).

HQ8: We have a number of empty cement bags. Is this hazardous waste?

HA8: This is hazardous waste. Cement contains hazardous substances, and is therefore a mirror entry in the European Waste Catalogue/List of Waste. As there is still hazardous material remaining within the container, which has not been removed, you will need to dispose of the bags using the appropriate hazardous waste code for the contents from chapter 17 of the European Waste Catalogue/List of Waste.

Note: You may also wish to consider treatment of the bags with water. Damping down the bags will create a chemical reaction within the residual cement left in the bags, turning it into concrete which is absolute non-hazardous waste.

HQ9: We have treated timber. Is this hazardous waste?

HA8: This may be hazardous waste. Please refer to the CIWM C,D&E SEG Wood Waste Assessment Guidance here: [CIWM CD&E Guidance and Resources](#).

References:

[European Waste Framework Directive 2008/98/EC \(EWFD\)](#)

[WM3 Classification of Waste Guidance - May 2015](#)

[Check if your material is waste - GOV.UK](#)

[Quality Protocol for the production of aggregates from inert waste](#)

[CL:AIRE Definition of Waste: Development Industry Code of Practice](#)

[CIWM CD&E SEG Wood Waste Assessment Guidance](#)



**CIWM Construction,
Demolition and
Excavation Specialist
Expert Group**

www.condemwaste.org