

22 APRIL 2009 BUDGET

Items relating to contaminated land

Landfill Tax

The 2009 Budget announced that the standard rate of landfill tax will continue to increase by £8 per tonne on 1 April each year from 2011 to 2013. This will mean that Landfill Tax will increase from the current £40 to £72 per tonne by 2013. The lower rate applicable to inactive wastes will remain at £2.50 per tonne for 2010-11.

Landfill Tax Legislation

Following the Waste Recycling Group judgment in 2008, the 2009 Budget announced that the Government will legislate so that from 1 September "certain specified uses of material on a landfill site will be subject to tax."

The Waste Recycling Group judgment concerns the use of inert material as daily cover at landfill sites. Waste Recycling Group operate a number of landfill sites and all of their site licences provide that the operator must maintain stocks of inert material for use as daily cover.

Landfill tax applies to "taxable disposals" of waste at landfill sites. Waste Recycling Group's position was that the use of inert materials for daily cover and on-site engineering did not constitute disposal "as waste" within the relevant legislation and therefore did not give rise to a taxable disposal. The Court of Appeal agreed and concluded that as the materials were not disposed of "as waste", they were not a taxable disposal and Landfill Tax was not payable.

Together with the Budget the Government launched a consultation on reforming landfill tax legislation over the longer-term. In particular:

- The definition of a taxable disposal of waste at a landfill site
- The definition of wastes that should qualify for the lower rate of tax

For more information, click *here*.

The above are, of course, just "edited highlights", designed solely to create awareness and are not for guidance, for further information go to:

http://www.hm-treasury.gov.uk/bud_bud09_index.htm.

Contact Us

If you would like to discuss either the issues raised or a specific project please contact me, Peter George either on 077 6523 2995 or at pdg@gosolve.co.uk