

Helen Willows
Barnsley Metropolitan Borough Council
Development Control

Our ref: RA/2025/148911/01-L01
Your ref: 2025/0908

Date: 05 November 2025

By email:

DevelopmentManagement@barnsley.gov.uk

Dear Helen

RE-ENGINEERING AND RESTORATION OF YEW TREE QUARRY THROUGH THE IMPORTATION OF NON-HAZARDOUS EXCAVATED SOIL MATERIALS. STAIRFOOT BRICKWORKS, WOMBWELL LANE, STAIRFOOT, BARNLSLEY, S70 3NS

Thank you for consulting us on this application which we received on 17 October 2025.

We have no objection to the proposals and have the following comments to make.

Advice to applicant – Environmental permit

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, ‘uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...’ in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed at <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>.

You can find more information on the Waste Framework Directive here:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the WFD). The 'Is it waste' tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

Advice to LPA – Installations and Amenity

The proposed development is within 500m of one or more industrial or waste management site that is regulated by the Environment Agency through the Environmental Permitting (England and Wales) Regulations 2016. The location of these sites can be found on Defra's Data Services Platform, available at

[https://www.gov.uk/guidance/access-the-public-register-for-environmental-information#environmental ...](https://www.gov.uk/guidance/access-the-public-register-for-environmental-information#environmental...)

The Environment Agency issues Environmental Permits for installations or waste management operations. A permit will require that operators demonstrate they have taken all reasonable measures to prevent pollution of the environment and harm to human health. Pollution can include air quality impacts, odours, noise, pests water quality and ground water impacts. If prevention is not possible, the operator must take steps to minimise the impact from pollution instead. In some cases, this is unlikely to eliminate all emissions and there could be impacts to the environment which may cause local residents some concern. When a new development is built near to an existing permitted facility this does not automatically trigger a review of the Environmental Permit and we will regulate this in line with our [Environment Agency enforcement and sanctions policy - GOV.UK](#).

Planning authorities must satisfy themselves that in land use terms the proposed development is suitable for this location given the proximity to a regulated site/s as described above and the scope of the permit as granted.

Planning policy requirements (paragraph 200 of the NPPF) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them.

Please note that in accordance with national planning policy (paragraph 201 of the NPPF), planning decisions should assume that permitting regimes will operate effectively. Applicants should be advised to consider our 'Environmental Permitting Guidance' which can be found at: [Check if you need an environmental permit - GOV.UK](#).

Land contamination

The current or previous use(s) of the development site suggest that the land may be affected by contamination. Land contamination can harm human health, soils, ecosystems, property, drinking waters supplies, groundwater and surface water.

Land contamination is a material planning consideration. The planning decision should ensure that the site is suitable for its proposed use, considering any risks from contamination and any proposed land remediation. The planning application should therefore be supported by adequate site investigation information, prepared by a competent person. After remediation is carried out, as a minimum, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. This approach is supported by paragraph 196 of the National Planning Policy Framework.

The current or previous use(s) of the site may present an unacceptable risk of contamination that could be mobilised during site works and construction, potentially leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- located upon a secondary aquifer A

The proposed development will be acceptable, if a planning condition is included requiring the submission and validation of a detailed land contamination management strategy for unsuspected contamination during the enabling, construction and/or development works. By cleaning up land contamination, it will be helping to protect and improve the groundwater quality that supports existing drinking water supply, future supply of drinking water and other environmental uses.

Without this condition we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate or will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraphs 187 and 196 of the National Planning Policy Framework.

Informative

Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner. Developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

If you need any clarification or further information, please contact us.

Yours sincerely

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End

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