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Welwyn-Hatfield District Council  
Development Control  
The Campus  
Welwyn Garden City  
Hertfordshire  
AL8 6AE

**Our ref:** NE/2020/131577/01-L01  
**Your ref:** 6/2020/0311/MAJ  
**Date:** 10 March 2020

Dear David

**Nyn Park, Well Road, Northaw, Potters Bar, EN6 4BS.**

**Engineering works comprising ground works and shaping of land to create a golf course (used only in conjunction with the Nyn Park Estate dwelling house) and erection of an associated single storey maintenance building**

Thank you for consulting us on the above planning application. Whilst we have **no objection** to the proposed development, we recommend that the applicant consider the following advice.

#### **Advice to applicant**

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>

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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 Waste Framework Directive). 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>

Should you have any queries regarding this response, please contact me.

Yours sincerely

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