

## Appellant Note On Inert Material Classification and Topsoil

This note is prepared by the Appellant in response to the Inspector's request for detail in terms of clarification if topsoil falls under inert classification.

Firstly and as a point of clarification, there will be enough topsoil on-site stored within the proposed bunds to complete the final restoration. There will be no need to import topsoil on its own for any restoration requirement. Furthermore, at no point in the Appellant's evidence has the importation of topsoil been raised as an element of inert material to be imported to the site. The issue of topsoil forming part of imported material was raised by the Rule 6 Party.

In terms of importing topsoil as an inert material, the general rule is that as long as the topsoil is mixed with other material taken from any site that has been tested to specify it meets the Environment Agency Permit requirements, it can be used as subsoil. This is specified within the Environment Agency Guidance "Check if your waste is suitable for deposit for recovery". Attached at Appendix 1 is the code taken from Environment Agency advice, which outlines that "Soil and stones (topsoil, peat, subsoil and stones): waste code 17 05 04" are acceptable uses for "...restoration of mineral workings...".

Furthermore, Appendix 1 of the Worcestershire Waste Core Strategy, which sets out Acronyms, abbreviations and glossary of terms used within the Core Strategy sets out the following description in terms of "Construction and demolition waste": "Waste produced as a result of building, engineering or other activities which include construction, demolition or excavation. It mostly includes brick, concrete, hardcore, subsoil and topsoil".

Therefore, as clearly set out within the Environment Agency Guidance and the Worcestershire Waste Core Strategy, topsoil does fall within the definition of inert material and could form part of inert material that can be imported for restoration of mineral workings.

## Appendix 1 - Environment Agency Guidance

## Guidance

# Check if your waste is suitable for deposit for recovery

Updated 29 June 2023

## Applies to England

### Contents

[Wastes from non-metalliferous excavation: waste code 01 01 02](#)

[Waste gravel and crushed rocks other than those containing dangerous substances: waste code 01 04 08](#)

[Waste sand and clays: waste code 01 04 09](#)

[Mollusc or crustacean shells](#)

This guide sets out the types of waste and typical uses the Environment Agency will normally accept for deposit of waste for recovery.

Much of this will depend on the assessment the Environment Agency carries out when they determine your permit. Waste recovery plan assessment considers what waste types are suitable in principle to perform a function. However, it does not guarantee that waste will be accepted and included in the permit after site-specific technical assessment.

If you apply for a [standard rules permit](#), you can only accept wastes that:

- meet the description in the standard rules set

# Soil and stones (topsoil, peat, subsoil and stones): waste code 17 05 04

Acceptable uses:

- structural fill for building, stabilising slopes, drainage and road construction
- construction of noise bunds, screening bunds, flood defence bunds, containment bunds and golf courses
- landscaping associated with construction work, restoration of mineral workings and general fill material
- agricultural improvement schemes
- ecological improvements, wetland schemes and lakes

Material you deposit in place of non-waste topsoil must meet the British Standard for topsoil [BS 3882:2015](#).