

Permitting decisions- Refusal

We have decided to refuse the permit for Catlow West Quarry

The proposed facility location is Catlow Fold Farm, Southfield Lane, Southfield, Burnley, BB10 3RN.

The application is for a Standard Rules SR2015 No.39 permit (“the permit”) to use waste in a deposit for recovery operation (construction, reclamation, restoration or improvement of land other than by mobile plant).

The Standard Rules SR2015 No.39 permit allow an operator to store and subsequently use waste for the purposes of a recovery activity involving the deposit of waste that is to be used in construction and/or reclamation, restoration or improvement of land. Permitted wastes are limited to mainly inert wastes as defined in the permit, with some limited uses for selected non-inert wastes. The maximum quantity of waste that can be stored and subsequently used at the site under the permit is 60,000m³.

We consider that in reaching that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document provides a record of the decision-making process. It:

- highlights [key issues](#) in the determination

- gives reasons for refusal

- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account.

Unless the decision document specifies otherwise, we have accepted the Applicant's proposals.

The permitting decision must be read in conjunction with the Refusal Notice.

Key issues of the decision

The Environment Agency (“the Agency”) has decided to refuse the application for a permit from Greens Natural Stone Products Limited (“the Applicant”) who applied for a new Standard Rules permit (Ref: EPR/WE0475AB/A001).

The permit application (Ref: EPR/WE0475AB/A001) (“the application”) is being refused primarily on the basis that the Applicant has not demonstrated that the proposed works would be a waste recovery activity and therefore, it is a disposal activity. The permit is also being refused on grounds of operator competence.

Waste Recovery Plan assessment

It is a requirement of all permit applications involving the deposit of waste for recovery that Applicants must submit a Waste Recovery Plan (“WRP”) with their application. We can only issue a permit if we approve the plan. The plan must demonstrate that the Applicant’s proposals will meet the definition of recovery as set out in the Waste Framework Directive 2008 and explained in relevant Regulatory Guidance:

[gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits)

As part of the permit application, the Applicant submitted a WRP:

ref. Catlow Quarry Summary of the Restoration and Recovery Scheme – Waste Recovery Plan - Revised October 2020.

On 6 April 2021, the Agency sent a Notice (“the Notice”) issued under Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2016 (“EPR 2016”) - Requests for Information to the Applicant. The Applicant responded to the Notice by submitting various revisions to their original WRP which culminated in the third revision¹ dated 16 April 2021.

The Applicant’s third and final revision to the WRP failed to provide sufficient evidence to demonstrate that the proposed operation will meet the definition of recovery. This is demonstrated in the following areas.

Obligations to complete the scheme

The Applicant has not provided sufficient evidence to demonstrate that their proposals match the obligation to restore Catlow West Quarry within the planning permission granted by Lancashire County Council 2015/0055² (“the Council”).

The Agency’s Guidance ‘Waste Recovery Plans and deposit for recovery permits’ states:

¹ Appendix 1: Waste Recovery Plan – 3rd revision dated 16th April 2021

² Appendix 2: Planning permission LCC 2015/0055

Depositing waste is only a recovery activity if you have shown that you could and would have carried out the works using non-waste material. Your Waste Recovery Plan must include evidence to support this. The Environment Agency refer to this as 'substitution'.

An Applicant may provide evidence that they are obliged to carry out works such as a quarry restoration scheme to an approved plan according to the planning conditions of an already implemented planning permission. We refer to this as a specific obligation.

The Applicant's WRP relies on the specific obligation to restore the quarry in accordance with the Council's planning permission LCC 2015/0055 to demonstrate substitution. Section 3.5 of the WRP states:

'Planning conditions 3, 10, 24 and 25 control the mineral extraction and restoration of the site in accordance with the approved plans.'

There are, however, elements of the proposals within the WRP that do not comply with the planning permission.

Condition 26 of the Planning Permission states:

'The materials imported to the site for the purposes of restoration shall be confined to uncontaminated subsoils and top- soils only.'

Table 1, referenced in section 5.1 of the WRP lists the wastes the Applicant intends to use in the quarry restoration and this table is reproduced below:

TABLE 1: Waste to be used in Construction of the buttress and infilling the base of the quarry.

01 01 02	Wastes from non-metalliferous excavations	A	Will be brought from stone processing area. Restricted to waste interburden and overburden only. On site non waste material
01 04 08	Waste gravel and rocks	A	Brought from stone processing on site non waste material
01 04 09	Waste sand and clay	A	Import from excavation contracts
10 12 08 ₁	Waste ceramics, bricks, tiles and construction products after thermal processing		Sourced from local brickworks
10 13 14 ₁	Waste concrete and cured cement	A	Sourced from local cement & concrete works
17 01 01 ₁	Concrete	A	From demolition contracts
17 01 02 ₁	Bricks	A	From demolition contracts
17 01 03 ₁	Tiles	A	From demolition contracts, roofing
17 01 07 ₁	Mixtures of above	A	From demolition contracts
17 03 02	Road Base and Road Planings	D	Maintain access road to haul road to the site.
17 05 04	Soil and Stones	A	Will be allowed after sample sheets seen and risk assessment, restricted to stones, subsoil and topsoil.
19 12 09	Stones, sand, other minerals	A	Sourced locally from excavation contracts of

			naturally occurring minerals that have been processed to separate hard waste on the development site from the fines.
19 12 12 ₁	Other waste including those mixtures of waste from mechanical treatment of wastes		Restricted to fines from crushed bricks, tiles, concrete and stone. Reinforcing metal must be removed and stored for transport to scrap dealer. Does not include fines from the mechanical treatment of non-hazardous waste or include residues of gypsum plasterboard.
20 02 02	Parks – stone and soil	A	Sourced from East Lancashire Area

The wastes to be accepted include hard and bulky or potentially contaminated construction and demolition wastes that clearly do not comply with Planning Condition 26. For clarity, these wastes have been labelled with a subscript '1' in the table.

There are numerous references to the use of 'bulky wastes' in the WRP. The use of this material is not just confined to the construction of haul roads but also includes use in drainage media in the proposed method to stabilise or buttress the quarry face.

Section 5.8 of the WRP states:

“Ceramics, bricks and concrete will be brought to site and for use on site for haul roads and drainage. The hard and coarse materials will allow the road-ways and the drainage pattern to be installed on site to aid the restoration and provide shingle for the pond area on the north side of the quarry and raised areas for bird life and their nesting habitat on bare substrate.”

Section 5.10 of the WRP states:

“The 17.01 waste material will be separated by the excavator to remove the coarse aggregate type material for use as cover for haul roads to the engineered buttress area and to provide drainage medium to the face side of the buttress and in layers in the construction to aid drainage through the engineered buttress.”

Section 6.1 of the WRP states:

*“The use of bricks, concrete, and tiles reference 17 01 ** are also likely to be used in the slope if they have not been crushed to secondary aggregate on a supplier site as they will have a similar property when compacted to stones and provide drainage and stability under load...
...EWC code 10 wastes are all coarse or well drained material so they will be used for drainage purposes in layers in the slope and behind the side wall and compacted.”*

Appendix B - Catlow Quarry – Method of filling against the residual rock face³ states:

“The material will be inspected on site if there is coarse rubble such as cement, brick, stone or cement then it will be used as a drainage layer or for hardcore on the internal haul road to the tipping area. The hard core will be placed in layers with the finer subsoils, mudstone and shale imported from excavation contracts on development sites.”

In the Schedule 5 Notice⁴ dated 6 April 2021, the Applicant was asked to:

“provide evidence that the proposed method of filling against the faces of the quarry will be completed in accordance with Planning Permission LCC/2015/0055 and the approved restoration scheme”.

We noted that the ‘Method of filling against the faces’ document supplied in appendix B of the WRP was not referenced in the planning permission LCC/2015/0055 or the approved restoration scheme.

The revised WRP provided in response to the Schedule 5 Notice did not provide sufficient evidence to address these concerns. Though the section 3.0 regarding planning permission had been expanded, no evidence was provided to demonstrate that the method of filling against the faces had been discussed with the planning authority and references to the use of wastes not in compliance with condition 26 remained.

We are aware that the Applicant has submitted a planning application with Lancashire County Council (LCC/2022/0012) to vary two of the conditions of the existing planning permission. This includes a request to vary condition 26 to allow ‘clean inert naturally occurring material which are soils, concrete and brick to be imported to site for the restoration scheme and maintaining the roads within the quarry’.

There is no guarantee, however, that these proposals will be accepted by the Local Planning Authority. In addition, it is still unclear if the Local Planning Authority would accept the proposed method of filling against the quarry face as this is not referenced in the approved restoration scheme. On this basis, the Applicant’s proposals are not currently meeting a specific obligation as they do not comply with the existing planning permission which places the obligation upon them to restore the quarry.

Volume of waste required to deliver the function

The Applicant has failed to provide sufficient evidence to demonstrate how they have calculated the volume of restoration materials required to restore the quarry to the agreed levels in the approved restoration scheme referenced in the Planning Permission and the WRP.

The WRP includes a contour plan GNSP/C/395/2 rev C⁵ dated 14 November 2014, showing the final levels and contours of the proposed restoration scheme. This plan is referenced in conditions 3b, 9, 24 and 25 of Planning Permission LCC/2015/0055.

³ Appendix 3: Catlow Quarry – Method of filling against the residual rock face – Revised April 2021

⁴ Appendix 4: Notice of request for more information dated 06/04/2021

⁵ Appendix 5: Plan GNSP/C/395/2 rev C

Restoration cross-sections are provided in plan GNSP/C/395/3 rev B⁶ which is also referenced in the planning permission in section 3b.

Phasing plans GNSP/CQ/WEAPP-05⁷, GNSP/CQ/WEAPP-06⁸ and GNSP/CQ/WEAPP-07⁹, also included in the WRP and referenced in planning conditions 3b and 10 show the phasing of mineral extraction and restoration works. They show how the base of the quarry will be progressively worked to a depth of 270m above Ordnance Datum.

However, none of the drawings include any calculations of void space between the proposed base and sides of the quarry following extraction and the proposed restoration levels and contours. Therefore, there is no evidence that the volume of material required to achieve the restoration proposals has been calculated.

Section 1.7 of the WRP explains that the 60,000m³ of waste the Applicant claims to be required under their proposals for recovery is the maximum allowed under the Standard Rules Permit for which they have applied.

The Applicant has provided three recent topographical surveys of Catlow West Quarry to this date:

- Dated 23 July 2019 CQ/TS/19-01¹⁰ - provided on application submission
- Dated 1 February 2021 GNSP/CLQ/FEB21-01¹¹ - provided on 20 April 2021 in response to the Schedule 5 Notice
- Dated 23 September 2021 GNSP/CLQ/SEPT21-01¹² - provided on 14 December 2021 in response to the site investigations conducted by our waste regulatory officers

It is important to note that none of these surveys have been referenced to provide any justification for the volume of restoration material required.

As part of the Request for Further Information in the Schedule 5 Notice dated 6 April 2021, the Applicant was asked to confirm the total volume of material required to restore the site to agreed restoration levels following mineral extraction and provide an explanation of how the figure had been calculated.

The revised WRP did not confirm the total volume of material required to restore the site to agreed restoration levels, still providing a mixture of volumes and tonnages for the waste and non-waste materials.

No explanation was provided in any of the calculations of the volume of material required for site restoration. Instead, section 1.3 of the WRP simply states that 145,000 tonnes of material will be required to:

“achieve the buttress and the quarry floor”

⁶ Appendix 6: Plan GNSP/C/395/3 rev B

⁷ Appendix 7: Plan GNSP/CQ/WEAPP-05

⁸ Appendix 8: Plan GNSP/CQ/WEAPP-06

⁹ Appendix 9: Plan GNSP/CQ/WEAPP-07

¹⁰ Appendix 10: Topographical survey CQ/TS/19-01

¹¹ Appendix 11: Topographical survey GNSP/CLQ/FEB21-01

¹² Appendix 12: Topographical survey GNSP/CLQ/SEPT21-01

of which 60,000 cubic metres or 120,000 tonnes will be waste, and 25,000 tonnes will be mining material such as overburden and clay fines from the processing of stone. In addition, it states:

“40,000 tonnes of sandy fines will be used from the quarry to create a sandy nutrient poor soil cover over the inert waste and clay overburden”.

Therefore, we have no confidence that the Applicant will be able to complete the works, in compliance with the approved restoration scheme, with only the site-derived non-waste materials and the 60,000 m³ waste allowed under these standard rules.

Description of the facility

The site plan¹³ provided by the Applicant illustrates the area and extent of the proposed site. The site is set in open countryside to the east of Nelson in Lancashire. At present, it contains the western extension of an active sandstone quarry (referred to as Catlow West Quarry) to the northeast of Catlow Fold Farm. Access is gained via Crawshaw Lane.

Planning permission for the quarry extension was granted by Lancashire County Council on 14 April 2016 under application reference LCC/2015/0055. The permission granted included conditions placing an obligation on the Applicant to restore the site to a restoration scheme approved by the County Planning Authority.

Our historic landfill dataset identifies an historic landfill abutting the site to the north named Catlow Quarry, Historic Landfill Dataset reference EAHLD07480, previously operated by Lancashire County Council.

A previous application was made on 31 March 2020 by Greens Natural Stone Products Limited for the same Standard Rules Permit (SR2015 No.39) for the same location. However, on 20 August 2020 this application was returned as ‘not duly made’. The proposed site boundary for this application overlapped the historic landfill site and as a result, it did not meet the site location criteria for the Standard Rules Permit.

There are existing deposits of waste and stockpiles of site-derived materials within the proposed permit boundary and within the adjacent Catlow East Quarry. Correspondence with the Applicant has established that waste deposits have been made by the Applicant, purportedly

Material was deposited in Catlow West quarry following a declaration made under the CL:AiRE Definition of Waste Code of Practice scheme on 7 December 2020. In addition, correspondence with the applicant has established that waste deposits have been made in the Easy Quarry by the applicant, purportedly under a U1 Waste Exemption and paragraph 9 Waste Exemption. The Applicant initially believed this to be a paragraph 19 Waste Exemption, but after further consideration, the Applicant confirmed that this a paragraph 9 Waste Exemption.

¹³ Appendix 13: Permit Application_Area_Plan_West_A2_01

On 6 May 2021 and again on 24 September 2021, an Environment Officer visited the site and identified serious compliance issues with these deposits. This is explained in more detail in the operator competence section of this decision document.

The legal framework

1 – Legal definitions of Waste ‘Recovery and ‘Disposal’

In assessing proposals to permanently deposit waste on land we apply the legal definitions of waste ‘recovery’ and waste ‘disposal’ as set out in the Waste Framework Directive (2008/98/EC) (“the Directive”). We are assisted in doing so by online Guidance we have developed – ‘Waste Recovery Plans and permits’, available at:

gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits.

Article 3(15) of the Directive defines ‘recovery’ as meaning:

“any operation the principal result of which is waste serving a useful purpose by replacing other material 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. Annex II sets out a non-exhaustive list of recovery operations”

Article 3 (19) of the Directive defines ‘disposal’ as:

“any operation that is not recovery even where the operation has a secondary consequence the reclamation of substances or energy. Annex 1 sets out a non-exhaustive list of disposal operations”

Annex I of the Directive includes, for example:

“D1 Deposit into or on to land (e.g. landfill etc.)”.

Annex II includes, for example:

“R5 Recycling/reclamation of other inorganic materials”
which includes recycling of inorganic construction materials
and

“R10 Land treatment resulting in benefit to agriculture or ecological improvement”.

The proposal for the site could potentially fall within D1, R5 or R10. That being the case we are required to categorise the activity into one of the Annex I or II operations and to examine the principal objective of the operation and whether it meets the recovery definition.

For that definition to be met, an operator must demonstrate that waste is being used in substitution for non-waste, i.e. that its proposed activity would go ahead with non-waste if waste could not be used. The operator has not provided sufficient evidence to demonstrate that this would be the case, as described in the Key Issues section of this decision document.

2 – Refusal on grounds of operator competence

The Environmental Permitting (England and Wales) Regulations 2016, Regulation 13 states:

Grant of an environmental permit

Regulation 13.

- (1) On the application of an operator, the regulator may grant the operator a permit (an “environmental permit”) authorising—
 - (a) the operation of a regulated facility, and
 - (b) that operator as the person authorised to operate that regulated facility.
- (2) Regulation 17 applies in relation to the grant of a single permit authorising the operation of more than one regulated facility by the same operator.
- (3) Part 1 of Schedule 5 applies in relation to an application for the grant of an environmental permit.

Under Regulation 13 the Agency has a discretionary power when determining an application for a permit, to grant a permit to an Applicant.

When exercising that discretion, the Agency must have regard to all the circumstances relevant to the grant. This may include circumstances concerning the current state of the site. The Agency’s duty is to determine the application by granting or refusing the application.

Schedule 5, Part 1, paragraph 13 of the EPR 2016 states:

Identity and competence of the operator

13.

- (1) Subject to sub-paragraph (3), the regulator must refuse an application for the grant of an environmental permit or for the transfer in whole or in part of an environmental permit if it considers that, if the permit is granted or transferred, the requirements in sub-paragraph (2) will not be satisfied.
- (2) The requirements are that the applicant for the grant of an environmental permit, or the proposed transferee, on the transfer of an environmental permit (in whole or in part), must—
 - (a) be the operator of the regulated facility, and
 - (b) operate the regulated facility in accordance with the environmental permit.
- (3) The requirement in sub-paragraph (2)(b) does not apply to an applicant for the grant of an environmental permit authorising the carrying on of only a stand-alone water discharge activity, stand-alone groundwater activity or stand-alone flood risk activity.

Schedule 5, Part 1, paragraph 13 outlines the circumstances where we must refuse to grant a permit. The Agency must refuse the grant or transfer of a permit where it is considered that the Applicant would not operate the facility in accordance with the conditions of a permit. The evidence we have seen of the competence of the proposed operator, as described in the Operator Competence section of this Decision Document, demonstrates that this is unlikely.

Environmental issues: likelihood of pollution

In terms of hydrogeology, Catlow West Quarry is situated on the Pennine lower coal measures formation which is classed as Secondary A aquifer. Secondary A aquifers comprise permeable layers that can support local water supplies and may form an important source of base flow to rivers.

Though the proposed site does meet the location criteria for the standard rules permit SR2015 no39, the generic risk assessment for these rules assumes that wastes will be mainly inert, limiting the specified non-inert wastes to surface uses.

The sensitivity of this site must be considered alongside the evidence that we have seen of the competence of the proposed operator.

The site investigations and the results of the waste sampling which we carried out following our initial site visit on 6 May 2021 demonstrate that:

- the material deposited purportedly under the Cl:AiRE DoWCoP scheme is not compliant with the scheme and is therefore a waste
- the waste is not inert
- the deposits contain significant quantities of anthropogenic contamination (such as plastics, brick, metals, tiles and concrete)

This is explained in more detail in the operator competence section of this decision document

Operator Competence

There are significant concerns with the competence of the Applicant. The proposed Technically Competent Manager for the site is Scott Bolton of Stanley Brothers (Tippers) Ltd.

On 1 April 2021, Scott Bolton was convicted of the following offence:

Scott Bolton, at the relevant time being a director of Stanley Brothers (Tippers) Limited (the Company), is liable by virtue of section 157(1) of the Environmental Protection Act 1990 for the offence by the Company set out below as that offence was committed with his consent or connivance or was attributable to any neglect by him. The offence by the Company being that between 7 December 2017 and 23 June 2018, it deposited controlled

waste on land at Dry Corner Farm, Rochdale Road, Bacup, when there was no environmental permit in force authorising that deposit, Contrary to section 33(1)(a) of the Environmental Protection Act 1990, that being an offence by it by virtue of section 33(6) of the said Act.

A previous convictions notice¹⁴ for Scott Bolton is included within the appendix of this document.

We also have specific concerns with the previous waste activities undertaken by the Applicant in association with Stanley Brothers (Tippers) Limited within the proposed permit boundary and within the adjacent quarry, Catlow Quarry East.

On 7 December 2020 a declaration¹⁵ was made under the CL:AIRE Definition of Waste Code of Practice (DoWCoP) for the direct transfer of 5,000m³ clean naturally occurring soils with elevated levels of naturally occurring substances from a donor site - Griffin Project, Shakespeare Way, Blackburn, BB2 2LY. This declaration listed Stanley Brothers (Tippers) Limited as the developer at the donor site.

This declaration was made less than two months after the permit application was submitted on 20 October 2020.

On 6 May 2021 the Environment Agency, together with Lancashire County Council Planning Authority, attended the site and found various deposits of material across both east and west quarries. On 24 September 2021, the Agency and the Planning Authority attended the site to examine and take samples of the material deposits. A written account¹⁶ of the site inspection was subsequently compiled and sent to the Applicant.

During the second inspection, Environment Officers noted that the material purportedly transferred to the West Quarry under the DoWCoP declaration did not consist of clean naturally occurring soils with elevated levels of naturally occurring substances. Instead, the material was found to contain bricks, tiles and concrete above what can be considered an incidental contamination. The level of contamination was significant across all the areas of the West quarry that had been tipped on under the DoWCoP declaration.

A number of trial pits were excavated down to an approximate depth of 4 metres. All the trial pits showed contamination of the soils with construction and demolition type wastes throughout the exposed pit walls and to the full depth of the pits.

Odours were observed in some of the pits along with darker looking organic-type materials also visually present. Contaminates included plastics, metals, brick, concrete, ash, and woods. The level of plastics and woods were generally at lower quantities than the bricks and concrete. However, noticeable items such as a plastic leg from a kitchen unit and plastic trims from window frames, electrical cables and pieces of wood were readily identified.

¹⁴ Appendix 14: Scott Bolton – Previous convictions notice

¹⁵ Appendix 15: DoWCoP declaration – 07/12/2020

¹⁶ Appendix 16: Written account of site inspection 24/09/2021

The characterisation of the materials deposited were similar across all the trial pits and it was established that similar waste had been deposited across the area. The waste could not be described correctly as clean soils and mineral materials. Consequently, the material imported was not compliant with the DoWCoP Declaration provisions and is therefore an illegal waste deposit.

The same visits identified other waste deposits in the East Quarry, purportedly made under a U1 waste exemption and an historic Paragraph 9 exemption. The conditions of these exemptions are detailed within Schedule 3, Part 1, Chapter 2, Section 2, Paragraph 1 of EPR 2016 and Schedule 3, Part 1, Paragraph 9 of the Environmental Permitting (England and Wales) Regulations 2007 respectively:

https://www.legislation.gov.uk/ukxi/2016/1154/schedule/3/part/1/chapter/2/crossheading/descriptions-and-specific-conditions_paragraph-1

<https://www.legislation.gov.uk/ukxi/2007/3538/schedule/3/paragraph/9/2008-04-06>

Evidence was found that some of these deposits were not in compliance with the conditions of the exemptions. Reasons for non-compliance include:

- Use of inappropriate waste types including trommel fines containing plastic, glass and wood
- Importing significantly more waste than required for the construction activity
- Use of waste other than in an activity relevant to the waste exemption

Following the site inspections, our Environment Officer wrote¹⁷ to the Applicant on 3 March 2022 to confirm our findings in relation to Catlow West Quarry and these are summarised below:

- The re-use of material at Catlow West Quarry is not compliant with DoWCoP
- Our inspections and site investigation work carried out by the operator confirm that importations are not clean, naturally occurring soils and mineral materials and are not inert
- The environmental impact of those illegal waste deposits emplaced in to Catlow West Quarry are likely to be minimal when consideration of both the overlying geology and depth of the aquifer are taken into account
- In light of the illegal waste operations at the site, we have issued the operator with a warning letter¹⁸ under Regulation 12 and 38 of the Environmental Permitting (England and Wales) Regulations 2016

¹⁷ Appendix 17: Site investigation letter (ref EACatlowWestQuarry) dated 03/03/2022

¹⁸ Appendix 18: Warning Letter (ref CatlowWestQuarry) dated 03/03/2022

Enforcement action is still ongoing in relation to material deposited within Catlow East Quarry.

Other relevant issues

The existing waste deposits within the proposed permit boundary would present a difficulty in regulating the site if we were to approve the application for a standard rules permit.

Condition 2.5.1 of the standard rules states:

Waste shall only be accepted if it is of a type listed in table 2.5 of these standard rules, it meets the additional restrictions in that table; and

- (a) it is inert waste, with the exception of topsoil, peat, soil from cleaning and washing beet and road planings; and*
- (b) appropriate measures have been taken to ensure that the waste is free from contamination; and*
- (c) it has been identified as a suitable waste in the approved Waste Recovery Plan; and*
- (d) its chemical, physical and biological characteristics make it suitable for its intended use on the site.*

Sampling and inspection of the waste deposited in the West quarry has shown that the waste is not inert and is clearly contaminated. Had these wastes been imported under the standard rules permit for which the Applicant has applied, they would not have been in compliance with the permit conditions.

Given that these wastes remain in situ, it would be very difficult for a regulator to distinguish between wastes deposited under the permit and the non-compliant wastes already present.

The waste deposits made to date also cast further doubt on the volume of material the Applicant has claimed is required to complete the site restoration according to the approved restoration scheme, final levels and contours.

Decision considerations

Section 108 Deregulation Act 2015 - Growth Duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the Guidance issued under section 100 of that Act in deciding whether to grant this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Appendices

Appendix 1: Waste Recovery Plan – 3rd revision dated 16th April 2021

Appendix 2: Planning permission LCC 2015/0055

Appendix 3: Catlow Quarry – Method of filling against the residual rock face – Revised April 2021

Appendix 4: Notice of request for more information dated 06/04/2021

Appendix 5: Plan GNSP/C/395/2 rev C

Appendix 6: Plan GNSP/C/395/3 rev B

Appendix 7: Plan GNSP/CQ/WEAPP-05

Appendix 8: Plan GNSP/CQ/WEAPP-06

Appendix 9: Plan GNSP/CQ/WEAPP-07

Appendix 10: Topographical survey CQ/TS/19-01

Appendix 11: Topographical survey GNSP/CLQ/FEB21-01

Appendix 12: Topographical survey GNSP/CLQ/SEPT21-01

Appendix 13: Permit Application_Area_Plan_West_A2_01

Appendix 14: Scott Bolton – Previous convictions notice

Appendix 15: DoWCoP declaration – 07/12/2020

Appendix 16: Written account of site inspection 24/09/2021

Appendix 17: Site investigation letter (ref EACatlowWestQuarry) dated 03/03/2022

Appendix 18: Warning Letter (ref CatlowWestQuarry) dated 03/03/2022

Appendix 1: Waste Recovery Plan – 3rd revision dated 16th April 2021

Catlow Quarry Summary of the Restoration and Recovery Scheme

Waste Recovery Plan

For

**Greens Natural Stone
Products Limited**

October 2020

**2nd Revision 25th November
2020**

3rd revision 16th April 2021

Prepared by:

[Redacted]

[Redacted]

Tel: [Redacted]

Contents:

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Plan number CQ/W20-01 – Application for Permit Area.

Plan number CQ/W/20-02 – Coordinates of Permit Area.

**Plan No GNSP/WEAPP-03 – Phasing Scheme for
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Plan No GNSP/WEAPP-05 – Phase 1 Stone Excavation

Plan No GNSP/WEAPP-06– Phase 2 Stone Extraction

Plan No GNSP/WEAPP-07- Phase 3 Stone Extraction

**Plan No GNSP/WEAPP-08 - Restoration Concept of the
Site.**

Plan No GNSP/C/395/2 Revision C – Restoration.

**Plan No GNSP/C/395/3 Revision B - Restoration Cross
Sections**

Plan No 9 – Recent Topo Survey Dwg No CQ/TS/19-01

Figure 2 – Old County Sheet Map showing Catlow Quarry.

**Appendix B – Correspondence with County Planning Authority on the
Restoration Scheme.**

Appendix C - Planning Permission for Import of Material

Appendix D – Planning Application Statement.

Appendix E – H1 Risk Assessment

Appendix F – Site Condition Report

Appendix G – GNSP Management Scheme.

SUMMARY OF RECOVERY PLAN FOR CATLOW WEST QUARRY, SOUTHFIELD LANE, CATLOW BRIERFIELD TO BUTTRESS THE FACES OF QUARRY AND PROVIDE INERT INFILL MATERIAL SO THE SANDSTONE QUARRY CAN BE RESTORED UNDER A STANDARD RULES No 2015 No 39 ON THE RECOVERY OF WASTE FOR THE RECLAMATION OF LAND UNDER THE PERMITTING SCHEME.

1.0 INTRODUCTION

- 1.1 This waste recovery plan (WRP) is for the deposit of engineered inert waste at Catlow West Quarry at Catlow Fold farm, Southfield Lane Brierfield near Nelson in Lancashire, to support the faces of sandstone as the remnant sandstone blocks are removed. The sandstone blocks are quarried in phases and the exhausted workings are covered with inert construction and excavation material to be brought in to cover the floor of the site and build slopes against the faces on the limit of extraction. The restoration scheme requires that 60,000 cubic metres of inert waste imported to site to assist in the restoration of the quarry to meet the scheme agreed with Lancashire County Council under planning permission LCC/2015/0055. Refer to plan number GNSP/WEAPP-03 in appendix A.
- 1.2 An approved scheme of restoration to a low level with shallow slopes on the faces has been approved by Lancashire County Council with a restoration scheme at a lower level than the original land prior to sandstone quarrying. Refer to planning conditions 3b, 24, 25 and 26 in the planning permission included in appendix C. The sandstone is to be removed from the faces and the floor of the quarry in phases from the south to the north and the exhausted areas covered with inert waste so as to restore the site to a sandy soil profile as lowland heath, woodland and sheltered pasture. As the remnant sandstone is excavated from the floor and side of the quarry, the faces left for a period will be steep and up to 12 metres high. Refer to plan numbers GNSP/CQWEAPP-05 to 07. At the same time as the sandstone blocks are removed from the face inert material will be placed against the face from a level of 270 metres aod to 279 metres aod to provide a slope as shown on plans GNSP/CQ/WEAPP-08 and GNSP/C/395/2 Rev C. This summary WRP will form part of the application for Recovery for the Permanent Deposit of Waste on Land. The permit area being applied for is shown on plan number CQ/W/20-01 and the coordinates for each node of the permit area are shown on drawing number CQ/W/20-02. The permit area is abutting the old quarry at Catlow which is registered as a land fill site and is 50 metre away from the woodland in old Catlow Quarry.
- 1.3 Based on the volume of imported waste being 60,000 cubic metres or 120,000 tonnes, out of a total to achieve the buttress and the base of the quarry floor of 145,000 tonnes, the formal application is made under a standard rules permit 2015 No 39, Waste for Construction, Restoration, Reclamation or Improvement of Land. The additional 25,000 tonnes will be mining material such as overburden and clay fines from the processing of the stone. 40,000 tonnes of sandy fines will be used from the quarry to create a sandy nutrient poor soil cover over the inert waste and clay overburden. The standard rules permit will include hard waste such as concrete and brick for use as

drainage material hard core for roads on site. The concrete and brick rubble will not be processed will be placed in temporary store for use once enough has been collected. The importation of the material will be identified by the waste code. All the material will be used in the buttress as engineered fill to restore the sandstone quarry and provide the slope and land profile as shown on plan numbers GNSP/C/395/3 Revision B. The separation of hard waste will be based on the inspection of the load and the description of the material on the waste transfer note. It will be inspected on arrival and used to prepare drainage layers and hard core for roads. None of the imported waste will be processed through the mobile plant used for screening stone from the quarry into dry stone walling, gabion and aggregate. It is unlikely material imported to site will contain a large percentage of concrete, brick or other hard waste so what is imported will be used directly on the site. The hard waste will have to be used for the drainage and hard core as the planning permission does not allow large stones or other rubble to be within 1 metre of the surface of the restored site. The recovered waste will be covered with 1 metres of sandy fines from the quarry to replicate the soil profile before the topsoil is put back to provide the soil for the grassland.

- 1.4 The restoration of the quarry with inert fill will follow the extraction of sandstone in three phases as shown on plan numbers GNSP/CQ/WEAPP-05 to 07 in appendix A. The sandstone is being excavated from the first phase on the south side and progressing north to the boundary of the site. As the phase of stone is worked the discarded block stone is processed for a wide range of aggregate products such as gabion stone, 75 mm cobble, 40 mm clean, 25 mm clean and minus 25 mm crusher run. There is also screened quarry material to produce rockery stone, dry stone walling and lump stone for security landscaping. The full reserve of sandstone is used so there is no material to restore the quarry other than the gritty sandy soil from the processing which is to be used on the surface of the restoration scheme to replicate the soil structure for heathland and the regeneration of heather and gorse with acid grassland. The inert waste will be brought in and tipped in layers from the base of the quarry at 270 metres aod to a level of 276 metres to construct the slopes laid in against the faces where the sandstone has been removed.
- 1.5 Waste recovery is about using suitable waste in place of non-waste materials to achieve the same outcome in an environmentally and sustainable manner. This WRP has been produced based on the current guidance : Regulatory Guidance Series EPR 13 Defining Waste Recovery, Permanent Deposit of Waste on Land (The Guidance), the advice given in the judgement in Tarmac v SSEFRA and the Environment Agency November 2015 reference number EWCA Civ 1149 and the information in the guidance note version 2 on the GOV.UK website.
- 1.6 This document constitutes the WRP to satisfy the requirements of the Environment Agency for the use of waste for reclamation and restoration with the permanent deposit of waste on land with the principal objective to secure ecological improvement of the site after quarrying. There is a planning obligation to restore the site and there is insufficient quarry waste materials on site to construct the buttress slope and fill the floor level to the correct fall to the north corner unless building stone is left in the

quarry to form benches and slopes other than use it for a wide range of building and landscape products. Consequently, the scheme will use selected construction, demolition, and excavation waste to engineer fill against the face that will replace primary material that would have had to be used instead of being made into product. Only the saw block from the quarry could be used for the business and the dressings, smaller blocks and backfill would have to be used for the slope. The smaller stone provides the feedstock for the dry-stone walling, house walling, lump stone for retaining walls, gabion stone and copings. Stone in the face will have to be left in situ, unless there is a recovery operation to comply with the restoration scheme required under the planning conditions in the planning permission LCC/2015/0055 by Lancashire County Council. There is a quarry material processing facility on site to screen soil materials from the quarry fines for final soil cover after the construction of the slopes and to build a plateau in the quarry to store the selected processed quarry soil materials on as tipping of imported material progresses so that each phase can be covered and brought into grassland use for the benefit of insects and birds.

- 1.7 The volume of waste required to be recovered under this proposal is 60,000 cubic metres which is the maximum allowed. The conversion factor for testing clays and fines material when compacted to 85% and with the optimum moisture content of 13 to 18% has been taken from the dry density conversion of a number of samples of clay and sandy clay fines which have a dry density of 1.9 t/m³ and with the moisture will be 2.1 tonnes to the cubic metre. The volume of material to be imported to create the slope under the restoration proposal is 120,000 tonnes. There is a further 25,000 tonnes of interburden and overburden that is site material that would not be part of the recovery permit as it is restoration material and will be used to place a layer of clay over the slope. There is a further 40,000 tonnes of sandy fines which is site won soil and is not part of the recovery permit volume as it is soil for the use in restoration of the site after quarrying and tipping have been completed in each phase. Any site derived material is a non waste to cover the recovered waste as the restoration project requires 145,000 tonnes of material plus the soil cover over the slope and the bottom to create the pasture.

2.0 THE SITE

- 2.1 The site is set in open countryside to the east of Nelson in Lancashire. The site presently contains the active sandstone quarry to the north east of Catlow Fold Farm and access is off Crawshaw Lane to the west and east quarries. Refer to the topographical survey plan CQ/TS19-01 that shows the area under the applicant company's control edged blue. The site is surrounded on three sides by agricultural land while part of the land north and adjacent to the permit area being applied for is woodland that has regenerated over the former Catlow quarry that was worked from 1830 until 1918. To the west is the common boundary line with the main road from Catlow to Nelson known as Southfield Lane.
- 2.2 The NG coordinates are 388600mE 436800mN and the postcode is BB10 3RN. The site is located on the extreme eastern edge of National Landscape Character 35, the Lancashire Valleys which is urban development in the valley bottoms dominated by the cotton

industry. There are textile mills and rows of houses on the hillsides in the built up areas with the land rising to the higher ground where there is enclosed open pasture, pockets of woodland and abandoned quarries on the higher ground that is influenced by the sweeping landform of the Southern Pennines area between Lancashire and Yorkshire.

- 2.3 There is deciduous woodland the north side of the site outside the planning permission area and the permit area being applied for. As the site is not within 50 metres of Priority Habitat of deciduous woodland, not within 500 metres of a designated area such as a SSSI and is not on a landfill site, a standard rules permit is being applied for.
- 2.4 The area is delineated as an area for priority species for upland breeding birds such as lapwing and curlew and the quarry has records of these species and oyster catchers nesting on the quarry on the bare substrate of sandstone soils and shales. The restoration scheme complements the area in the restoration of the site to heathland and acid grassland refer to plan number GNSP/C/395/2 Revision C and the cross sections on plan number GNSP/C/395/3 Revision B.
- 2.5 The restoration scheme has been agreed with the County Planning Authority as part of the grant to allow stone extraction in the western extension of the quarry and there were several design iterations to agree the restoration concept that could be achieved using imported waste. The Landscape Architect advising the applicant worked with the County Council's Ecologist to achieve the restoration of the west side quarry. Refer to the letter with the restoration report in appendix B. There is an obligation on the quarry operator to restore the site after extraction of the building stone and other stone products such as house walling, dry stone walling and primary aggregate.

3.0 PLANNING PERMISSION

- 3.1 The site has planning permission LCC/2015/0055 for the importation of inert waste to the site to replace the sandstone removed from the quarry over the past 6 years and allow the remaining 56,000 cubic metres of sandstone to be excavated for quarry products. There is likely to be 65,000 tonnes or 32,000 cubic metres of sandy soil and fines from the quarry that is to be used as final cover on each phase of restoration for the woodland and grassland areas shown on plan number GNSP/C/395/2 Revision C. The planning permission LCC 2015/0055 included in appendix C was granted on the 14th April 2016 and the County Council are monitoring the site for extraction and restoration over the period the planning permission is extant. The mineral working should cease by 31st January 2026 and be restored 2 years later.
- 3.2 The site consists of a sandstone quarry where buff Millstone Grit sandstone is being worked. The base of the quarry area is at 270 metres aod and the surface level is at 280 metres aod. The face is 50 metres long on the north side and all minerals will be removed from the area in phases as shown on plan number GNSP/CQ/WEAPP-03.
- 3.3 There is a responsibility on the company to restore the site using inert waste to replace the building stone that has been removed in phases and the scheme has been agreed with the County Council Ecologist and the Mineral Planning Officer during determination of the planning application from September 2015 to April 2016. The scheme requires fine sandy soil to be placed on the surface of the inert waste with no rubble near the surface so the land can be returned to grassland and heather. The details of the restoration scheme are provided for in appendix B.

- 3.4 There is an obligation to restore the site once sandstone has been removed in each phase so there is ongoing extraction that is followed up by backfilling and restoration. This is required so that the quarry is not left open and disused, but the land can be placed back into agricultural use.
- 3.5 The applicant also has an agreement with the owner of the land who is a farmer, and owns the surrounding pasture, that the land will be restored as sheltered pasture and there will be no instability on the land. Once the site has been backfilled and the slopes against the faces completed in each phase the applicant will have to seed and plant species has discussed in the Restoration Proposals, Aftercare and Management Plan, provided in appendix B, and will be responsible for the five-year aftercare scheme. The farmer will be contracted to undertake the management of the site on completion of tipping under this recovery of waste operation, but the obligation is with the company and they can be brought before the Courts for breach of a planning condition, or an enforcement notice issued for the company to carry out the restoration as approved in the planning permission. Planning conditions 3, 10, 24 and 25 control the mineral extraction and restoration of the site in accordance with the approved plans.
- 3.6 As can be seen from the correspondence from CF Landscape dated 24th November 2015, a copy of which is included in appendix B, to the planning officer and Ms Manchester, the County Ecologist there is an obligation to restore the site to benefit wildlife but to ensure the land is viable to the upland farmer for grazing and producing a hay crop.
- 3.7 It is clear, that planning permission would not have been granted if there had not been a robust achievable restoration scheme that can be enforced under planning law based on the conditions in the planning permission. There is evidence there has been discussions about the restoration of the site with the County Mineral Planning Authority and it is an obligation on the applicant to achieve it.
- 3.8 The County Council is responsible for the planning function controlling education, transport, quarrying and waste management and have published guidance on planning obligations to developers off both County and Local Authority development such as housing and commercial development.
- 3.9 The planning practice guidance that accompanies the National Planning Policy Framework places an obligation on the mineral operator and the landowner of restoring the site as detailed in the link below;

[Minerals - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

In paragraph 36.

- 3.10 The NPPF in chapter 17 provided details on the enforcement powers the Mineral Planning Authority have under Town and Country Planning Acts and what is expected that the applicant will submit with a planning application. From this it is clear that there is an obligation on the owner and operator to restore the quarry to an acceptable standard.
- 3.11 Condition number 26 places an obligation on the operator to use uncontaminated subsoils and topsoil which restricts the material to what is classed as inert excavation materials that are common in the southern Pennines such a mudstone, sandstone fines, shale, siltstone, clay and other material that will make a soil making material for the slope construction. Obviously topsoil will be imported if need be for the pasture

land and can be taken clean off housing sites that are being built on previously undeveloped land.

4.0 ENVIRONMENTAL REGULATION

- 4.1 The quarry requires restoration after mineral working has ceased for the sake of being able to extract the sandstone block and other landscaping products without leaving any behind to support the surrounding land. When the planning permission was granted the scheme would have fallen under a recovery scheme outlined in EPR RGN 13 in the guidance on the Gov.UK website on waste recovery on land. The planning authority considered the requirement in the NPPF on stability of land which is discussed in the planning practice guidance on the GOV.UK website. The requirement to control and manage land stability is in accordance with that guidance and the Quarries Regulations 1999. There is flow chart in the NPPF which requires an assessment of the stability of the land whilst being worked and restored and on completion, a copy of which is enclosed in appendix 3.
- 4.2 The site will be operated in accordance with a standard rule permit 2015 No39. The operation will be carried out in accordance with the Recovery Code R10 in annex 2 of the Waste Framework Directive 2008/98/EC.
- 4.3 The operator is required under the Quarries Regulations 1999 to ensure a safe working area and reduce the risk of injury to the workforce or members of the public from the quarry and as it is being restored. Providing for the exposed faces to be covered with a slope at 1 in 2.5 and shallower will ensure there is no likelihood of serious injury if someone was to fall. The faces are 12 metres high at the deepest and whilst the quarry is operational then there are fences and barriers placed around the working area. When the site is completed then the barriers are removed and the land handed back to the owner for use as pasture. Whilst faces of 2 to 3 metres high may be acceptable in risk terms any higher is likely to cause serious injury or death if a person or livestock was to go over the face edge.
- 4.4 There is an obligation in both planning terms and the Health and Safety at Work Act to ensure that the site is left in a safe manner and the use of inert material to create a slope against the exposed faces will reduce the risk of instability and the injury of people or livestock to a minimum that is acceptable in the countryside.

5.0 WASTE TYPES

- 5.1 The operator, Green Natural Stone Products Limited intends to import inert materials to the site from construction sites in the area from reputable demolition and excavation civil engineering contractors. The contractors will provide evidence of the origin of the material, sampling schedules and tests for suitability for use and assessed under Waste Acceptance Criteria for the following European Waste Codes listed in table 1 below. The quarry operator is in negotiation with SB Tippers to import waste and their competent person is to manage the site. The certificate for the competent person is attached with this application.

- 5.2 Material will be selected on the engineering properties and will be mainly clay based materials such as shale, mudstone, siltstone, glacial clays, for the earthworks. The material will have some degree of plasticity, can be compacted to > 85% of the original volume and will be consistent in particle size when tracked over as it is placed in layers.
- 5.3 The specification has been taken from the general earthworks section of the Environment Agency's publication LFE 4 _ Earthworks in Landfill Engineering section 2.5 and 2.8, 2.12 and 2.17, appendix C and annex 1 and 2. The specification is referred to as the Specification for Highways Works series 600 and appendices for general earthworks which this proposal is. The material should be cohesive, reduced permeability, compact to at least 15% air voids or 85% if the original volume and maintain stability, an optimum moisture content of between 13% and 18% for the clay-based horizons and a shear strength of 50 kPa and as the slope is for general earthworks that will not have to support any load after completion minimum compaction of 85% all as described on page 54 of LFE 4. The compaction will not be more than non waste materials as the quarry waste and the smaller stone that would be left behind to place against the face would be compacted in the same way in layers after processing into fines, - 6 mm and drainage material. If it is considered that block stone would have to be left in situ in benches then obviously the material is 100% compacted. Recovered material is not being compacted as to get more in the void space than would be achieved by non-waste.
- 5.4 If other harder construction waste material is delivered to site under waste code 17 05 04 it will be selected for use as dressing material for the haul roads, as layers of drainage material within the slope to prevent there being water build up behind the slope and in the plateau area as a hard compacted drained running surface for the stockpiling of material.
- 5.5 The imported material will be laid in layers of 250 mm and compacted by the machines as they run over the deposited material to build up the slope in recovered inert waste. The plateau to fill the base from 270 metres aod to 276 metres aod before placing sandy soil over the top as shown on plan number GNSP/C/395/2 Revision C will be built in the sandstone fines removed from the processing of discarded block stone product and the spoil heaps of stone dressings that will be screened to provide dry stone walling. The work will take place within the permit area shown edged green on plan number CQ/PA-20-01 A.
- 5.6 The structure of the slope and the base can be assessed for compaction and deformation using several methods such as plate load testing, sand replacement tests and undisturbed samples obtained in steel tubes and sampled at the laboratory. Simple tests can be carried out on site such as the shear vane test and the assessments discussed in annex 1 in the Standards and Measures for the Permanent Deposit of Inert Waste on Land.
- 5.7 Most of the waste being brought to site will be excavation material which will be sandstone, mudstone, siltstone, shale and weathered earth. There may be concrete, brick and stone brought from site clearance. Some sites contain coal ash as coal was used in the Lancashire Boilers for the mills to provide steam power and then the ash

used for blinding layers for yards, flagged areas and road construction. Any soil that is to be imported to site will be sampled and analysed for elevated levels of BaP and Arsenic that are indicators of coal ash and will be sampled first to ensure it does not have the potential to contaminate water.

5.8 Ceramics, bricks and concrete will be brought to site and for use on site for haul roads and drainage. The hard and coarse materials will allow the road ways and the drainage pattern to be installed on site to aid the restoration and provide shingle for the pond area on the north side of the quarry and raised areas for bird life and their nesting habitat on bare substrate. Hibernicula and resting places for reptiles and amphibians are incorporated into the restoration scheme.

5.9 No processing of imported material will take place to make soil, soil substitute or aggregates as the screening plant is used for the stone quarrying operation. A separate permit would be required for that operation and there is no need as these days hard waste is screened and processed on construction site or in materials recycling facilities. The screen separates the different sized stone feedstock into oversize stone blocks, dry stone walling, gabion, clean aggregate and gritty sandy soil.

TABLE 1 Waste to be used in Construction of the buttress and infilling the base of the quarry.

01 01 02	Wastes from non metalliferous excavations	A	Will be brought from stone processing area. Restricted to waste interburden and overburden only. On site non waste material
01 04 08	Waste gravel and rocks	A	Brought from stone processing on site non waste material
01 04 09	Waste sand and clay	A	Import from excavation contracts
10 12 08	Waste ceramics, bricks, tiles and construction products after thermal processing		Sourced from local brickworks
10 13 14	Waste concrete and cured cement	A	Sourced from local cement & concrete works
17 01 01	Concrete	A	From demolition contracts
17 01 02	Bricks	A	From demolition contracts
17 01 03	Tiles	A	From demolition contracts, roofing
17 01 07	Mixtures of above	A	From demolition contracts
17 03 02	Road Base and Road Planings	D	Maintain access road to haul road to the site.
17 05 04	Soil and Stones	A	Will be allowed after sample sheets seen and risk assessment, restricted to stones, subsoil and topsoil.
19 12 09	Stones, sand , other minerals	A	Sourced locally from excavation contracts of

			naturally occurring minerals that have been processed to separate hard waste on the development site from the fines.
19 12 12	Other waste including those mixtures of waste from mechanical treatment of wastes		Restricted to fines from crushed bricks, tiles, concrete and stone. Reinforcing metal must be removed and stored for transport to scrap dealer. Does not include fines from the mechanical treatment of non-hazardous waste or include residues of gypsum plasterboard.
20 02 02	Parks – stone and soil	A	Sourced from East Lancashire Area

5.10 The 17.01 waste material will be separated by the excavator to remove the coarse aggregate type material for use as cover for haul roads to the engineered buttress area and to provide drainage medium to the face side of the buttress and in layers in the construction to aid drainage through the engineered buttress.

5.11 The buttress site footprint will be relatively level when the sandstone from the Dyneley Knoll Flag bed is removed at 270 metre level and the material used will be mainly fines of a clay in the 01 01 classification, 17 05 04 and 20 02 02.

5.12 No contaminated material will be brought to site that could pose a risk to the environment or human health. There will be a waste acceptance procedure based on levels 1, 2 and 3 characterisation. Documentation will be required from the source site prior to acceptance and unannounced checks on the site and wagons delivering waste will be undertaken by the company and their waste management consultant.

6.0 JUSTIFICATION FOR WASTE RECOVERY

6.1 The guidance note “Defining Waste Recovery : The Permanent Deposit of Waste on Land “ EPR13 sets out the Environment Agency’s approach to determining whether an activity involving the permanent deposit of waste on land is a recovery operation or disposal of waste . EPR13 describes recovery as follows:

Waste recovery is about using waste to replace other non- waste materials to achieve a beneficial outcome in an environmentally acceptable manner.

The clearest indicator of waste recovery is when it can be shown that the waste is a suitable replacement for non-waste materials that would otherwise have to be used to achieve the end benefit.

The European Court judged in the Abfall Case that

“ the essential characteristic of a waste recovery operation is that the waste serves a useful purpose in replacing other non - waste materials that would otherwise have to be used for that purpose therefore conserving natural resources.”

“ In other words a material that would otherwise be disposed of is put to a beneficial use, which saves the use of non-waste materials .”

The Environment Agency's is based upon a legal test derived from the Waste Framework Directive 2008/98 EC and the European Court judgement.

The recovery of waste has been considered in the Courts and two cases are relevant.

OSS Group Limited v Environment Agency and Others. Court of Appeal 28th June 2007.

Court of Appeal decided that a material ceases to be waste if it can be recovered to an acceptable standard and in such a way that it may be used in a manner similar to the original product.

Tarmac v SSEFRA and the Environment Agency. Court of Appeal EWCA CIV 1149 November 2015. This it was judged that where quarry restoration was achieved using recovered waste to replace primary materials that would either be left in situation or would need to be relocated to construct the public footpath and restoration of the sand and gravel quarry to reed beds and lakes the imported waste was recovered and not disposal of waste.

The guidance on the GOV.UK website provides three requirements for a recovery operation;

- a) The waste suitable for the intended purpose and will not cause pollution,
- b) There is a specific obligation to carry out restoration of a quarry which is given as an example and there are planning conditions within the planning permission requiring an obligation to restore the site to the approved restoration plan.
- c) Otherwise worthwhile. The scheme is worthwhile as it allows the full extraction of primary building stone for sawing into paving, walling, lintels, jambs and cills for house building projects in the Pennine regions and areas where sandstone has been used as a building material. It provides material that is in keeping with the character of an area and maintain good design criteria. The other products that can be made are dry stone walling, paving, landscaping stone, slabs and gabion stone. The remainder can be processed to drainage aggregate and the resulting fines are to be used on the quarry as soil cover over the inert waste that has replaced the building stone quarried. If the waste was not imported to achieve the restoration scheme then sandstone would have had to be used to build the slopes and back fill the quarry that would be processed to make other products discussed above. This is not sustainable as the sandstone products would have to come from other sources. A selection of products is shown in appendix D.

There were tests in the EPR RGN 13 which are still relevant;

The tests are as follows:

1) Is there a clear benefit from the activity?

There is a clear benefit to the recovery activity as the waste material is being used to cover and support the open sandstone face after the blocks of sandstone have been

removed to provide a slope from the floor of the quarry to the surface or competent beds of rock to provide an open feature of acid grassland, heathland and woodland with a thick layer of inert material in the base of the quarry to provide sheltered pasture and a pond. There will be a final cover of sandy soil after the restoration profile has been formed by the inert waste brought to site.

The existing face and the area to be excavated could suffer from rotational and toppling failure and there is insufficient mineral waste on the quarry to provide the restoration scheme to a moorland habitat with scrapes and ephemeral ponds. It could be argued that the site could be restored by importing the inert waste and covering the quarry sandy fines but that will not replicate the soil profile. The applicant has agreed to provide a restoration scheme that will complement the surrounding area of open mosaic, woodland and old delphs by filling the base of the quarry with excavation waste and processed construction waste before putting the sandy soil from the quarry back over the top. A buttress and floor constructed in 120,000 tonnes of suitable waste will support the face and provide safe working area so the quarry can be restored behind the working face and be taken from the phase being filled within the permit area and stockpiled for use on top of the inert waste.

As regards the floor the level will be brought up in waste to the mid-level between the floor of the quarry at 270 m aod and 276 metres aod. The slopes will be constructed from the base of the quarry to the crest at 280 metres aod and on the north side the faces will be inspected and if the geological structure is suitable will be left exposed for a height of 3 to 5 metres and the slope of material left against the face. There will be up to 1 metre of sandy soil placed over the inert waste to provide soil that drains and is low in nutrients. Some basal clay from the quarry will be used to create ephemeral ponds at the surface on top of the sandy soil to provide an attractive habitat in the north east corner, refer to plan number GNSP/C/395/2 Revision C. Materials will be selected from the inert waste stream to provide material for the drains on the slopes and to reduce scour in the pond and outfall to the land to the north.

2) Is the recovered waste material suitable for its intended use.

The site will accept excavation waste from civil engineering and construction projects, and these are likely to be solid strata of the coal measures sequence which are classified as soil and stones. Waste types in table listed in table 1 will be used for recovery to buttress the face.

The use of bricks, concrete, and tiles reference 17 01 ** are also likely to be used in the slope if they have not been crushed to secondary aggregate on a supplier site as they will have a similar property when compacted to stones and provide drainage and stability under load.

The filling scheme under this recovery permit is for restoration of the land to engineer a slope and fill the floor to prevent the risk of rock fall or toppling failure near to the surface as the sandstone is quarried and sandy soil is removed for the soil cover the recreate the soil profile that existed prior to quarrying in the support of the 12 metres high face and the floor of the site after stone has been extracted.

Once brought to site and inspected the waste will be inspected and if suitable will be stored to separate the hard waste such as bricks and concrete from fines and soil. The separated materials will be assessed for use on the quarry restoration scheme. The fines will if screened at the supplier site to 25 mm make a SHW 600 type 6F2 or 6F5 fill. The hard waste > 25 mm will taken to the stockpile area for the engineering materials and separated by the excavator on site to create drainage material for the slopes and around the toe of the slopes to direct water to the pond at the north east side. The clay-based materials such as mudstone, shale and siltstone will be placed in separate piles and comingled to provide a layer of material for the quarry slopes and infilling the floor. Tests can be undertaken on the material as it arrives by obtaining samples and then sending them to the laboratory for a tri-axial test, shear strength in a shear box, compaction, and optimum moisture content. The mixed material will be laid in layers and compacted by the machines on site depositing the material.

If need be on site analysis of the waste can be undertaken by building a pad and compacting the material with a tracked machine and then assessing the compaction by shear vane test, pressure with the hand and rolling the material into a tube with the hands.

The minimum shear strength will be 40kN/sq metre as taken from inert engineering guidance, refer to page 25 annex 1, but 50kN/sq metre will be attained if it can be. Refer to table 4 on page 16 of LFE 4.

Undrained shear strengths on coal measures mudstones and clays which will be the main excavation waste brought to site are in excess of 50kN/sq m usually from the site tests undertaken on the sites that have used this material for artificial engineered geological barriers (AEGB's) and side slope construction.

If new material is brought in such as boulder clay then it will be subjected to the normal engineering tests of shear strength, compaction, optimum moisture content and permeability so that it can be assessed for use in the grassland area and to line the ponds and drains.

EWC code 10 wastes are all coarse or well drained material so they will be used for drainage purposes in layers in the slope and behind the side wall and compacted.

A mixture of code 10 materials will perform similar to crushed 40 mm down crusher run for sub-base so I do not envisage this material being sub-standard in relation to the clay materials.

Level 1 characterisation will assess the material whether it requires separating by excavator and bucket to remove concrete, brick and stone. The fines will be tested as per the tests in the flowchart in the Inert Guidance for Landfill sites in Annex 1 on page 25.

Compaction tests will be undertaken either plate load testing, NDT or sand replacement tests if need be, but it is unlikely given that the material is being used for restoring a quarry. Samples will be obtained using a U100 tube to obtain shear strength if compaction tests are required on undisturbed samples after laying in.

3) Is the minimum amount of waste being used to achieve the intended benefit.

The material being brought to the site is to replace Millstone Grit and Sandstone that has been processed for the construction market beginning 20 years ago. The sandstone will be removed from the face and the base of the quarry for building stone purposes and the inert waste will replace that sandstone. The sandy soil in the quarry will be used to cover the inert waste to be used in the restoration scheme. Imported engineered fill will be placed against the face to build the slope and then fill the floor. There is insufficient sandy soil at the quarry to provide material to restore the site and provide a slope against the face. The quarry discard is used for operational requirements on the quarry such as edge protection on the face tops or hauls roads. The dressings of building stone and discard blocks are made into dry stone walling and rockery stone, then gabion and aggregate stone. All quarry waste such as shale and gritty sandy soil is to be used on the restoration of the site at the surface to replicate the soil profile when the land is placed back to woodland, heathland and pasture.

The volume of inert waste is 60,000 cubic metres or 120,000 tonnes of imported waste to be used in engineering the slopes and building up the levels in the floor. 60,000 tonnes of sandy soil will be screened to cover the inert waste from processing the old quarry stockpiles for a wide range of walling and rockery products and the sandy soil will be placed directly on the inert waste once at level or stored on site for cover soil.

The scheme for the restoration of the site has been agreed between the County Council, the County Ecologist and the applicant. To procure the sandy soil for the scheme and provide the levels shown on plan number GNSP/C/395/2 Revision C the inert waste will be used for the bottom half of the soil profile and in the slope as shown on the sections A-A and B- B on drawing number GNSP/C/395/3 Revision B.

The intended benefit is being achieved as the face will be supported and covered in a relatively short time scale after the sandstone has been removed to allow the safe working of the quarry and the continued restoration as infilling progresses north.

4) Is the Waste being used as a substitute for a non-waste material.

The waste being imported to site is to replace primary minerals that are being taken from the quarry and the fine quarry waste is being removed and stockpiled for soil cover. If inert waste is not used then the sandstone in the face would otherwise have to be stabilised with a buttress from primary materials or sandstone blocks would have to be left in the quarry to slacken the profile of the face if it was to be left in perpetuity.

The sandstone could be left in the quarry and no inert waste brought in to achieve the restoration scheme agreed with the County Council that is an obligation under the planning conditions in the planning permission LCC 2015/0055. That would mean the sandstone block is sterilised and lost and it is debatable whether planning permission would have been granted for an extension from the east side quarry if stone was to be left in the ground and an unrestored quarry left when the objective was to create sandy nutrient poor grassland for birds and reptiles with acid grassland loving flora.

On the other hand the sandstone blocks could have been removed and then some other purchased material imported to site such as clay or aggregate but this is using consistent primary material that is better used for flood alleviation and protection work, regenerating brownfield land and other construction work as it is homogenous and the properties are more predictable.

To import primary material would be £12 per cubic metre at the gate of the donor quarry and then haulage. The cost would be £720,000 in total or £120,000 per year on top of the costs to spread the material out once it arrives at site. That cost is £120,000. It is also diverting building materials from the intended use or the mineral waste at that donor quarry which would be used in restoring their workings. It would not be a prudent use of resources.

5) Will the proposal be completed to an appropriate standard.

Mining Industry best practice will be used for the engineering the fill through guidance on compaction of fill from technical papers, reference to the Specification for Highways Works 600 and the EA Guidance on Landfill Engineering LF4. The slopes will be built to a recognised standard as discussed in clauses 608 and 612 of SHW 600.

7.0 Conclusion to the Recovery Proposal

In conclusion the proposal to bring inert excavation waste to the site and place it in the mineral working in phases after the sandstone has been removed to buttress the open sandstone face is for the stability of the land. It replaces the Millstone Grit sandstone removed at the quarry to provide sandstone walling, paving and landscape stone and will allow the recovery of the sandy fines for the soil profile that will aid the restoration of the site to a rare habitat in an agricultural setting.

It will enhance the setting of the surrounding woodland and open mosaic whilst also providing sheltered pasture for the farmer at Catlow Fold farm and provide valuable habitat for bird life, sand bees and possibly amphibians and reptiles. The restoration of the area can be progressing in the permit area as the sandstone is removed for stock on the east side quarry and working advances north.

Signed





19th October 2020.

Revised 25th November 2020

2nd Revisioun 16th April 2021

NOTES:

Amendments made to the recovery plan to clarify the position that no imported material will be placed through a crusher and screen on site and hard waste separated from fines by the excavator as part of good practice for restoration of quarries.

Second Amendment to the recovery plan after receiving Schedule 5 notice to clarify the operation and remove all references to processing hard waste such as concrete, brick and stone on site that has been imported.

Appendix 2: Planning permission LCC 2015/0055

PLANNING PERMISSION

Name and address of Applicant

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Name and address of Agent (if any)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Part I – Particulars of application

Date of application: **8 September 2015** Application No. **LCC/2015/0055**

Particulars and location of development:

Extension to the west of Catlow Quarry in the former larger Catlow Quarries with restoration using quarry materials and imported inert. Waste Catlow Fold Farm, Southfield Lane, Southfield.

Part II – Particulars of Decision

The **Lancashire County Council** hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The mining operations authorised by this permission shall cease not later than 31 January 2026. The site shall be progressively restored in accordance with the conditions of this permission and be finally restored by 31 January 2028.

Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, and Policies 1 and 10 of the Pendle Local Plan

Working Programme

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
- a) The Planning Application validated by the County Planning Authority on 8 September 2015.
 - b) Submitted Plans and documents:
 - Drawing no. GNSP/CQ/WEAPP-01A - Location Plan
 - Drawing no. GNSP/CQ/WEAPP-03 - Phasing Plan
 - Drawing no. GNSP/CQ/WEAPP-05 - Phase 1 Extraction
 - Drawing no. GNSP/CQ/WEAPP-06 - Phase 2 Extraction and Backfilling of Phase 1
 - Drawing no. GNSP/CQ/WEAPP-07 - Phase 3 Extraction and Backfilling of Phase 2
 - Drawing no. GNSP/CQ/WEAPP-11 - Proposed Haul Road and Material Stockpiling Location
 - Drawing no. GNSP/C/395/2, Rev C - Restoration Plan
 - Drawing no. GNSP/C/395/3 - Restoration Plan Section A
 - Document - Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015'
 - c) All details reserved by condition that are approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 1 and 10 of the Pendle Local Plan.

Site Operations

4. A copy of this permission and all the documents referred to in condition 3 shall be available for inspection at the site office at all times throughout the operational life of the site.
- Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents.*
5. No development shall commence until details of a scheme and programme of reptile survey, details of the works to be undertaken including capture and translocation in the event that reptiles are found, and details of the location and nature of reptile refugia to be created as part of the site restoration, have been submitted to and approved in writing by the County Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: For wildlife interests and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

6. No trees or hedgerows shall be removed or pruned during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Local Plan.

7. No development shall commence until the extraction boundary shown on Drawing no. GNSP/CQ/WEAPP-07 - 'Phase 3 Extraction and Backfilling of Phase 2' has been marked out with 1m high coloured timber posts at intervals of 30 metres. Thereafter, the marker posts shall be retained in position until the site has been restored.

Reason: To ensure adequate control of site operations and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

8. No mining operations shall take place below a depth illustrated as 'base of block stone' on drawing numbers GNSP/CQ/WEAPP-05 to Drawing no. GNSP/CQ/WEAPP-07 inclusive.

Reason: To secure satisfactory restoration and to safeguard local watercourses and drainages and avoid the pollution or derogation of any watercourse or groundwater resource and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. Final restoration levels shall be no higher than the levels shown on Drawing no. GNSP/C/395/2, Rev C - Restoration Plan.

Reason: To ensure satisfactory restoration of the site and safeguard the amenity of the local residents and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

10. Mineral extraction and restoration works shall be undertaken in accordance with the phasing sequence illustrated on drawing numbers GNSP/CQ/WEAPP-05 to GNSP/CQ/WEAPP-07 inclusive.

Reason: To enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

11. A topographical survey shall be submitted to the County Planning Authority annually until the completion of restoration. The survey shall have been carried out within the two months preceding the submission of the topographical survey and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels relating to ordnance datum over all the land where mining operations have taken place/restoration materials have been deposited.

Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

12. Stock proof fencing shall be provided around the perimeter of the site and shall be maintained at all times until the completion of the aftercare period.

Reason: In the interests of public safety, local agriculture and ecological interests, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

13. No mining operations, exportation of stone or building products or restoration works shall take place outside the hours of:

0800 to 1730 hours, Mondays to Fridays (except Public Holidays)
0800 to 1200 hours on Saturdays

No mining operations, exportation of stone or building products or restoration works shall take place at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

14. No more than 8 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive, and no more than 4 heavy goods vehicles shall leave the site on Saturday. No such vehicles shall leave the site on Sundays or Public Holidays. Reference to 'the site' in this condition shall mean the site area covered by this permission and the site area covered by permission no. 13/12/0585.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

15. A written record shall be maintained of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority during the permitted working hours. Reference to 'the site' in this condition shall mean the site area covered by this permission and the site area covered by permission no. 13/12/0585.

Reason: To enable the County Planning Authority to monitor the operations to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

16. Measures shall be taken at all times to minimise the incidence of debris from the site being deposited by vehicles leaving the site on the public highway.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

17. Vehicular access to and egress from the site shall be to and from Southfield Lane via Crawshaw Lane as shown on drawing no. GNSP/CQ/WEAPP-01A - Location Plan.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

18. No crushing or screening of minerals or waste shall take place at the site.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

19. The provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users, and the Conservation Area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

20. No blasting or use of explosives shall take place on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and wildlife interests and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

21. Where reversing alarms are employed on site only broadband multi-frequency sound alarms (white sound) shall be used.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

22. Measures shall be taken to minimise the incidence of dust or wind-blown material being carried from the site onto adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps as necessary during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

23. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

24. Woodland planting entitled 'Phase 1' and 'Phase 2' on Drawing no. GNSP/C/395/2, Rev C - Restoration Plan shall be implemented as prescribed on the drawing as set out in the document entitled 'Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015.

Reason: To ensure satisfactory landscaping and restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

25. Restoration shall be carried out in accordance with the details shown on Drawing no. GNSP/C/395/2, Rev C - 'Restoration Plan' and the details set out in the document entitled 'Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015.

Reason: To ensure satisfactory landscaping and restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

26. The materials imported to the site for the purposes of restoration shall be confined to uncontaminated subsoils and top soils only.

Reason: In the interests of local amenity and the water environment and to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

27. If by 31 January 2028, the site has not been restored in accordance with the details referred to under condition 25, alternative details for the final restoration of the site shall be submitted to the County Planning Authority within 1 month of 31 January 2028 for approval in writing. The submitted details shall include:

- a) A contour plan showing the final levels and landform of the site at not less than one metre intervals
- b) The replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;

- c) The landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application.
- d) The measures to be taken to secure normal plant growth;
- e) details of surface water drainage to ensure that the site will be free draining including identification of discharge points and measures to control run off and prevent erosion;
- f) Details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features;
- g) The removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas;
- h) Details for the creation of any wildlife habitat areas.

Thereafter, the site shall be restored within 12 months of the approval in writing of the alternative details of restoration.

Reason: To ensure satisfactory landscaping and restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

28. Aftercare works shall be undertaken in accordance with the details set out in the document entitled 'Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015' for a period of five years from the date that the County Planning Authority certifies in writing that the works of restoration are complete.

Reason: To secure the proper aftercare of the site in the interests of visual amenity and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

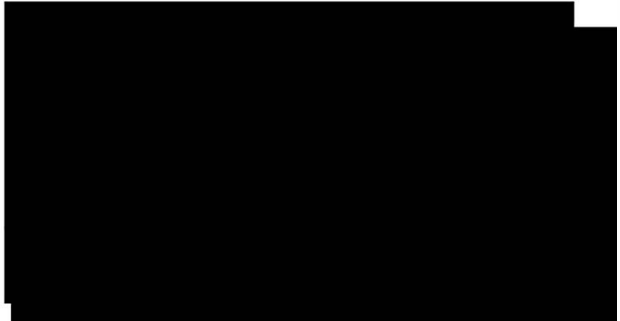
Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with the conditions of this permission have been completed satisfactorily.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Date: 14 April 2016

LANCASHIRE COUNTY COUNCIL



Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

NOTE:

1. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government and the Regions under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate, Registry/Scanning Room, 3/01B Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

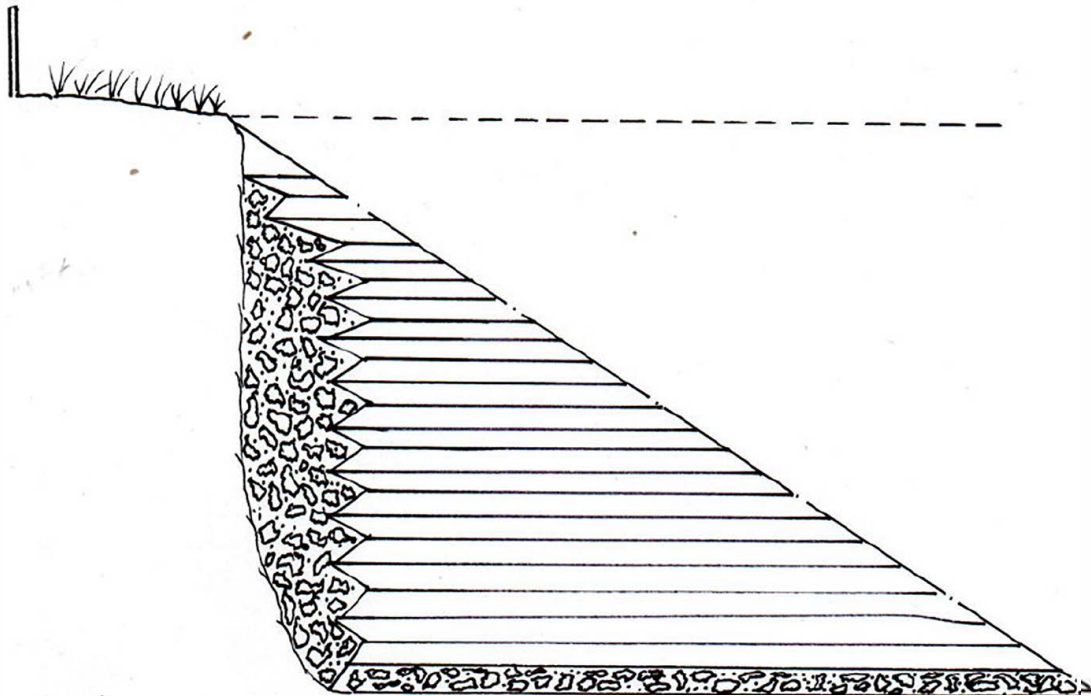
- If either the local planning authority or the Secretary of State for Communities and Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District/Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for Communities and Local Government and the Regions on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

**Appendix 3: Catlow Quarry – Method of filling against the residual rock face
– Revised April 2021**

Figure



Slight fall from the face to the centre of the excavation to allow water to flow under the slope.

CATLOW QUARRY – METHOD OF FILLING AGAINST THE RESIDUAL ROCK FACE.

Application for a Recovery Permit to place engineered compacted backfill against the residual sandstone face in each phase as shown on plan numbers 05 to 07 approved under the planning permission LCC 2015.0055 from imported inert excavation waste.

The material will be inspected on site if there is coarse rubble such as cement, brick, stone or cement then it will be used as a drainage layer or for hardcore on the internal haul road to the tipping area. The hard core will be placed in layers with the finer subsoils, mudstone and shale imported from excavation contracts on development sites. The material will be placed in layers against the face that has been exposed as the stone has been worked to create a vertical face as shown edged orange on figure C3 in appendix B. The floor and the side will be filled with coarse material from the hardcore or natural quarry material will be used to provide drainage pathway for water to drain into the floor of the quarry. The floor of the footprint of the slope will be graded to have a fall of **1** in 80 from the toe to the edge of the slope to promote drainage under the engineered slope.

The first layer of material will be coarse rubble such as brick, stone, concrete in the recovered material from the imported waste. The layer will be compacted into a 500 mm layer consisting of two 250 mm layers using a tracked machine such as the hydraulic excavator being used on the quarry. The next layer will be finer material such as excavation waste and fines and stony material to separate the drainage layer for subsequent layer of clay material placed in 250 mm layers and compacted with the excavator tracking over the layer for eight passes. The slope will be brought up at a gradient of 1V in 2.5H which is below the natural angle of repose for such material which is 34 degree or 1V in 1.5H. The layer of clay material will not be pushed right up to the face as the face will be filled with coarse material as shown on the sketch to allow drainage from surface water running on to the slope and out of the stone beds. Once the slope is completed to surface level the final two layers will be covered with clay from the site and then capped with on site and imported subsoil to promote downward flow over the slope when the area is covered with topsoil and seeded and restore it to pond as sheltered pasture as shown the restoration plan, with drawing reference numbers GNSP/395/2 revision C granted under the planning permission LCC 2015.0055.

Figure C3 shows the restoration of the site where stone has been worked and the final profile of the face is shown edged orange. The face is cut back to the joint sets as the planning permission allows the importation of materials so that they can be placed against the face to cover the exposed stone faces as shown by the slope edged yellow. Quarry subsoil and topsoil will be spread over the engineered slope as shown edged green to replicate the soil profile in the area to promote grass growth, shrub planting and heather regeneration.

If planning permission had not been granted for the importation of materials to restore the site, the stone face would have had to be benched as shown in the profile edged brown to ensure there were no vertical faces left on site that were over 13 metres high.

Appendix 4: Notice of request for more information dated 06/04/2021

Notice of request for more information

The Environmental Permitting (England & Wales) Regulations 2016

For the attention of the Company Secretary

Greens Natural Stone Products Limited
5 Coates Fields
Barnoldswick
Lancashire
BB18 6YW

Application number: EPR/WE0475AB/A001

The Environment Agency, in exercise of its powers under paragraph 4 of Part 1 of Schedule 5 of the above Regulations, requires you to provide the information detailed in the attached schedule. The information is required in order to determine your application for a permit duly made on 20/10/2020.

Send the information to either the email or postal address below by 20/04/2021. If we do not receive this information by the date specified then we may treat your application as having been withdrawn or it may be refused. If this happens you may lose your application fee.

Email address: psc@environment-agency.gov.uk.

Postal address:
Permitting and Support Centre
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

Name	Date
[REDACTED]	06/04/2021

Authorised on behalf of the Environment Agency

Notes

These notes do not form part of this notice.

Please note that we charge £1,200 where we have to send a third or subsequent information notice in relation to the same issue. We consider this to be the first notice on the issues covered in this notice.

The notes in italics that appear after information requests in the attached schedule do not form part of the notice. The notes are intended to assist you in providing a full response.

Schedule

1. Amend your waste recovery plan to make it clear that no waste treatment activities will take place on the site.

Reason:

There are several references to activities in your waste recovery plan that we consider waste treatment:

- *Section 1.3 refers to "...a facility to separate the materials where imported material will be screened for hard waste such as concrete and brick for use as drainage material and secondary aggregate on site".*
- *Section 1.3 also states "The separation of hard waste will be rudimentary by spreading the imported material out with an excavator on the phased tipping area and picking out the rubble with the excavator bucket to be used for drainage and lining the pond approved on the restoration drawing".*
- *Section 5.7 states "Ceramics, bricks and concrete will be brought to site and separated by the excavator with a riddle bucket into aggregate for use on site for haul roads"*

The standard rules permit for which you have applied, SR2015 No.39 does not allow any form of waste treatment activity. Waste screening and separation have the potential to generate emissions of noise and dust. These activities go beyond the limits within table 2.1, condition 2.1.1 of the standard rules and are not considered in the generic risk assessment. Therefore, as it stands, your waste recovery plan does not meet the standard rules SR2015 No.39.

It is also worthwhile noting that condition 18 of the planning permission LCC/2015/0055 states "No crushing or screening of minerals or waste shall take place at the site."

2. Provide evidence that the proposed method of filling against the faces of the quarry will be completed in accordance with planning permission LCC/2015/0055 and the approved restoration scheme. You must also confirm the level of compaction you aim to achieve and provide evidence that this is necessary to deliver the desired function of buttressing the quarry face.

Reason:

It is noted that 'Method of filling against the faces' document supplied in appendix B of the Waste Recovery Plan is not referenced in the planning permission LCC/2015/0055 or the approved restoration scheme. In addition condition 26 of the planning permission states 'The materials imported to the site for the purposes of restoration shall be confined to uncontaminated subsoils and top soils only.' The wastes types you have proposed to import for use as drainage medium for the face side of the buttress within the layers of buttress include bricks, concrete and tiles. This suggests that the proposals are not in accordance with the planning obligation to restore the quarry.

Section 5.2 of your waste recovery plan states that the material to be used for the earthworks "... can be compacted to > 85% of the original volume and will be consistent in particle size when tracked over as it is placed in layers". It is necessary to demonstrate that the level of compaction is only to that which would have been required for the non-waste that is being replaced, otherwise we may consider that you are compacting the waste for disposal and using more than the minimum required.

3. You must demonstrate that your waste acceptance procedures ensure that waste accepted is free from contamination and is limited to waste types allowed by the standard rules SR2015 No.39. You must amend Table 1 of your waste recovery plan to ensure that the descriptions of wastes, exclusions and additional restrictions match those within table 2.5, condition 2.5.1 of the standard rules SR2015 No.39 precisely.

Reason:

Under condition 2.5.1 of the standard rules SR2015 No.39, waste shall only be accepted if it is of a type listed in table 2.5 of these standard rules and it meets the additional restrictions in that table

Although the waste codes listed within table 1 of your waste recovery plan all feature within table 2.5 of the standard rules, some of the descriptions differ and the exclusions and additional restrictions have not been included.

Section 5.11 of your waste recovery plan states “No contaminated material will be brought to site that could pose a risk to the environment or human health.” Under condition 2.5.1(c) of standard rules SR2015 No39, appropriate measures must be taken to ensure that the waste is free from contamination.

4. You must ensure that wastes are correctly classified in accordance with the Technical Guidance WM3: Waste Classification - Guidance on the classification and assessment of waste.

Reason:

The information about the origin of waste in column 4 of Table 1 of your waste recovery plan suggests that some wastes have been classified incorrectly.

10 12 08 has a stated origin “sourced from local contracts for redeveloping land in the east Lancashire area”. Sub-chapter 10 12 is “wastes from manufacture of ceramic goods, bricks, tiles and construction products” and would include waste ceramics and construction products from brickworks rather than construction and demolition sites. Waste ceramics and construction products from construction and demolition activities would normally be classified under sub chapter 17 01 of the list of wastes.

5. Demonstrate that the minimum amount of waste is being used to deliver the function and that the volume of waste to be imported will comply with the conditions of the standard rules permit SR2015 No.39 by:
 - a. confirming the total volume of material required to restore the site to agreed restoration levels following mineral extraction and provide an explanation of how the figure has been calculated
 - b. confirming the volume of waste material to be deposited under this permit. You must apply suitable conversion factors for the wastes to be used to equate this to a tonnage.
 - c. confirming the volume of site-derived non-waste material that will be deposited as part of this restoration scheme and provide evidence of their non-waste status. You must apply suitable conversion factors for the wastes to be used to equate this to a tonnage.

Reason:

Section 1.3 of your waste recovery plan states that 60,000 m³ of waste will be imported under the restoration scheme. This is the maximum volume of waste allowed under the SR2015 No.39 standard rules. The plan converts 60,000 m³ to 120,000 tonnes of waste. This equates to a 2.0 tonnes per m³ conversion factor and is very high in comparison with WRAP/Environment Agency conversion factors for the range of waste types stated within your plan (0.33-1.27 tonnes per m³).

This suggests that if you plan to import this tonnage of waste, you are likely to end up with a volume greater than 60,000m³ which would put you out of compliance with the standard rules.

There is also a lack of clarity over the amount of non-waste material that will be used in the restoration scheme.

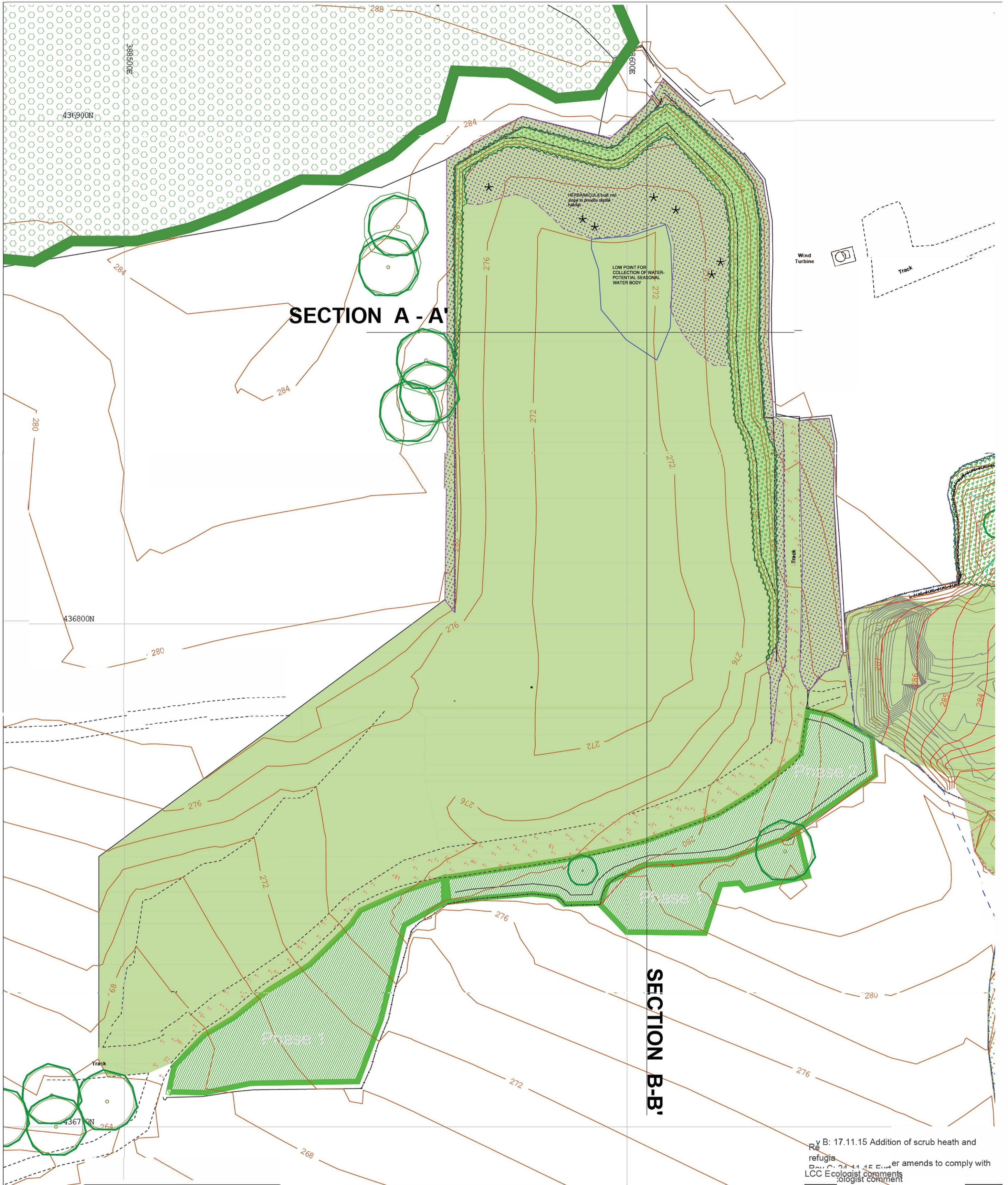
Section 1.3 refers to 25,000 tonnes of “mining material such as overburden and clay fines from the processing of stone” which will be used along with inert waste to achieve the buttress and base of the quarry floor. It also states that “40,000 tonnes of sandy fines will be used from the quarry to create a sandy nutrient poor soil cover over the inert waste and clay overburden”.

Section 3.1 states “There is likely to be 65,000 tonnes or 32,000 cubic metres of sandy soil and fines from the quarry that is to be used as final cover on each phase of restoration for the woodland and grassland areas shown on plan number GNSP/C/395/2 Revision C.

However, section 6.1 states that “60,000 tonnes of sandy soil will be screened to cover the inert waste from processing the old quarry stockpiles for a wide range of walling and rockery products and the sandy soil will be placed directly on the inert waste once at level or stored on site for cover soil”.

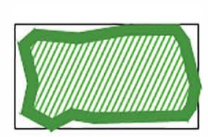
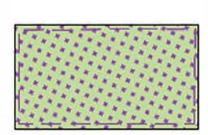

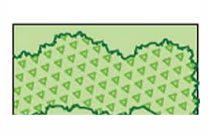
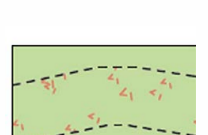
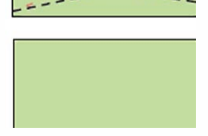
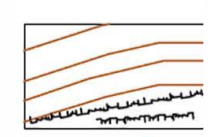
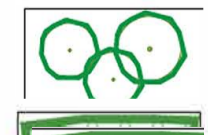

In addition, it is unclear if the quarry fines and overburden described above are a waste or non-waste. They have not been considered in the volume of inert waste to be deposited for recovery but they are listed in table 1 of the waste recovery plan (see 01 01 02 and 01 04 08).


Appendix 5: Plan GNSP/C/395/2 rev C



Rev B: 17.11.15 Addition of scrub heath and refugia
 Date: 24.11.15
 LCC Ecologist Comments
 Ecologist Comment

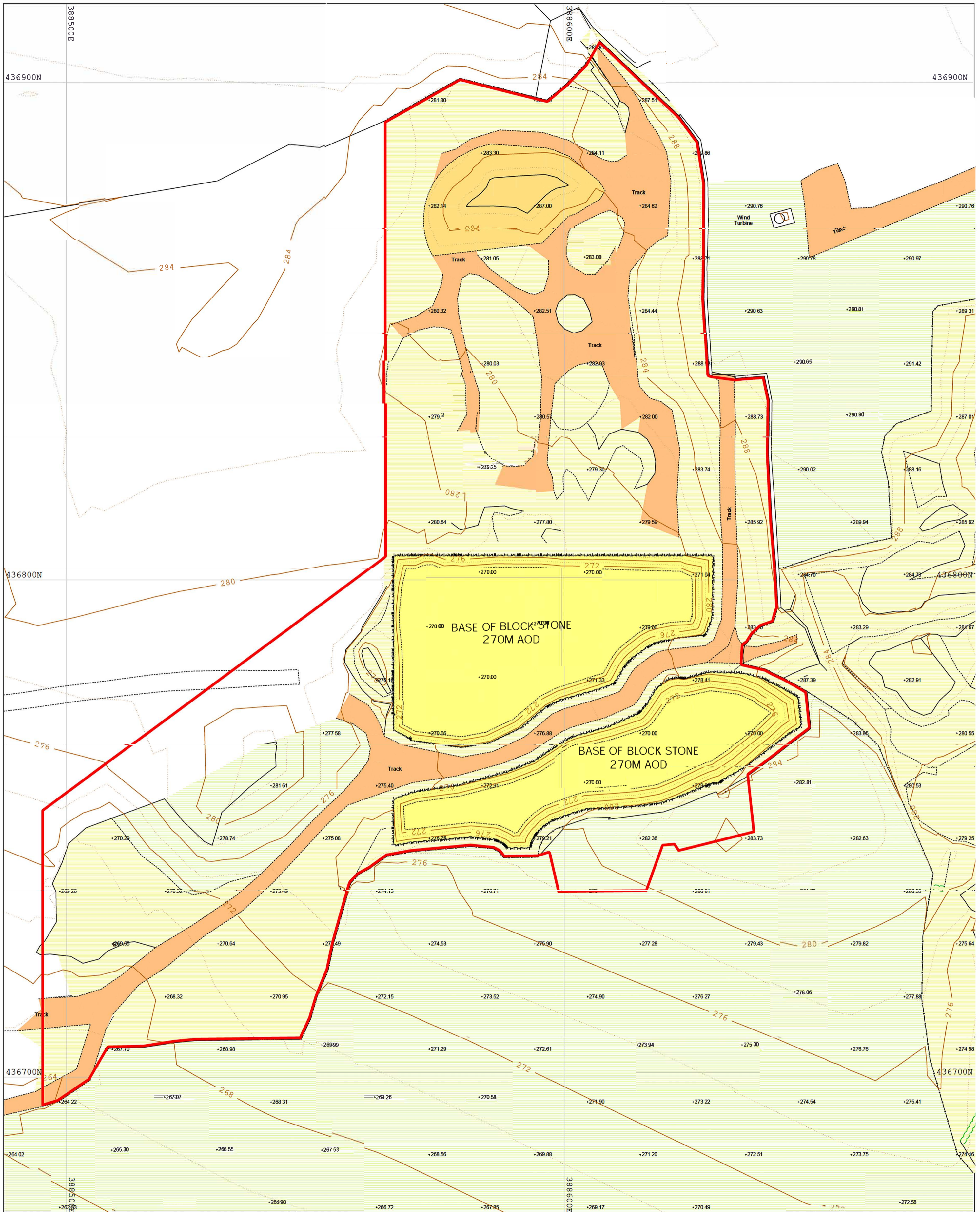
REFERENCE

-  Proposed woodland planting. Phase 1 in first year after work commences. Phase 2 when levels restored in southern area.
-  Proposed mosaic of dry dwarf scrub heath (upland heathland) and upland acid grassland.
-  Proposed reptile refuges. Piles of loose rocks and rubble built into slope, opening onto the face.
-  Proposed 'delf' species of Pennine sandstone quarries, as have developed in the adjacent quarry. (Heather, bracken, birch, ash and goat willow) Rock faces, benches, at top of rock face and on steeply sloping ground.
-  Crushed sandstone access track. Grass seed scattered lightly over tracks to reduce area of crushed stone but retain some bare areas for reptiles basking.
-  Proposed upland hay meadow
-  Proposed contours and rock faces.
-  Existing individual trees of significant size. (Position approx only.)
-  Existing woodland

			
Greens Natural Stone Products			
project Western Extension Catlow Quarry			
drawing title Restoration Plan			
scale 1:500 at A2	date 14.11.14	drawn by KE	checked by GNSP/C/395/2 rev C

Appendix 6: Plan GNSP/C/395/3 rev B

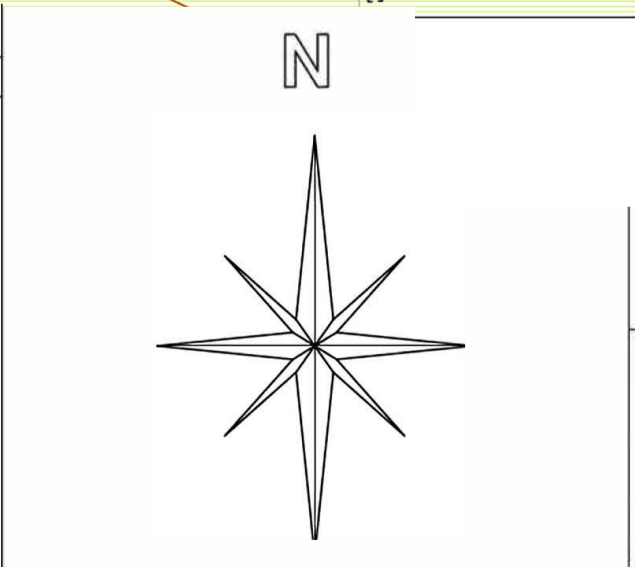
Appendix 7: Plan GNSP/CQ/WEAPP-05



Legend:

- Planning Application Area
- Stone Extraction Areas
- Despoiled Quarry Area from Previous Workings
- Grassed Areas
- Existing and Proposed Tracks & Haul Routes
- Backfill Material

REVISIONS			
Date	Description	By	
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Client

Green's Natural Stone Products

Job Title
CATLOW QUARRY

Project Title
Western Extension

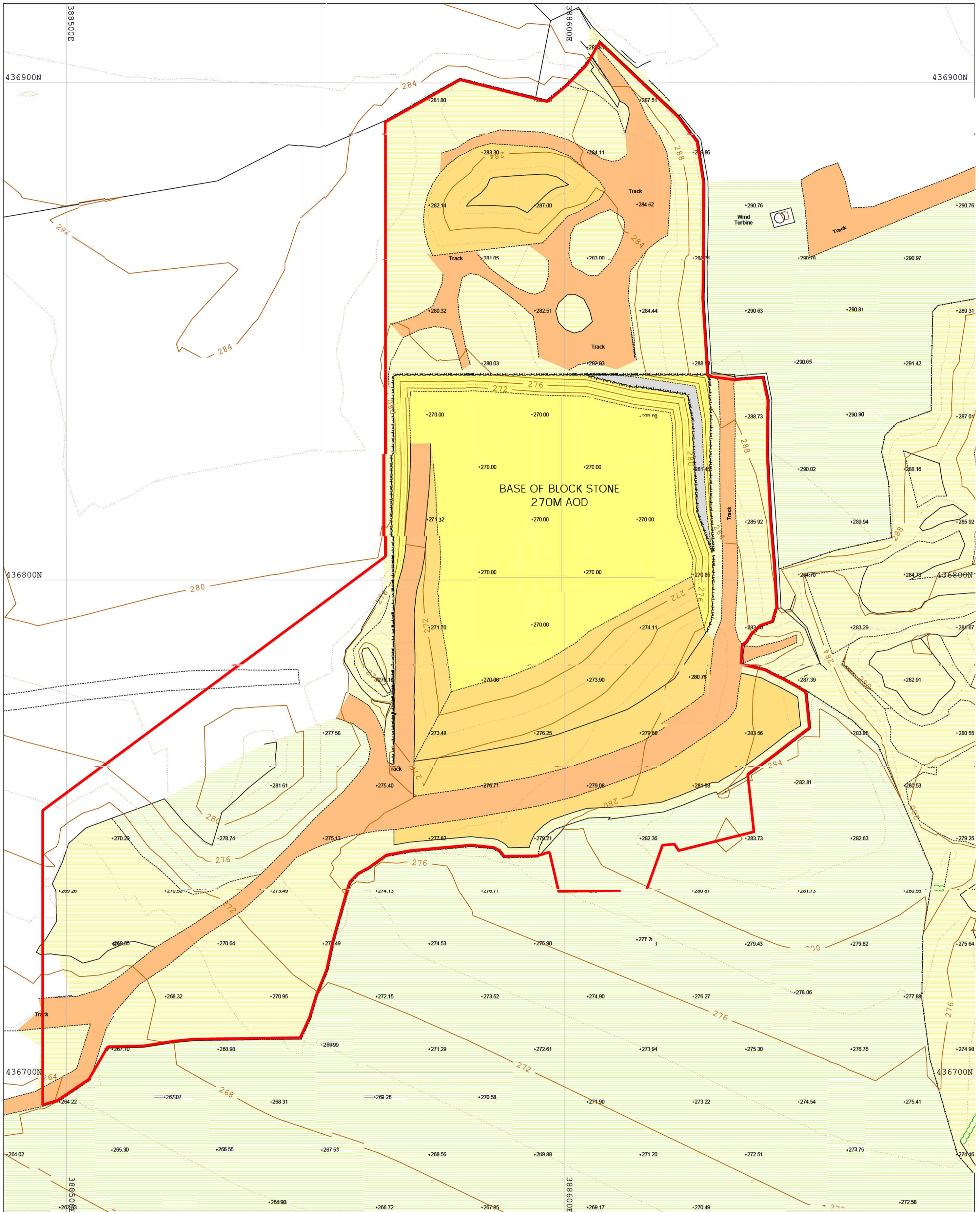
Scale: 1:500@A2 Date: Sep 14 Drawn by: SW Checked:

Dwg. title
Plan showing

Phase 1 Extraction

DWG No.
GNSP/CQ/WEAPP-05

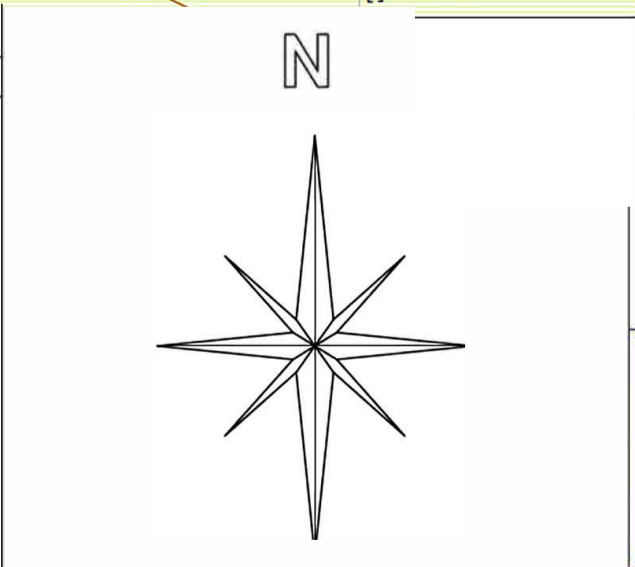
Appendix 8: Plan GNSP/CQ/WEAPP-06



Legend:

- Planning Application Area
- Stone Extraction Areas
- Despoiled Quarry Area from Previous Workings
- Grassed Areas
- Existing and Proposed Tracks & Haul Routes
- Backfill Material

REVISIONS			
Date	Description	By	
//	//	//	
//	//	//	
//	//	//	



Client

Green's Natural Stone Products

Job Title
CATLOW QUARRY

Project Title
Western Extension

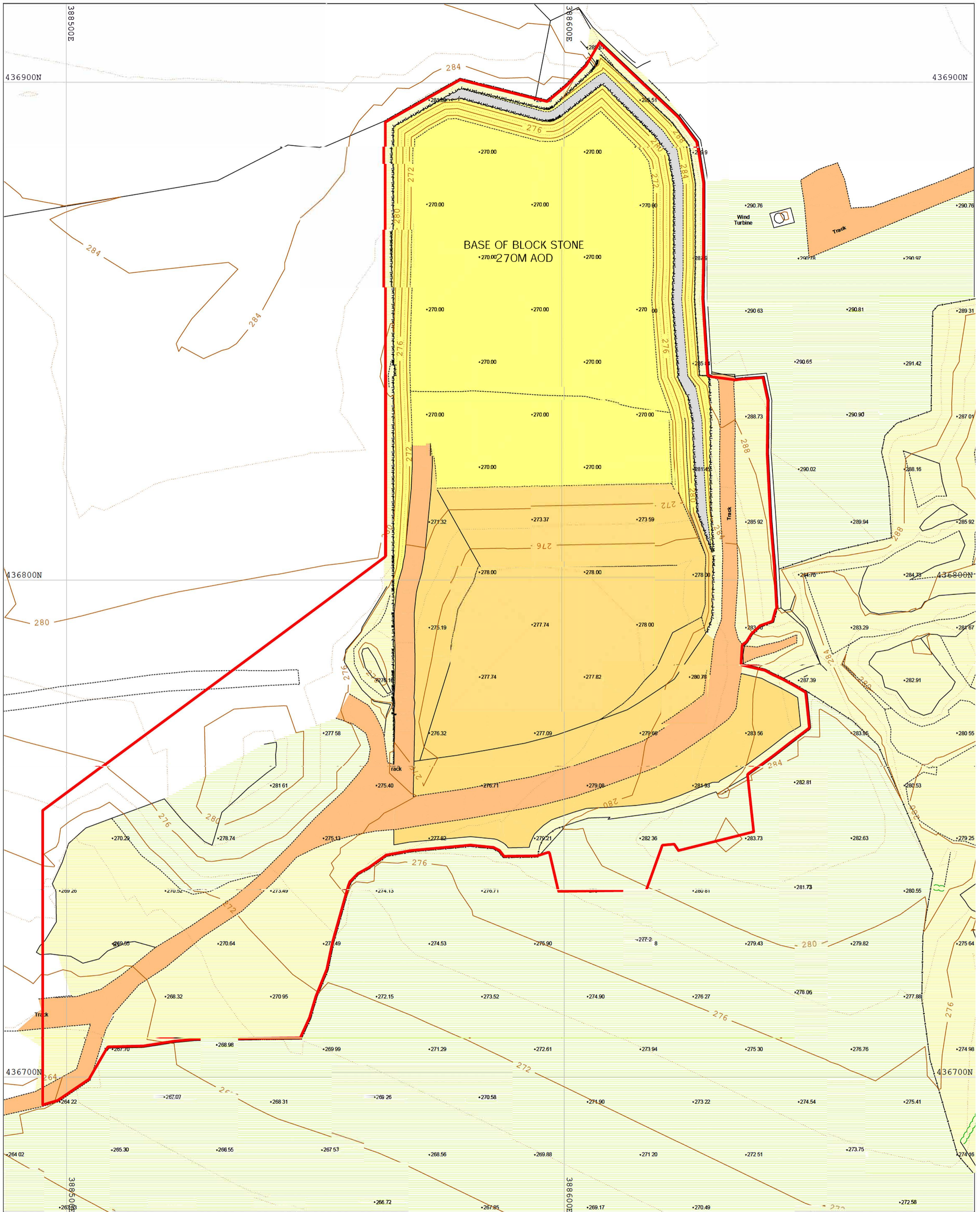
Scale: 1:500@A2 Date: Sep 14 Drawn by: SW Checked:

Dwg. title
Plan showing

Phase 2 Extraction & Backfilling of Phase 1

DWG No.
GNSP/CQ/WEAPP-06

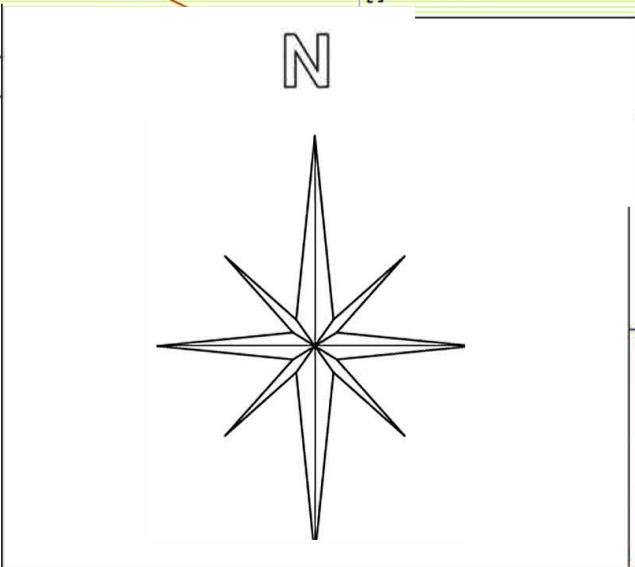
Appendix 9: Plan GNSP/CQ/WEAPP-07



Legend:

- Planning Application Area
- Stone Extraction Areas
- Despoiled Quarry Area from Previous Workings
- Grassed Areas
- Existing and Proposed Tracks & Haul Routes
- Backfill Material

REVISIONS			
Date	Description	By	
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Client

Green's Natural Stone Products

Job Title
CATLOW QUARRY

Project Title
Western Extension

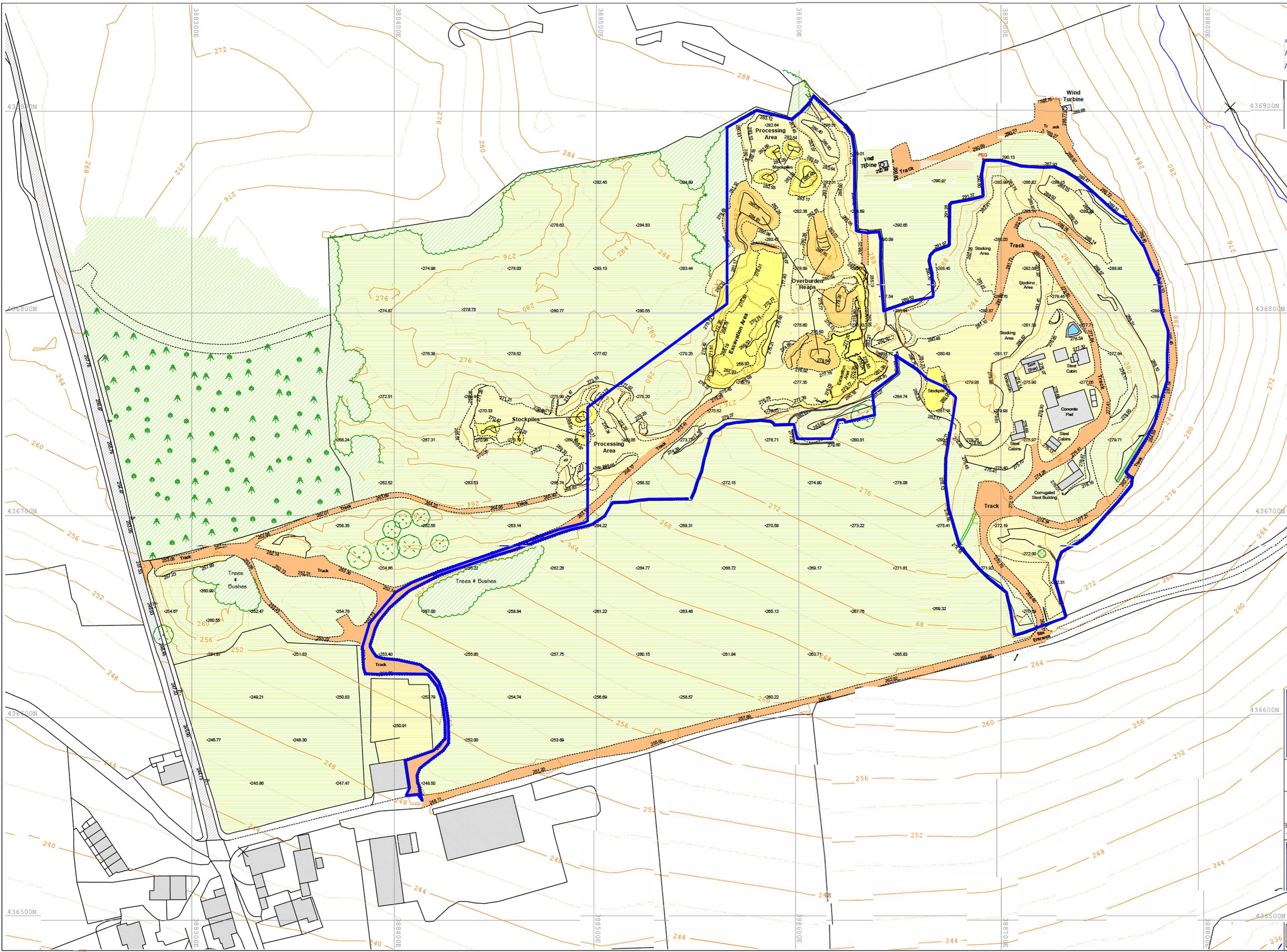
Scale: 1:500@A2 Date: Sep 14 Drawn by: SW Checked:

Dwg. title
Plan showing

Phase 3 Extraction & Backfilling of Phase 2

DWG No.
GNSP/CQ/WEAPP-07

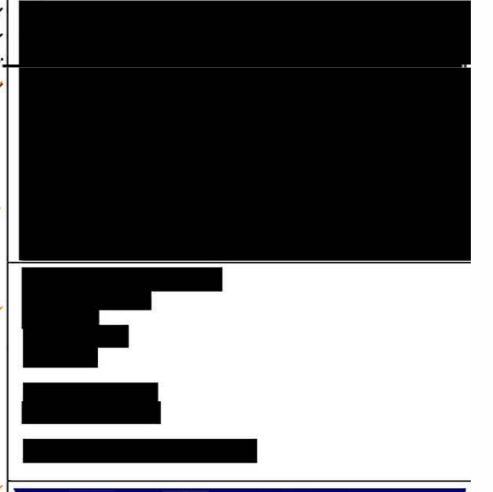
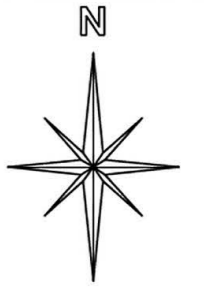
Appendix 10: Topographical survey CQ/TS/19-01



REVISIONS		
Date	Description	By

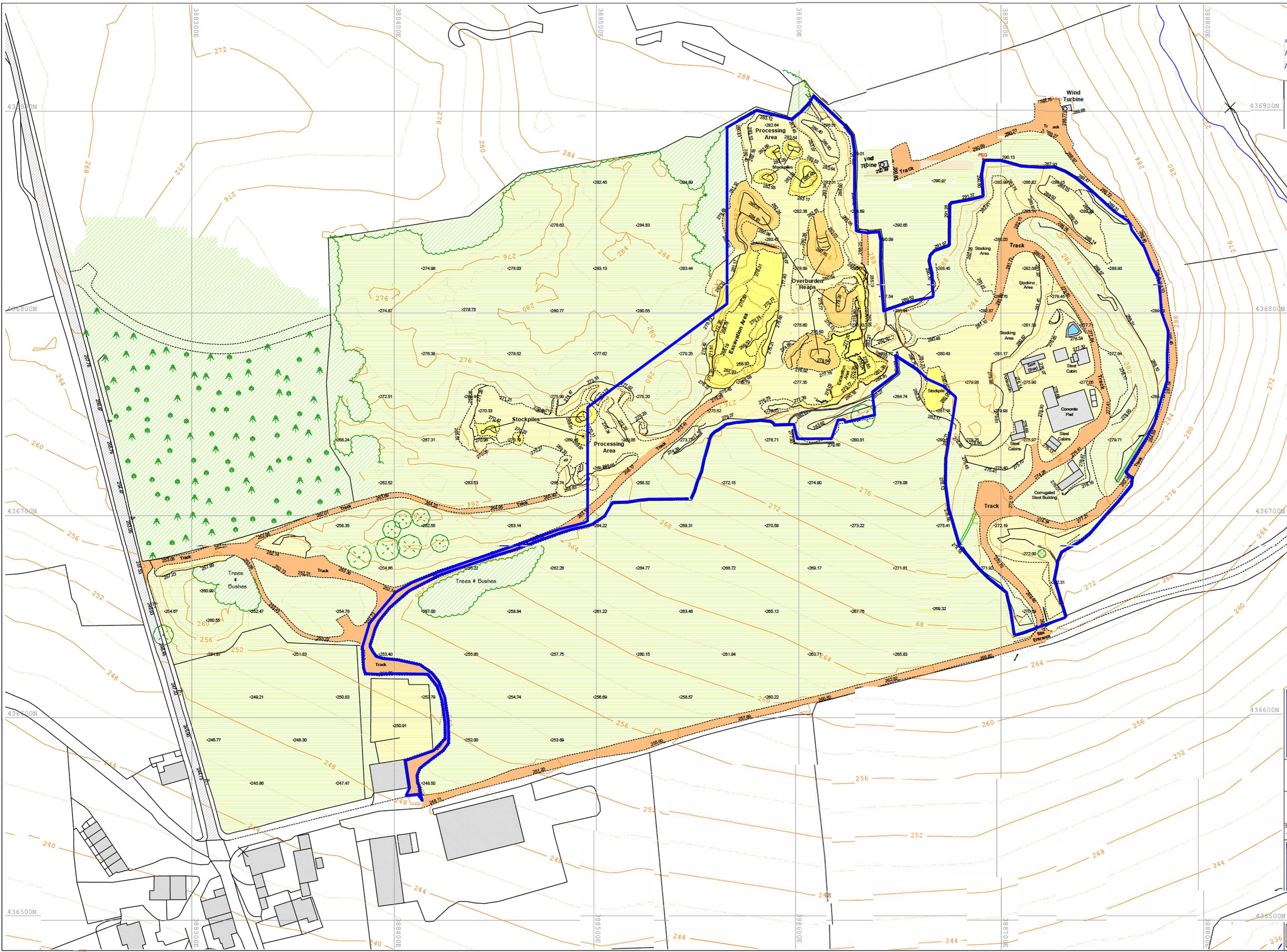
Legend:	
	Land Under Control of Applica
	Planning Application Area
	Edge of Banking
	Bottom of Banking
	Kerb - Top
	Kerb - Channel
	Fence - Post & Wire
	Fence - Secure
	Track / Footpath
	Wall
	Edge of Waterline
	Hedge Line
	Overhead Cable
	1m Contour Intervals
	Building Structure
	Verge Line
	Foliage Line
	Top of Rock Face
	MH Manhole
	IC Inspection Cover
	BT British Telecom Cover
	G Gully
	LP Lamp Post
	TP Telegraph Pole
	EP Electric Pole
	ST Stop Tap
	GV Gas Valve
	WL Water Level
	IL Invert Level
	CL Cover Level
	EL Eave Level
	RL Ridge Level
	BH Borehole / Trial Pit
	133.92 Spot Level
	Trees
	Survey Control Station

Datum: Levels relative to Ordnance Survey by connection to OS Active Network by GPS



Client			
Green's Natural Stone Products			
Job Title			
CATLOW QUARRY			
Project Title			
Scale	Date	Drawn by	Surveyed
1:1250@A2	JULY 19	SW	SW / PR
Dwg. title			
Topographical update survey carried out 23rd July 2019			
DWG No.			Rev.
CQ/TS/19-01			

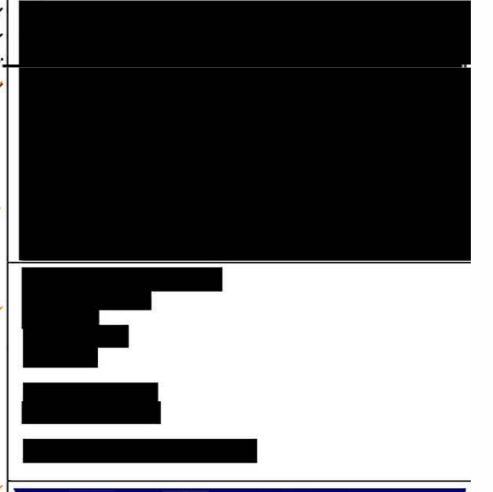
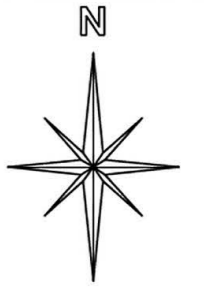
Appendix 11: Topographical survey GNSP/CLQ/FEB21-01



REVISIONS		
Date	Description	By

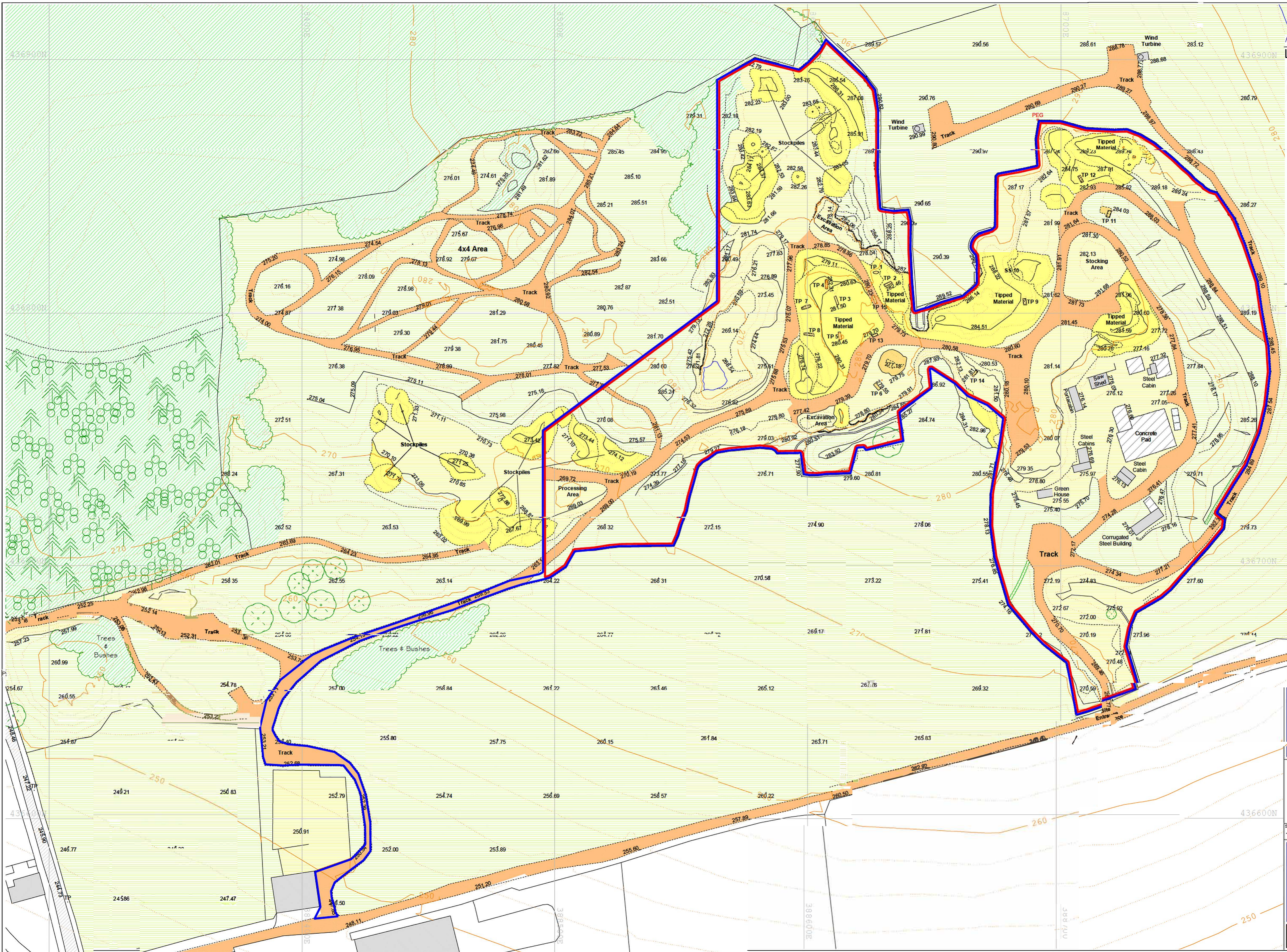
Legend:	
	Land Under Control of Applica
	Planning Application Area
	Edge of Banking
	Bottom of Banking
	Kerb - Top
	Kerb - Channel
	Fence - Post & Wire
	Fence - Secure
	Track / Footpath
	Wall
	Edge of Waterline
	Hedge Line
	Overhead Cable
	1m Contour Intervals
	OS Backsight
	Building Structure
	Verge Line
	Foliage Line
	Top of Rock Face
	MH Manhole
	IC Inspection Cover
	BT British Telecom Cover
	G Gully
	LP Lamp Post
	TP Telegraph Pole
	EP Electric Pole
	ST Stop Tap
	GV Gas Valve
	WL Water Level
	IL Invert Level
	CL Cover Level
	EL Eave Level
	RL Ridge Level
	BH Borehole / Trial Pit
	133.92 Spot Level
	Trees
	Survey Control Station

Datum: Levels relative to Ordnance Survey by connection to OS Active Network by GPS



Client			
Green's Natural Stone Products			
Job Title			
CATLOW QUARRY			
Project Title			
Scale	Date	Drawn by	Surveyed
1:1250@A2	JULY 19	SW	SW / PR
Dwg. title			
Topographical update survey carried out 23rd July 2019			
DWG No.			Rev.
CQ/TS/19-01			

Appendix 12: Topographical survey GNSP/CLQ/SEPT21-01

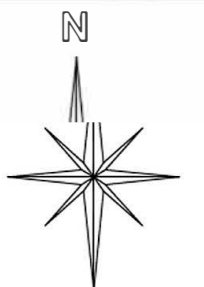


REVISION		
Date	Description	By

Legend:

	Land Under Control of Applicant		MH	Manhole
	Planning Application Area		IC	Inspection Cover
	Top of Banking		BT	British Telecom Cover
	Bottom of Banking		G	Gully
	Kerb - Top		LP	Lamp Post
	Kerb - Channel		TP	Telegraph Pole
	Fence - Post & Wire		EP	Electric Pole
	Gate		ST	Stop Tap
	Track / Footpath		GV	Gas Valve
	Wall		WL	Water Level
	Edge of Waterline		IL	Invert Level
	Hedge/Line		CL	Cover Level
	Overhead Cable		EL	Eave Level
	1m Contour Interval		RL	Ridge Level
	OS Backcloth		RL	Ridge Level
	Building/Structure		BH	Borehole / Trial Pit
	Verge Line		133.02	Spot Level
	Foliage Line		T	Trees
	Top of Rock Face		SCS	Survey Control Station

Datum: Levels relative to Ordnance Survey by connection to OS Active Network by GPS

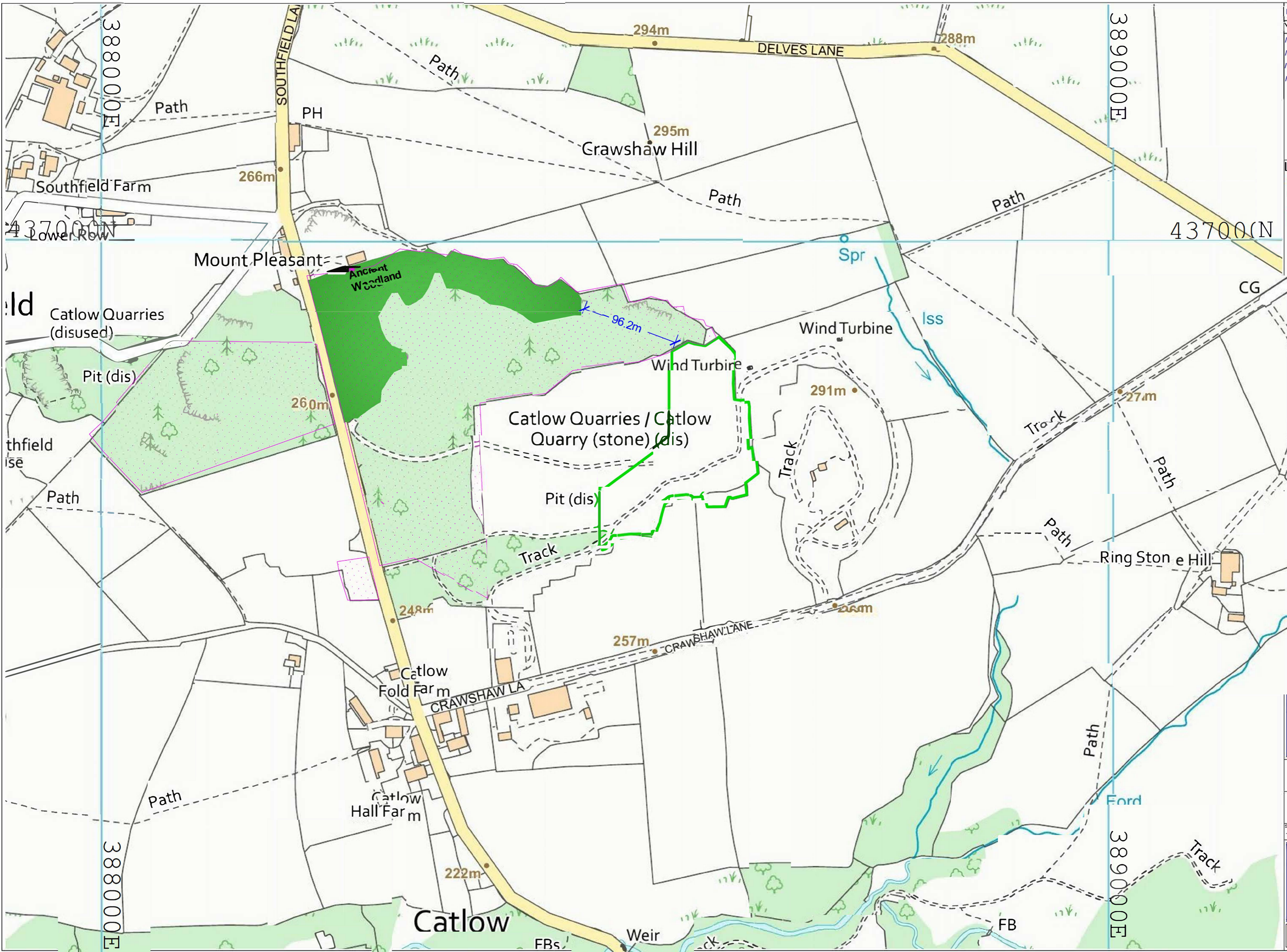


Client
Green's Natural Stone Products

Job Title
CATLOW QUARRY

Scale	Date	Drawn by	Surveyed by
1:1000@A2	SEPT 2021	PR	PR
Dwg. title			
Topographical Survey 23rd September 2021			
DWG No.			
GNSP/CLQ/SEPT21-01			

Appendix 13: Permit Application_Area_Plan_West_A2_01



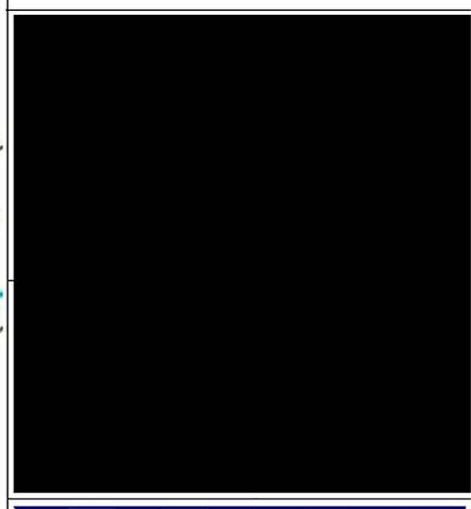
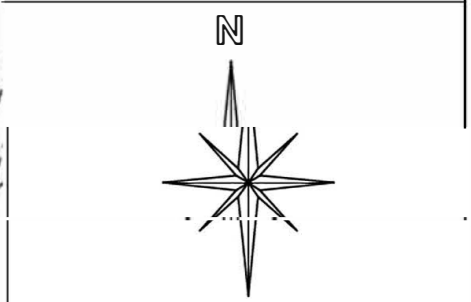
REVISIONS

Date	Description	By

Legend:

- Permit Application Area
- Ancient Woodland Area
- EA Historic Landfill Areas

Datum: Levels relative to Ordnance Survey by connection to OS Active Network by GPS



Green's Natural Stone Products

Job Title
CATLOW QUARRY

Project Title

Scale 1:2500@A2	Date AUG 2020	Drawn by SW	Checked JC
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Dwg. title
Permit Application Area

DWG No.
CQW/20-01

Rev

Appendix 14: Scott Bolton – Previous convictions notice

To: Scott Bolton

Of: [REDACTED]

You are hereby given notice that if, but only if, you are convicted of the offences in respect of which you are summonsed to appear beforeMagistrates Court on (date) the under-mentioned convictions which are recorded against you will be brought to the notice of the Court; and if you are not present before the Court, the Court may take account of any such previous convictions as if you had appeared and admitted it them.

Date of Conviction	Court	Offence	Sentence
1 April 2021	Burnley Magistrates' Court	Scott Bolton, at the relevant time being a director of Stanley Brothers (Tippers) Limited, is liable by virtue of section 157(1) of the Environmental Protection Act 1990 for the offence by the company set out below as that offence was committed with the consent or connivance or was attributable to any neglect by him. The offence by the company being that between 7 December 2017 and 23 June 2018, it deposited controlled waste on land at Dry Corner Farm, Rochdale Road, Bacup, when there was no environmental permit in force authorising that deposit, contrary to sections 33(1)(a) of the Environmental Protection Act 1990, that being an offence by it by virtue of section 33(6) of the said Act.	Fined £2122 Victim surcharge £170 Costs awarded £2000

Signed.....Senior Managing Lawyer, Warrington

If you do not intend to appear in person at the hearing and you dispute any of the above convictions, or any of the details in connection with them, you should immediately notify Legal Services, Environment Agency, Richard Fairclough House, Knutsford Road, Warrington so that further inquiries can be made.

Nothing in this notice limits in any way your right to appear in person on the date fixed for the hearing and to dispute any conviction alleged against you.

Appendix 15: DoWCoP declaration – 07/12/2020

Timestamp	07/12/2020 16:27:32
Qualified Person Name	██████████
Qualified Person Number	██████████
1. This Declaration relates to -	Direct Transfer - Route A: Direct use of clean naturally occurring soils with elevated levels of naturally occurring substances on another development site
2. Proposed Volumes	5000
3a. Site of origin - name of site owner, address & contact details	
3b. Site of origin - site name & address	
3c. Site of origin - developer name, address & contact details	
4a. Donor Site - developer name, address & contact details	Stanley Brothers Tippers , Unit 1, Spring Court, Great Harwood, Blackburn, BB6 7WL. ██
4b. Donor Site - site name & address	Griffin Project, Shakespeare Way, Blackburn, BB2 2LY
4c. Receiver Site - developer name, address & contact details	Greens Natural Stone Products Limited, 5 Coates Field, Barnoldswick BB18 6YW ██
4d. Receiver Site - site name & address	Catlow West Quarry, Catfield Fold Farm, Southfield Lane, Brierfield, Nelson Lancashire, BB10 3NR
5a. Soil Treatment Facility / Hub site owner / operator - name, address & contact details	
5b. EA / NRW Permit number for Mobile Treatment Plant or Fixed Soil Treatment site	
5c. Donor site - developer name, address & contact details	
5d. Donor site - name & address	
5e. Receiver site - developer name, address & contact details	

5f. Receiver site name and address	
6a. Local Authority name, address	Lancashire County Council. P.O .Box 78 County Hall, Fishergate, Preston, PR1 8XJ
6b. Local Authority - name and contact details:	[REDACTED] 4159
6c. Environment Agency / Natural Resources Wales local office address & contact details	[REDACTED]
7. How will payment be made	[REDACTED]
8. Who will pay the Declaration fee?	[REDACTED]
9. Email address of person identified in Q8	[REDACTED]
10. Terms & Conditions	Person identified in Q8 has read and agreed to the Terms & Conditions.
11. Please provide a purchase order number	[REDACTED]
12a. I confirm that -	I satisfy the Qualified Person requirements set out in Appendix 6 of the Definition of Waste: Development Industry Code of Practice to complete this Declaration. I have reviewed the Materials Management Plan for the above project. I have reviewed the risk assessment. I have reviewed the Remediation Strategy/Design Statement covering the above site. I have requested correspondence / documentation relating to the development and how that relates to the use of materials.
12b. Please provide a reference for the Materials Management Plan	MMP Form Catlow Quarry November 2020
12c. Please provide a reference for the Risk Assessment	CAPITA phase 2 site investigation report – Griffin Project dated 21 March 2017.
12d. Please provide a reference for the Remediation Strategy or Design Statement documents.	Remediation strategy for the housing site which is the donor site at Shakespeare Way to ensure the gardens are suitable for houses that grow produce. Earth Environmental and Geotechnical Report agreed with the Land Quality officer at Blackburn and Darwen Council. Report no A2875/19/RMS/SWV1 dated November 2019 – Shakespeare Avenue Griffin Project.

<p>12e. Please provide a reference for the Verification Plan</p>	<p>LCC 2015.0005 the Extension to the west of Catlow Quarry in the former larger Catlow Quarries with restoration using quarry materials and imported inert. Waste Catlow Fold Farm, Southfield Lane, Southfield.</p> <p>Plan number GNSP/395-2 Revision C for Catlow Quarry Restoration</p>
<p>12f. Identify the organisation and individual(s) (email address / contact details) with responsibility for producing the Verification Report</p>	<p>██████████ Greens Natural Stone Products Limited, 5 Coates Field, Barnoldswick BB18 6YW</p>
<p>12g. Please provide an estimated production date for the Verification Report.</p>	<p>30/11/2021</p>
<p>12h. Please reference other supporting documents as required in the MMP. e.g. as a minimum this must include - location plans, schematics, Desk Top Study, mass balance calculations, contingency arrangements, tracking system. Where these are part of another document, this should be explained here. It is recommended each item is listed.</p>	<p>Location Plan of Catlow the Receiving Site - No CQ/PA/20-01 Restoration Concept Plan and Method Statement - Catlow - C395-2 Revision A</p> <p>Phase 1 Shakespeare Way Desk Top Site Investigations Laboratory Reports from CAPITA dated 10th May 2016 revised 16th May 2018 Reference No CS087857-P1DS-GA.</p> <p>CAPITA Shakespeare Way phase 2 site investigation report – dated 21 March 2017</p> <p>Earth Environmental and Geotechnical – Report no A2875/19/RMS/SW/V1 dated November 2019 – Shakespeare Avenue Griffin Project.</p> <p>Contamination of source material is not suspected as the WAC analysis for the stockpile and the phase 2 site investigation provides evidence that the source material is suitable. Reference I 2 Analytical 20 35778 dated 12/10/2020</p> <p>Catlow West Restoration Recovery Plan reference number 20-02-1487</p>
<p>13a. I confirm that I have reviewed the following correspondence / documentation relating to the development and how that relates to the use of materials from:</p>	<p>a) The Local Authority, b) Environment Agency / NRW</p>
<p>13b. Please reference the correspondence with the Local Authority.</p>	<p>Lancashire County Council Document references: Planning Permission number 2015.0055 for the development of Catlow West quarry. Full planning permission has been granted and the restoration of the site using imported inert material has been agreed with the County Planning Authority and the Environment Agency. The County Council have issued a</p>

	<p>planning permission for quarrying sandstone with the obligation to import inert material to restore the site.</p> <p>Donor Site - Blackburn and Darwen Council Planning Reference – 10/19/1145 - Full Planning Application (Regulation 4) FOR: Erection of 56 no. dwellings, open space and associated works AT: Land at Shakespeare Way Blackburn BB2 2L</p>
13c. Please reference the correspondence with the EA / NRW.	<p>[REDACTED]</p> <p>consultee on remediation scheme for Shakespeare Way - Donor Site. Reference 10/19/1145 planning permission.</p>
13d. Please reference the correspondence with other relevant regulatory bodies	N/A
14a. I have reviewed the planning consent including planning conditions	LCC2015/0055 & 10/19/1145
14b. I have reviewed correspondence concerning the planning consent regarding the development from:	a) The Local Authority , b) Environment Agency / NRW, c) Other relevant environmental regulatory bodies
14c. Please list correspondence reviewed in 14b.	<p>LCC Ecology Response - dated 17/12/2015 on the obligation to restore using imported materials to provide habitat in the restored quarry. Reference 2015/05588.</p> <p>EA Document references: Letter from [REDACTED] regarding Catlow West Quarry dated 1st October 2015 – reference Number NO/2015/108194/01-L02</p>
15. If planning consent is not required please explain why	N/A
16. I confirm that the MMP contains the information required:-	<p>The risk assessment assesses human health and environmental risks in relation to the proposed uses of all the materials in the MMP. The risk assessment concludes that the objectives of preventing harm to human health and pollution of the environment will be met if materials are used in the proposed manner., The Local Authority, the Environment Agency / Natural Resources Wales and other relevant environmental regulatory bodies have not objected to the proposed development / land remediation on the basis that the use of any material is likely to cause harm to human health or pollution of the environment. [This confirmation should be given regardless of whether planning consent is required for the activity. Also see paragraph 3.37 of the CoP.], The EA/NRW have not objected to the reuse of materials on the grounds that it a.) constitutes a waste management operation or b.) has had a previous application for an environmental</p>

permit for waste recovery refused (on the grounds that the project represents waste disposal)., The project or phase to which this Declaration applies has not yet commenced; this is not a retrospective application of the DoW CoP., The project does not involve land-spreading / agricultural re-profiling.

Appendix 16: Written account of site inspection 24/09/2021

Catlow Quarry

Arrive 10 am on Thursday 24th September 2021

Officers present [REDACTED] and [REDACTED]

Morning [REDACTED] and thank you for your time and efforts last week.

Site inspection opening discussions

We discussed roles and responsibilities on site. We understand the site operator is [REDACTED], and SB Tippers Ltd is the only waste carrier bringing waste and materials on site.

We discussed how we would progress around the site and agreed to start in the East Quarry and move over to the West Quarry. It was also agreed that we would keep discussions to set areas/issues. I have therefore broken the inspection into several aspects as below.

We also agreed that a full site familiarisation would occur first, and that we would consider trial pits and sampling once we had reviewed the site.

Following up on our request to receive a map with the locations and volumes of all the imported materials and waste, [REDACTED] informed us that a topographical survey was undertaken along with pinpointing of the eventual trial pits and then a flown drone survey was undertaken at the very end of the inspection.

It was agreed the sampling test results and interpretation, and well as the survey findings (i.e map with the locations and volumes of all the imported materials and waste) are to be shared between all interested parties.

Waste imported under the U1 waste exemption – use of waste in construction

For details about the U1 waste exemption provisions please follow the link <https://www.gov.uk/guidance/u1-waste-exemption-use-of-waste-in-construction>.

We have discussed the types and quantities of wastes you can use, and the activities you can carry out under the U1 waste exemption. The U1 exemption can only be used for construction purposes. Construction means building or engineering work - including repairing, altering, maintaining or improving existing work and preparatory or landscaping work. Work should be carried out to a specific engineering standard.

We then discussed in some detail the limits and waste types permitted under the exemption:

- Non-hazardous 'hard-core' waste, consisting of bricks, concrete, ceramic tiles, track ballast, minerals, aggregates (i.e. no waste soil and stones) can be used up to a maximum of 5,000 tonnes, for any type of construction;
- There is another limit of a maximum 1,000 tonnes of waste that can be used under the U1 waste exemption. This category of approved waste types includes waste soil and stones for any construction purpose, alongside a list of other non-hazardous waste types (i.e. including bituminous mixture, untreated waste wood and plat tissue) that can only be used to build tracks, paths, bridleways or car parks;
- Non-hazardous waste bituminous mixture and waste road sub-base of up to a total of 50,000 tonnes that can be used for building roads only. But, the road should be

constructed to a specific engineering standard and have a sealed surface in order to qualify for this larger limit.

You cannot use more waste than is needed. You need to be able to justify the amount needed.

Waste cannot be stored for longer than 12 months before you use it.

██████████ showed us the locations where the U1 waste exemption have been used:

- a) waste imported to extend the stockyard in the East Quarry. The extension of the storage yard was agreed to be a relevant construction activity, and therefore compliant with U1. At visual inspection the waste types used for that construction seemed to be compliant with the U1 waste exemption. We are waiting for the estimate of the amount of waste used in there, given by the topographical and volume survey. No samples have been collected from that platform.
- b) Opposite to that platform, on the right side of the road there was a waste stockpile, that ██████████ said that it was were surplus to the requirements of extending the storage area. Therefore this stockpile does not fit into the requirements of the U1 exemption, and can be considered an illegal deposit. Waste consists of soil, man-made hardcore, plastic, glass, wood, stones. ██████████ have collected samples from that stockpile. We are waiting for the estimate of the amount of waste used in there, given by the topographical and volume survey.
- c) Mixed soils and man-made hard-core were deposited against the left hand side quarry wall forming the entrance into the West Quarry. We are waiting for the estimate of the amount of waste used in there, provided by the topographical and volume survey.

During my previous inspection, ██████████ confirmed that this is material that have been imported under the DoWCoP Declaration. ██████████ said at the time that the material was placed against that quarry wall because wet ground did not enable delivery waggons to enter the West Quarry. Material seemed to be a mixture of soils and man-made hard-core (i.e. bricks, concrete, tiles), so it is not suitable for use under your DoWCoP Declaration.

During this inspection, ██████████ said that that is actually waste imported under the U1 waste exemption to provide support to that quarry face, to reduce the risk of its collapse from occurring.

You will need to demonstrate that this material is required as part of a structural emplacement. To this end, we will need to see evidence of the structural stability of the quarry face, and the use of this waste material being suitable to provide that structural integrity. If you cannot provide such evidence, we would consider that to be an illegal deposit.

This waste has been sampled by yourselves. The trial pit/trench was excavated to about 600-1000 mm in depth. The waste appears to have an odour and visually were black in colour. The look and odour of this trail pit appeared to indicate higher organic matter.

Immediate action

Provide us the evidence that this waste is used as part of a structural emplacement.

- d) No other new U1 waste deposits had occurred since my last inspection.

New deposits on the top of East Quarry

At the top of East Quarry, to the right hand side of the track we found a load of mixt waste (~10 ton) that appeared to have been deposited since my last site inspection.

This pile of mixt waste (i.e. consisting mainly of soil, man-made hard-core, plastic, stones) appeared to have a significant number of pieces of suspected bonded asbestos mixed within it. ██████ explained that this waste had been deposited by the farmer after a recent reconstruction of a farm building. It was also stated that the farmer had an asbestos removal company in to remove the majority of the old building. This contaminated waste had not been tested and unless proved otherwise it would need to be disposed of as hazardous waste to a permitted site permitted to take asbestos wastes.

Considering the level of contamination with identifiable pieces of suspected asbestos, and the fact that anyone sized piece (i.e. down to a 5p piece dimension) could/would be hazardous, we don't think you can practically handpick all those items. I have advised that you need to get the asbestos looking material sampled and tested first, so that you can dispose of the full pile correctly: using the correct waste codes, correct paperwork and a disposal site permitted to take it. If the test results show those identifiable pieces are hazardous due to asbestos content, the entire waste load should be considered hazardous asbestos contaminated waste. If not then you can dispose of it as non-hazardous.

Immediate action

If you decide to sample the waste and the identifiable pieces of suspected asbestos containing material, please provide us copies of the sampling plan and test results. Please also provide copies of the paperwork used for the removal of this waste from your site to a site permitted to accept it (i.e. Consignment Note if the waste is removed as hazardous waste, or Waste Transfer Note if the waste is removed as non-hazardous waste).

Waste imported pre 2010 allegedly under an old paragraph 19 exemption

██████ says these deposits had been done under an old paragraph 19 exemption, which allowed certain waste types to be used for relevant works. Relevant work meant the use of waste:

- (a) for the construction, maintenance or improvement of (i) a building, road, railway, airport, dock or other transport facility; (ii) recreational facilities; or (iii) drainage; or
- (b) for engineering works relating to or adjacent to any part of the water environment, but does not include work involving land reclamation; The waste to be used must be suitable for the relevant work proposed. The waste is used to a depth not exceeding the final cross sections shown on the plan submitted with the notification.

The permitted waste types included bricks, tile, concrete, soils, stones among other waste types. The list of permitted waste types was broader than what is now permitted under a U1 exemption.

However, the only waste fines permitted under this exemption were:

“Waste from the mechanical treatment of waste (for example sorting, crushing, compacting palletisation not otherwise specified).”

191209 Minerals (for example sand and stones”

We have inspected the following deposits allegedly made under the old paragraph 19 exemption.

- a) Waste deposited against the east quarry face nearest to the wind turbines. We are waiting for the estimate of the amount of waste deposited in there, given by the topographical and volume survey. Waste consists of soil and man-made ground. Please provide evidence that this waste has been used for ‘relevant work’ as required by the old paragraph 19 exemption.
- b) Trommel fines waste deposited at the junction between the east storage yard for the construction of the track leading up to the East Quarry head. We are waiting for the estimate of the amount of waste deposited in there, given by the topographical and volume survey.

Though it is alleged this deposit has been done under the old Paragraph 19 exemption pre 2010, the waste types used were not a permitted waste type under that exemption (i.e. contains plastic, glass, wood)

These piles were sampled by EA and yourself. Two of the samples were taken from trial pits that were excavated to approximately a meter in depth. We will need to await the results of these tests to determine what, if any, further actions may be required. This may mean the removal of site and disposal to a permitted site.

- c) Trommel fines deposited to the rear of the large 360 excavator up to the wall of the West Quarry, forming the right hand side of the opening into the West Quarry. We are waiting for the estimate of the amount of waste deposited in there, provided by the topographical and volume survey.

Though it is alleged this deposit has been done under the old Paragraph 19 exemption pre 2010, the waste types used there were not permitted under that exemption (i.e. contains plastic, glass, wood)

Also, we have not received evidences that that waste was used for ‘relevant activity’ as required by the old Paragraph 19 exemption. Please provide evidence that use of waste was a ‘relevant activity’ for the old Paragraph 19 exemption. Provide evidence of the structural stability of the quarry face and the use of this waste material being suitable to provide that structural integrity

These trommel fines waste piles were sampled by EA and yourself. We will need to await the results of these tests to determine what, if any, further actions may be required. This may mean the removal of site and disposal to a permitted site.

West Quarry and DoWCoP deposits.

Material imported under the [Definition of Waste Code of Practice](#) (DoWCoP) contains bricks and concrete above what can be considered an incidental contamination. This means, the material imported is not compliant with your DoWCoP Declaration provisions and it is actually waste.

We are waiting for the estimate of the amount of waste deposited in the West Quarry, given by the topographical and volume survey.

We have agreed with you carrying out further sampling during our inspection. We have agreed that this further sampling and testing should contribute to getting a comprehensive characterisation of the whole waste deposited at the West Quarry. We have agreed the waste samples are going to be tested:

1. To determine whether the waste is non-hazardous or hazardous (i.e. using the Technical Guidance WM3 process); constituents to be tested must include metals, total and speciated TPH , total and speciated PAH
2. To determine whether the waste is inert; constituents to be tested must include those relevant for Waste Acceptance Criteria (WAC) for the acceptance of waste at an inert landfill

The hole that had been dug to the left of the entrance to the West Quarry from the East Quarry appeared to have been infilled and its depth appeared to be approximately 4-5 m in depth. During the last inspection, it had been estimated to be 12-15 m in depth and 10 m wide.

Some evidence that soils had been recently moved with a disturbed area to the right of the hole and slightly further down a further area on the edge of the tipping had been disturbed. It was stated that this was to try to expose the depth of the waste deposited under the DoWCoP.

The level of contamination of bricks/tile/concrete was significant across all the areas of the west quarry that had been tipped on under the DoWCoP. It was acknowledged that visually this appeared to be more than a few contrary pieces of construction and demolition type wastes. It was also agreed that this could not be described as clean soils and mineral materials. It was accepted that it was not what was described in the approved DoWCoP Declaration.

A number of trial pits were excavated down to the depth the excavator was able to reach; which was ~4 m. All these trial pits/trenches showed contamination of the soils with construction and demolition type wastes throughout the exposed pit walls and to the full depth of the pits.

Some odours were observed in some of the pits along with darker looking organic type materials also visually present. Contaminates included plastics, metals, brick, concrete, ash, and woods. The level of plastics and woods were generally at lower quantities than the bricks and concrete. However, noticeable items like such as a plastic leg from kitchen unit and plastic trims from window frames electrical cables and pieces of wood were readily identified.

The characterisation of the materials deposited where similar across all the trial pits and it was agreed that from these trial pits it was established that similar waste had been deposited across the area and that this could not be described correctly as clean soils and mineral materials.

The application for a Deposit for Recovery (DfR) environmental permit is currently on going. Currently there is no environmental permit covering these deposits. Dependent on the results of the samples and topographical survey further works testing may be required.

Conclusions

We are waiting for the map with the locations and volumes of all imported waste stockpiles and emplacements at East and West Quarry.

It seems that significant amounts of waste had been imported under U1 waste exemption but not used for construction purposes (in breach of the U1 waste exemption provisions), except that used for the storage extension.

The waste imported under the U1 waste exemption appeared to be mainly soils and subsoils contaminated with manmade hard-core, plastic, glass and wood. Therefore the limit of a maximum use of 1000 tones max of waste soils under a U1 waste exemption might have been exceeded.

The type of trommel fines waste used under the old Paragraph 19 exemption was not a permitted waste types under that exemption. Therefore, that trommel fines waste should not have been accepted and used at the East Quarry.

You have to provide evidence of the assessments done at the time that showed the quarry face required additional support. You will have to demonstrate the deposits you've done under U1 waste exemption (U1), as well as under the old Paragraph 19 exemption (Para19) , were needed to provide that structural integrity to the quarry face. You'll also have to demonstrate the emplacement of that waste imported under the U1 and Para19 was carried out to the engineering standards required.

During the site inspection you have agreed that the emplacements at West Quarry are not only clean soils and mineral materials, and that the levels of man-made hard-core contamination effectively mean that the approved DoWCoP Declaration have not been complied with. This means the emplacements at West Quarry consists of waste. We are waiting for the comprehensive characterisation of the waste emplaced onto the West Quarry. This will give us the basis for considering the options for bringing the site under regulatory control.

The DfR permit under the standard rules criteria does not allow for waste to be deposited over already deposited wastes and this will need to be considered and the issues addressed, but again until we have some results back we are unable to determine this aspect fully.

Appendix 17: Site investigation letter (ref EACatlowWestQuarry) dated 03/03/2022

C/O Company Secretary
GREENS NATURAL STONE PRODUCTS LIMITED
5 COATES FIELDS
BARNOLDSWICK
LANCASHIRE
BB18 6YW
Company Number 06414438

Our ref: EACatlowWestQuarry
Your ref:

Date: 3rd March 2022

OPERATION OF A SUSPECTED ILLEGAL SITE AT:

**CATLOW WEST QUARRY,
CATFIELD FOLD FARM,
SOUTHFIELD LANE,
BRIERFIELD,
NELSON
LANCASHIRE,
BB10 3NR**

ENVIRONMENTAL PERMITTING (ENGLAND & WALES) REGULATIONS 2016

Dear Sir/Madam,

Following on from the inspection of your site on 6th May 2021, and Thursday 23rd September 2021 and our review of the additional information related to the reuse of material at CATLOW WEST QUARRY under the Definition of Waste Code of Practice (DoWCoP), we consider that you are not compliant with the code of practice.

As previously explained, we consider the Definition of Waste Code of Practice (DoWCoP) Direct Transfer Route A scenario have been misused at this development.

DoWCoP is not applicable under the Direct Transfer Scenario for quarry remediation works. The proposed material was not suitable for Direct Transfer scenario under DoWCoP. The receiver site has not been adequately characterised. Environment Agency have not been consulted on the use of DoWCoP at this site prior the DOWCoP Declaration being signed off.

The LCC/2015/055 Planning Permission for the restoration of the Catlow West Quarry (Receiver site), specify that an Environmental Permit would be required for the restoration stage of the development, and that this permit must be obtained prior to any restoration work commencing. The DoWCoP process has not been followed, and as a result we consider those importations to be waste imported and deposited illegally onto the CATLOW WEST QUARRY.

We needed to understand the likely environmental impact of those waste deposits, to confidently consider the appropriate steps forward.

We have asked you to immediately stop all operations relating to the importation and reuse of materials at CATLOW WEST QUARRY under the Definition of Waste Code of Practice (DoWCoP), as well as to stop any importations of waste at CATLOW WEST QUARRY, until you have brought your operations under regulatory control. We understand and appreciate that you have taken this advice on board.

We have asked you to undertake further investigations to better characterise the importations at CATLOW WEST QUARRY, and to assess their likely impact on the environment. Our inspections findings and your investigation, though incomplete, confirmed that the importations are not clean naturally occurring soil and mineral materials.

However, the environmental impact of those illegal waste deposits emplaced in to CATLOW QUARRY WEST are likely to be minimal when consideration of both the overlying geology and depth of the aquifer are taken into account. No potable abstraction are recorded within 1km of the site.

In the light of all the above, we had to consider our response to this illegal waste deposits at the CATLOW WEST QUARRY.

For the above-mentioned offence please find attached a Warning Letter under Regulation 12 and 38 of the Environmental Permitting (England and Wales) Regulations 2016

In our enforcement response to the above-mentioned offence, we have considered the following mitigation actions:

- You have cooperated with our investigation, and
- Demonstrated your deposits have a minimal impact on the environment.

As for the waste already deposited at the CATLOW WEST QUARRY, we have decided not to ask for their removal. Those waste deposits should remain and be reused at the CATLOW WEST QUARRY.

Any further importations and use of waste at CATLOW WEST QUARRY should only be done in compliance with a relevant environmental permit.

These results will be shared with Lancashire County Council Planning Department as the planning permission only permits inert materials to be used and as the sampling has shown, the materials already deposited are not inert, and they may wish to discuss this issue further with you.

We will deal with the issues and waste deposits within Catlow East Quarry under a separate correspondence.

If you have any queries, or you request a meeting to discuss the above or any other related matter please contact me.

Yours faithfully,

Lead officer:

██████████ ██████████

Environment Officer

Environment Agency

Lutra House

Off Seedley Road, Dodd Way

Walton Summit,

Preston

PR58BX

Appendix 18: Warning Letter (ref CatlowWestQuarry) dated 03/03/2022

C/O Company Secretary
GREENS NATURAL STONE PRODUCTS
LIMITED
5 COATES FIELDS
BARNOLDSWICK
LANCASHIRE
BB18 6YW
Company Number 06414438

Our ref: CatlowQuarryWest
Your ref:
Date: 3rd March 2022

WARNING

Dear Sir/Madam,

**Catlow Quarry West (GREENS NATURAL STONE PRODUCTS LIMITED),
CATFIELD FOLD FARM,
SOUTHFIELD LANE,
BRIERFIELD,
NELSON
LANCASHIRE,
BB10 3NR**

We believe that GREENS NATURAL STONE PRODUCTS LIMITED (06414438) have committed the following offence:

Offence: Contravention of Regulation 12 and 38 of the Environmental Permitting (England and Wales) Regulations 2016, causing or depositing controlled waste at a site that is not a permitted waste facility.

Date: Before date the 5th May 2021

We have issued this **warning letter** as a response to the above offence. Although the facts cause us concern, after consideration, we do not propose taking any further action with respect to the above offence.

However, our decision could change if further relevant information becomes known or further issues arise, such as:

- you have committed earlier offences;
- you continue to commit offences;
- the environmental impacts of the above offence are greater than we presently understand them.

We will take this offence into account if we consider that you are involved in any future offending.

This warning does not:

- prevent any other prosecuting authority taking action against you; or
- affect our right to issue enforcement, clear-up or remediation notices, or seek

recovery of costs or damages.

Yours faithfully,



Regulatory Industry Waste

Direct e-mail 

Please visit www.gov.uk and search for 'Environment Agency Personal Information Charter' to find out about your data protection rights and how we process your personal data.