

Sweethayes Farm EPR/LB3108LW

From: Redfern, Adrian <Adrian.Redfern@environment-agency.gov.uk>

To: info@carleyconstructionltd.com

CC: Ferrer-Garcia, Noelia <Noelia.Ferrer-Garcia@environment-agency.gov.uk>; Wills, Kyle <Kyle.Wills@environment-agency.gov.uk>; steven_kilmartin@yahoo.co.uk;

dans@jmwastemanagement.co.uk

Tue 27/09/2022 12:19

Good Afternoon Wayne,

Thanks for forwarding the permitting correspondence regarding your application EPR/LB3108LW/A001, your time on site yesterday and providing waste duty of care documents in relation to waste soil delivered to Sweethayes Farm London Road, Hurst Green, Etchingham TN19 7PS. For clarity I have summarised a timeline below.

- September 2021 WRP Submitted
- January 2022 – RvD Decision – Recovery
- 10/02/22 – Application EPR/LB3108LW/A001 received
- 09/03/22 – Application completed – Confirmation and estimated timescale to be allocated for determination 32-34 weeks
- 10/03/22 – Fast track request refused
- 21/04/22 – Steven Kilmartin made a complaint addressed to Sir James Bevan
- 03/05/22 – Mark Maleham - Permitting Manager responded on behalf of Sir James Bevan. The EPR reference number is incorrect on this letter. The letter does not state your position overall in the permitting queue however it states that there are 40 RvD applications that have been waiting longer than yours
- 05/05/22 – U1 registered WEX310224
- 30/05/22 – Transfers of waste begin arriving on site – Note: at this point the WRP as approved becomes technically invalid
- June - August 2022 – approx. 7000T of waste soil delivered to site. U1 is not valid. Note: WRP estimates a total of 32,700 required for the project
- 4-10/08/22 – Steven Kilmartin correspondence with permitting support centre. Pre-app team initially contacted, passed on to PSC Land. Initially unable to locate application on details provided. Possible reasons due to submission via Watermans, some incorrect details provided by SK – company name *Laciland* and ref *EA EPR HB3900TY*
- 10/08/22 – Claire Roberts - Principal Permitting Team Leader (Waste Deposit) responded and informed SK that your application was 68 in the permitting queue – Note: it is not clear from this email how many RvD applications have been waiting longer than yours

Action points from meeting on 26/09/22

- Discussion regarding alternative sites in local area – I can confirm that there is another permitted site 9 miles from your primary source site in Battle which can accept waste code EWC 170504
- Discussion regarding permitting timescales and Penfold Review – As per your consultants email on 10/02/22 requesting prioritisation, *The Penfold Review recommended the EA determine all new permit applications within 13 weeks*. Clarification was provided by Mark Maleham on 03/05/22 - *Once allocated to an officer we aim to complete the determination and issue the permit within 12 weeks*. Your permit application remains in a queue to be allocated for determination. The determination stage includes a public consultation and the

EA will contact other statutory consultees regarding your permit application. Once you are at the determination stage you may be asked to provide further information within a relatively short timescale. So the stage you are currently at sits between the EA decision that your proposal fits the technical criteria for a waste recovery operation and the public consultation on whether a waste permit should be granted in this location. For further information on the determination stage of the process there is guidance available here [Environmental permits: when and how we consult - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/environmental-permits-when-and-how-we-consult)

- A copy of the statutory notice under section 108 (4d) of the Environment Act 1995 is attached

Next steps

- I will provide Compliance Assessment Reports for U1 Ref WEX310224 as stated previously it is my view that the U1 is invalid.
- I will contact permitting to clarify the current state of play with the validity of your WRP, and the progress of your permit application EPR/LB3108LW/A001. I appreciate that there has been some confusion over where you are in the permitting queue and how many of the applications waiting longer than you are RvD applications. There have also been issues with the reference numbers provided by both the EA and Laci.
- IF you are able to resubmit your WRP excluding the quantity of unauthorised waste deposited so far on site you may request a Local Enforcement Position in relation to the unauthorised deposit of waste, this will need to be assessed by our local Enforcement Governance Group.

Kind Regards,

Adrian

Adrian Redfern

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