

**From:** Watts, Anthony <Anthony.Watts@environment-agency.gov.uk>  
**Sent:** Wednesday, November 9, 2022 12:15 PM  
**To:** steven\_kilmartin@yahoo.co.uk  
**Subject:** Laci Land Restoration Ltd - Advice on waste recovery plan

Dear Steven,

With regards to your query on the validity of a waste recovery plan when circumstances have changed, please note that any pre-application advice given as to whether a proposal can be considered recovery is an in-principal decision only based on the information available at the time. Where the facts under consideration change a revised plan is required to be submitted for assessment. This is set out clearly in our guidance on waste recovery plans under the [changing your permit or plan](#) subheading.

In this instance since waste material has been placed without appropriate permissions in place the waste recovery plan as agreed in-principal is no longer valid and must be resubmitted for assessment. The application submitted on the 10/02/2022 contains a copy of the waste recovery plan which is in our opinion no longer valid. It is likely therefore that a request for a revised plan would be made by the permitting officer when the application is assigned for determination as well as a requirement to pay the missing fee.

At this stage if you do not submit a revised waste recovery plan, we would likely look to refuse the application as you would have not demonstrated that there is a genuine act of substitution taking place. To demonstrate substitution, you would need to show that it would be hypothetically possible for you to remove the tipped waste, dispose of it in the correct manner and the re-import non-waste to complete the scheme. As you are relying on the financial benefit from completing the scheme you would have to show that it would still be worthwhile to complete the scheme with non-waste if waste was not available with this additional financial impact.

Demonstrating recovery is the responsibility of the applicant because the circumstances have changed since the in-principal decision has been made. Whilst it is ultimately your decision, I would recommend that you submit a revised waste recovery for assessment whilst your application is in the queue to avoid further delays once the application is picked up by a permitting officer and the information requested.

The cost of this assessment will be the same regardless of whether you submit the plan now or respond as part of a Schedule 5 assessment. If you would like to discuss this further, please contact me to discuss.

Regards,

**Anthony Watts**

Permitting Technical Specialist (Waste Deposit)

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