



APP/EPR/636
APP/EPR/651
APP/EPR/652

Note of Cases Management Conference Held at 1000 hours on Friday 1 December 2023

Appearances

Ms Alison Ogley (Freeths) appeared for the appellants

Mr Jack Smyth appeared for the Environment Agency (EA)

The Appeals

Appeal A: APP/EPR/636: FCC Recycling (UK) Ltd - Daneshill Soil Treatment Facility, Daneshill Landfill Site – appeal against the refusal by the EA of an application to vary an Environmental Permit relating to the treatment of asbestos contaminated soils.

Appeal B: APP/EPR/651: FCC Recycling (UK) Ltd - Daneshill Soil Treatment Facility, Daneshill Landfill Site – appeal against the decision of the EA to impose conditions on a Regulator Initiated Variation of an Environmental Permit.

Appeal C: APP/EPR/652: 3C Waste Ltd – Maw Green Landfill Site - appeal against the decision of the EA to impose conditions on a Regulator Initiated Variation of an Environmental Permit.

The Inquiry

It was agreed that the Inquiry will need 8 days and will be programmed for April 2024. The exact dates are to be agreed.

The EA will be calling 4 witnesses and the appellants will too. Subject areas for the evidence will include (but not necessarily be limited to) BAT, soil contamination, and air quality.

The EA will present its evidence first, followed by the appellant.

Provision will be made in the timetable (which can be agreed after the evidence has been submitted) for third party input. This is likely to be fitted in between the two main parties' cases.

In view of the level of public interest in the Daneshill cases, it was felt best to use a venue for the Inquiry in that area. Facility will be made for those interested in the Maw Green case to join remotely, if necessary.

Background Discussions and Statements of Common Ground

It is suggested strongly that the main parties liaise to narrow the issues between them as far as possible and produce Statement(s) of Common Ground (SoCGs).

It would be better if these can be subject based though there would be no difficulty for the Inspector if one single SoCG was agreed.

It was requested that the EA make contact with Freeths, as Agent, rather than the separate appellants.

Site Visits

Both Daneshill and Maw Green are active landfill sites. As things stand, the Inspector would prefer to visit both before the Inquiry opens but this can be reviewed once the evidence has been submitted.

There is a possibility that a visit to a site at Rowley Regis (J2 off the M5) might also be useful – again, this possibility can be kept under review.

Other Procedural Matters

It was agreed that the deadline for the submission of statements under R6 can be extended to 16 January 2024.

These statements should be produced in a consolidated format.

Finally, the Inspector is more than happy to continue dialogue with the parties, in the lead up to the Inquiry, through the Case Officer.

Paul Griffiths
01/12/23