

APPEAL REF: APP/EPR/684

ADDRESS: Green Lane, Wardle, Nantwich, CW5 6DB

INSPECTOR'S SUMMARY AND DIRECTIONS FOLLOWING THE CASE  
MANAGEMENT CONFERENCE HELD ON 9 SEPTEMBER 2025.

1. The case management conference, which only discussed procedural and administrative matters, was led by Dr Roger Catchpole who is the Inspector appointed by the Secretary of State to conduct the Inquiry.
2. The Inquiry will open at 10:00 hours on 11 November at Ibis Styles Crewe, Crewe Business Park, Electra Way, Crewe, CW1 6BD. It is expected to sit for no more than 3 days, resuming at 09:30 hours on subsequent days and finishing no later than 13:00 hrs on the final day. The Inspector shall keep timings under review and if an overrun is likely then the afternoon of the third day will be used as contingency time so that all of the evidence can be completed without the need for a further virtual session.
3. As discussed at the case management conference, the main issues in this case are:
  - whether the current Environmental Management System (EMS) adequately identifies and minimises the risks of pollution arising from waste acceptance, storage and treatment whilst having regard to the classification of waste and end of waste criteria;
  - whether the scope of the Environmental Permit (EP) permits trommel fines to be processed within the A2 soil processing facility, having regard to the purposes of the Environmental Permitting (England and Wales) Regulations 2016 (as amended) (EPR);
  - whether the enforcement notice meets all the requirements of Regulation 36(2) of the EPR; and
  - whether the doctrine of estoppel prevents enforcement action with regard to the processing of trommel fines on this site.
5. It is agreed that EMS adequacy, the scope of the permit and estoppel considerations will be dealt with through Evidence-in-Chief (EiC) whilst Regulation 36(2) considerations will be dealt with by a round table discussion at the beginning of the Inquiry, after the site visit. It was also agreed that EiC would be heard sequentially with the EA presenting the entirety of its case followed by the appellant. Evidence concerning estoppel may be heard under oath if deemed necessary and the relevant witnesses should provide their own holy book if they don't intend to swear by affirmation.

6. Proofs of evidence shall be submitted in the proscribed format, as set out in Annex A of the preliminary note of the 29 August 2025. It is agreed that the key judgements shall be summarised in appendices to the proofs with specific paragraphs clearly identified. All of the cited judgements shall be included in the Core Document (CD) library. The proofs shall be submitted no later than four weeks before opening, namely on **14 October 2025**.
7. The EA has agreed to publish the electronic core document library in the proscribed format, as set out in Annex B of the preliminary note of the 29 August 2025. This shall be published at the same time as the proofs with a hyperlink being provided to all the parties, including the Planning Inspectorate. A CD library list shall also be provided with hyperlinks to individual documents if possible.
8. Whilst not encouraged, rebuttal proofs may be submitted in exceptional circumstances when they are capable of saving Inquiry time. Should this be the case then they should be submitted no later than **21 October 2025**. They must not introduce new issues or seek to evolve the position of any party otherwise they risk an award of costs.
9. Turning to the running order of the Inquiry. On the first day, following his opening, the Inspector will invite opening statements from the main parties. The EA will be first followed by the appellant. Written transcripts should be handed up and electronic copies should also be sent to the case officer and placed in the CD library shortly afterwards.
10. The Inspector will then adjourn the Inquiry so that an accompanied site visit can be undertaken to better assist with subsequent discussions and the consideration of the evidence. Whilst there can be no discussion of the merits of the case, the Inspector expects the parties to draw relevant physical features and processes to his attention in relation to the principal areas in dispute.
11. A round table session on Regulation 36(2) will then be held which will comprise a structured discussion that the Inspector shall lead. Whilst advocates may assist, they are not expected to play an active role unless expressly invited. This will most likely be on the afternoon of the first day of the Inquiry.
12. Lastly, the Inquiry will hear EiC from the EA followed by the appellant. The Inspector may put questions after cross-examination but before re-examination. The Inspector shall be mindful of a need to adjourn to provide time to prepare closings if the submission of evidence extends into the final day of the Inquiry. Written transcripts should be handed up and electronic copies should also be sent to the case officer and placed in the CD library shortly afterwards.
13. The advocates should work collaboratively on their time estimates and agree a detailed Inquiry timetable that specifies the timings for each witness as well as time for openings and closings. This shall be submitted no later than the **21 October 2025**.

14. The application for costs and the rebuttal shall be submitted in writing before closings. The party against which the claim is made will be given the opportunity to make any final response orally, if required, after closings have occurred.

*R Catchpole*  
INSPECTOR

9 September 2025