

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A  
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

To: Nick Brookes  
Nick Brookes Demolition and Waste Disposal  
Green Lane  
Wardle  
Nantwich  
Cheshire  
CW5 6DB

**Environmental permit: EPR/EP3798CS**

**Regulated facility: Nick Brookes Demolition and Waste Disposal, Green Lane, Wardle, Nantwich, Cheshire, CW5 6DB**

The Environment Agency considers that the following condition of the environmental permit is being contravened:

**Condition 1.1.1** which states 'The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints'

**Because** your current environmental management system (EMS) (version 10.0, 11<sup>th</sup> March 2022):

1. does not adequately identify and minimise the risks of pollution arising from waste acceptance, storage and treatment
2. does not adequately describe the activities carried out so as to ensure the activities carried out are limited to those authorised by your permit
3. does not provide measures to prevent trommel fines from the treatment of mixed waste (19 12 12) being processed through the soil processing facility, activity A2.
4. does not include procedures to ensure all outputs from the waste treatment process are appropriately classified as waste or meet end of waste criteria.

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You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention.

Date 29/07/2024

Signed



**Chloe Loseby**  
**Cheshire Waste Team Leader**

Environment Agency  
Richard Fairclough House  
Knutsford Rd  
Latchford  
Warrington  
WA4 1HT

**Please see over for notes.**

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**Notes:**

**General**

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

**Appeal provisions**

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

Secretary of State  
The Planning Inspectorate  
Room 3A Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

At the same time, you must send a copy of the appeal notice and documents to us.

The required documents are:

- a statement of the grounds of appeal;
- a copy of any relevant application;
- a copy of any relevant environmental permit;
- a copy of any relevant correspondence between the appellant and the regulator;
- a copy of any decision or notice which is the subject matter of the appeal; and
- a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying the Secretary of State in writing and sending a copy of that notification to us.

Further information about making an appeal and the forms that you will need are available from the Planning Inspectorate.

In addition, you can request an independent internal review of our decision to issue this notice. Asking us to review our decision will not affect the time limits within which any statutory appeal must be made. We expect any request to review a regulatory decision to be made promptly, usually within 14 days.

<b>SCHEDULE 1</b> <b>STEPS TO BE TAKEN</b>		
<b>Condition number</b>	<b>Steps to be taken</b>	<b>By date</b>
1.1.1	<p>1) Update your Environmental Management System (EMS) to identify and minimise all risks of pollution as per guidance: <a href="#">Develop a management system: environmental permits - GOV.UK (www.gov.uk)</a> and implement appropriate measures as per guidance <a href="#">Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK (www.gov.uk)</a>.</p> <p>The revised EMS shall include the following information:</p> <ul style="list-style-type: none"> <li>a) The steps you take to ensure that only those activities authorised by your permit will be carried out.</li> <li>b) The steps you take to prevent trommel fines from the treatment of mixed waste (19 12 12) being processed through the soil processing facility, activity A2.</li> <li>c) The procedures in place to ensure all outputs from the waste treatment process are appropriately classified as waste or meet end of waste criteria.</li> </ul> <p>2) Send the revised EMS to jemimah.smith@environment-agency.gov.uk.</p>	10am on 13/09/2024