



# Oaktree Environmental Limited

Lime House, 2 Road Two  
Winsford, Cheshire CW7 3QZ

Tel: 01606 558833

**Jemimah Smith**  
**Environment Officer**  
**Environment Agency**

**by email only**

**Date:** 24<sup>th</sup> November 2023

**Our Ref:** 0202-005-01-MM

**Your Ref:** EAWML50066

Dear Jemimah,

## **NICK BROOKES DEMOLITION & WASTE DISPOSAL – EA CAR FORM ISSUED 30/10/23**

Please accept this letter as a formal challenge to the content of and actions required by Compliance Assessment Form reference 50066/0478595, issued following your site inspection on 14<sup>th</sup> September 2023

In our email exchange last month we provided some detail of the background to the wash plant, which was discussed during the Teams call you attended with myself, Nick Brookes and Sharon Holliday. The email issued on 3<sup>rd</sup> October 2023 is appended to this letter in Annex 1 and was submitted in response to your request by email for information relating to “Any documentation from the permit variation process which discusses trommel fines being processed through the wash plant”. To date we have not had a formal response to that email other than the discussion in the Teams meeting, where we failed to agree an interpretation of the permit and WRAP Quality Protocol.

Condition 2.3.2 states “Waste shall only be accepted if: (a) it is of a type and quantity listed in schedule 2 table S2.1. The consistent interpretation of this condition since the permit was issued has been that the wastes listed in the tables are those which can be accepted into the site from external sources. The waste treatment operations at the site have been inspected by numerous EA officers since the permit was issued on 17<sup>th</sup> August 2011. We have not been given a reason for this change in interpretation and disagree with the scores applied in the CAR form. The aforementioned email provides further information on the history. As mentioned in the Teams meeting WRAP were heavily involved in the design and commissioning of the wash plant as it was one of the first in the country to be set up and was part funded by a WRAP grant.

The CAR form refers to WRAP Quality Protocol. The Quality Protocol is entitled “End of waste criteria for the production of aggregates from inert waste”, however, the wastes listed in Appendix C include some non-hazardous wastes but we can agree that the wastes listed in Table C1 are acceptable inert waste input materials. Some of the EWC codes are given restrictions, which serve as a guide to interpretation of the codes used. During the Teams meeting we were informed that EWC 19 12 09 refers to naturally occurring minerals only, which we disagree with and would refer you to the precise wording in Appendix C, which restricts the presence of contaminated concrete, bricks, tiles etc. It does not prohibit the presence of concrete, bricks etc. Table B3 shows the maximum permitted quantity of cohesive materials in manufactured aggregate (1%). The products manufactured in Nick Brookes’ plant are much cleaner than the 1% limit.



The flowchart in Nick Brookes' Secondary Aggregate Production Protocol v2.0 (12<sup>th</sup> September 2008), which was agreed with the Agency refers to the trommel and the fines arising from separation of wastes using the trommel, diverting to the wash plant. The only area of disagreement at the time was the potential for non-compliance with the Paragraph 13 exemption so Nick agreed to submit a permit variation application to include the wash plant and the permit was issued in agreement with the permitting and inspecting officers.

Whilst we disagree with the content of the CAR we are considering the submission of a permit variation application to add 19 12 12 and other codes to the permit, which would resolve the current disagreement. We would engage in pre-application discussions to ensure that the outcome of the permitting process results in a revised permit which is agreed by all parties. It is unacceptable to request that the wash plant stops processing trommel fines by 6<sup>th</sup> December 2023 and may be subject to legal challenge if pursued.

The variation in interpretation of the WRAP QP across the Agency is also a cause for concern. Is there any national guidance issued to officers regarding the QP and compliance?

This letter is submitted without prejudice to the complaints procedure, appeals or any application for judicial review.

We welcome your response and request a meeting with your Team Leader and any regulatory specialists that may be required to resolve this matter.

Yours sincerely,



**Marco Muia | BSc MSc MCIWM  
Managing Director**

**cc. Nick Brookes**

**Annex 1 – Supporting information. Attached to email with this letter.**