

**From:** [Marco Muia](#)  
**To:** [Smith, Jemimah](#)  
**Cc:** [nick@nickbrookes.co.uk](#); [Chris Parry](#); [Loseby, Chloe](#); [Gibbon, Phil](#)  
**Subject:** 0202 Without prejudice  
**Date:** 01 August 2024 14:17:12  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image008.png](#)  
[image010.png](#)  
[image011.png](#)

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Good afternoon Jemimah,

The same legislation was in place when numerous other inspectors visited the site so we cannot agree with the first sentence of your email i.e. the 2016 Regulations.

The application works mentioned are in progress and will shortly be submitted. My workload is chaotic at present, primarily because of the extensive delays in dealing with permit applications that have been submitted to PSC, which is the reason for the delay. The end of waste panel has only just reopened for submissions so that is one positive.

I will liaise with Nick and provide a detailed agenda for a meeting.

We are also in receipt of the Regulation 36 notice and will be providing an update to the EMS as part of the application. I cannot comment in detail as it is likely that we will request an appeal by hearing or public enquiry.

Regards


Marco

**Marco Muia BSc MSc MCIWM**  
Managing Director



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Waste, Planning & Environmental Consultants





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**From:** Smith, Jemimah <Jemimah.Smith@environment-agency.gov.uk>

**Sent:** Tuesday, July 30, 2024 9:53 AM

**To:** Marco Muia <marco@oaktree-environmental.co.uk>

**Cc:** [nick@nickbrookes.co.uk](#); [Chris Parry](#) <[chris@oaktree-environmental.co.uk](#)>; [Loseby, Chloe](#) <[Chloe.Loseby@environment-agency.gov.uk](#)>; [Gibbon, Phil](#) <[phil.gibbon@environment-agency.gov.uk](#)>

**Subject:** RE: 0202 Without prejudice

Dear Marco,

The Environment Agency regulates permitted sites by assessing compliance with their environmental permit and relevant legislation at the time of the inspection.

While you have notified us of the sites plan to vary their permit to include 19 12 12- trommel fines produced by treatment of mixed household, commercial and industrial waste, submit an LEP request and conduct an end of waste self-assessment, none of these actions were completed at the time of the previous inspection on 26/06/2024, or have been subsequently submitted.

Therefore, please refer the site to the compliance reports which have been generated from the

latest inspection, CAR form reference 50066/0512074 and WAR form reference 50066NICKBR26062024JSMITH1250066.

We are happy to have a meeting as requested. However, the Environment Agency, yourself and the permit holder previously met on 13/11/2023 to discuss the breaches identified during a site inspection on 14/09/2023, and representations were made, and responded to during the appeal of the CAR form from that inspection. The purpose of the most recent inspection we conducted on 26/06/2024 was to check compliance with the outstanding actions hence, these were the only parts of the permit which were assessed, and no additional non-compliances were identified. Therefore, if you wish to have a further meeting, please provide the Environment Agency an agenda that sets out what points you wish to discuss. If you wish to submit further representations to the findings of the most recent inspection, then please follow the procedure set out within the CAR form.

Regards,

**Jemimah Smith**

**Environment Officer (Cheshire Waste)**

Environment Agency | Richard Fairclough House, Knutsford Road, Warrington, WA4 1HT

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**From:** Marco Muia <[marco@oaktree-environmental.co.uk](mailto:marco@oaktree-environmental.co.uk)>

**Sent:** Thursday, June 27, 2024 9:10 AM

**To:** Smith, Jemimah <[Jemimah.Smith@environment-agency.gov.uk](mailto:Jemimah.Smith@environment-agency.gov.uk)>

**Cc:** [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk); Chris Parry <[chris@oaktree-environmental.co.uk](mailto:chris@oaktree-environmental.co.uk)>; Loseby, Chloe <[Chloe.Loseby@environment-agency.gov.uk](mailto:Chloe.Loseby@environment-agency.gov.uk)>; Gibbon, Phil <[phil.gibbon@environment-agency.gov.uk](mailto:phil.gibbon@environment-agency.gov.uk)>

**Subject:** 0202 Without prejudice

Dear Jemimah,

I had a long conversation with Nick yesterday following your site inspection and we also discussed the permit variation application. I was unable to attend or call during the meeting as I was in another meeting with a client.

- We have been working on the submission and will be submitting the application next week.
- The delay in submission is primarily due to the complete absence of guidance for permitting wash plants and the recent, local regulatory approach to the interpretation of the aggregate protocol, for this and other companies we are working with. I discussed this issue with Phil earlier this year during an 80 minute phone conversation.
- We propose to add 19 12 12 to the permit because of this uncertainty, which we have mentioned previously.
- Our primary concern is that following submission the application is unlikely to be dealt with in a timely manner given the very lengthy delays in determining applications.
- We proposed that an LEP is submitted to cover this period. The only alternative would be a High Court challenge to the current regulatory approach.
- In addition to the variation application our client proposes to carry out a self-assessment to certify the outputs from the wash plant as the Agency's definition of waste service would also be a very slow process and that service is regularly on hold.

It is our client's position that the local team has disregarded the historical regulatory approach taken in respect of the wash plant and transfer station and has not responded fully to the information that was submitted (referenced below).

I would suggest that an in person meeting to discuss the above issued next month is imperative to prevent a complete breakdown in the working relationship between the Agency and our client.

Regards

Marco

**Marco Muia BSc MSc MCIWM**  
Managing Director

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**From:** Loseby, Chloe <[Chloe.Loseby@environment-agency.gov.uk](mailto:Chloe.Loseby@environment-agency.gov.uk)>

**Sent:** Wednesday, December 6, 2023 10:36 AM

**To:** Marco Muia <[marco@oaktree-environmental.co.uk](mailto:marco@oaktree-environmental.co.uk)>; [nick@nickbrookes.co.uk](mailto:nick@nickbrookes.co.uk); Chris Parry <[chris@oaktree-environmental.co.uk](mailto:chris@oaktree-environmental.co.uk)>

**Cc:** Smith, Jemimah <[Jemimah.Smith@environment-agency.gov.uk](mailto:Jemimah.Smith@environment-agency.gov.uk)>

**Subject:** RE: 202 - EA CAR FORM ISSUED 30/10/23

Good morning Marco,

**Re: Nick Brookes Demolition & Waste Disposal (EPR; EP3798CS) Compliance Assessment Report 14/09/2023 (ID: 50066/0478595)**

Thank you for your recent correspondence of 24/11/2023, with which you submitted a formal challenge to Compliance Assessment Form 50066/0478595, issued on 30/10/2023.

Please accept this email as our acknowledgment of receipt of:

- 0202-005-01\_MM.pdf
- 202 RE: EA information request (email communication dated 03/10/2023)  
Content of 4 pdf attachments: 2012\_03\_07\_NBrookes\_CAR,  
202\_Nick\_Brookes\_aggregates\_protocol\_v\_2\_full, 20006\_EA\_LOW\_guide\_v1.2\_withdrawn,  
MM\_photos\_2012-03-12

Please also accept this email as confirmation that this is in review, and that we will notify you of the outcome of this review at the earliest opportunity. Please note that as we are approaching the Christmas period it is likely our response may not be until the new year.

With regards

Chloe

**Chloe Loseby**

RI Team Leader | Cheshire Waste Team

**Environment Agency** | Richard Fairclough House, Knutsford Road, Warrington, WA4 1HT

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