

Witness Name: Marco Muia

Dated: 15th October 2025

Proof of Evidence

Appeal Reference: APP/EPR/684

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

Permit No. EPR/EP3798CS

Witness Statement of Marco Muia

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I, Marco Muia, will say as follows: —

Introduction

1. I am the Managing Director of Oaktree Environmental, acting as consultant to Nick Brookes Demolition and Waste Disposal (“the Appellant”) in respect of the Green Lane, Wardle site, Nantwich, CW5 6DB (“the Site”) since July 1997. I make this statement in support of the Appellant’s appeal against the Enforcement Notice issued by the Environment Agency (“EA”)

under Regulation 36 of the Environmental Permitting (England and Wales) Regulations 2016 (“EPR 2016”)¹. I also refer to the corresponding EPR predecessors EPR 2007² and EPR 2010.

2. The evidence in this statement is true to the best of my knowledge and belief and is based on my direct involvement with the Site, review of relevant documentation, and professional expertise in waste management and permitting.
3. My statement addresses the Environment Agency’s (EA) concerns as set out in their Statement of Case. It explains the nature of the Appellant’s operations, the regulatory context, and why the precautionary principle does not apply. It also responds to specific points raised by the EA regarding trommel fines and waste classification.

Background and Site Operations

4. The Site operates under Permit EPR/EP3798CS³, which authorises waste treatment activities, split into three categories i.e. Waste Transfer Station (A1), Soil Processing Facility (A2) and Composting Facility (A3). For clarity I refer to the A2 operation as the wash plant hereinafter.
5. The wash plant is central to the operation of the business as it able to recycle approximately 90% of construction and demolition (C&D) waste inputs as aggregate, supporting the waste hierarchy and reducing landfill.
6. The Site initially operated under a Permit for the waste transfer station which authorised the processing of incoming C&D waste.
7. The Site also benefitted from a Paragraph 13⁴ waste exemption for processing C&D waste to produce aggregates and soil substitutes. The Paragraph 13 exemption was used to enable the wash plant to process the sub-40mm soils and finer material arising from C&D waste to manufacture aggregates, until the exempt operation became regulated by the varied permit on 17th August 2011.
8. This approach was supported by government policy and WRAP funding, with the Environmental Management System (“EMS”) and permit documentation continuing to reflect this operational reality when the permit was varied.

Regulatory Engagement and Compliance

9. The EA’s audits (2009⁵, 2010⁶) confirmed the Site’s use of a Quality Management Scheme for aggregate production i.e. “Secondary Aggregate Production Protocol” dated 12th September

¹ Regulation 36 Enforcement Notice dated 19th July 2024, CD3.2

² Environmental Permitting (England and Wales) Regulations 2007, CD9.4

³ Permit EPR/EP3798CS, CD3.1

⁴ Environmental Permitting (England and Wales) Regulations 2007 Paragraph 13, CD9.4

⁵ Audit Report I_18.06.09_50066_M01, 18th June 2009, CD5.1

⁶ Audit Report Aggregate/Soil Producers Checklist, CD 5.2

2008⁷, promoting recycling and good practice. The document was prepared to add the wash plant process and outputs, which replaced the original document upon issue and was sent to the EA. I would draw the Inspector's attention to the process flowchart in Appendix A which clearly outlines two separate processes including one in which mixed waste is put through the static trommel and the "soil/fines/hardcore" are "stockpiled for transfer to aggregate washing site". My understanding was that the point at which the WRAP Aggregate Protocol took effect was at the box stating "washed product discharged to stockpile". The EA never disagreed with the flowchart's representation of the flow of waste through the site.

10. Both I and my colleague at the time, Jan Edwards (an ex-local authority and EA permitting Team Leader), were involved in the aforementioned audits and subsequent discussions, which led to the submission of a permit variation application to encompass the wash plant operations. The transition to the varied permit is exhibited in the wealth of correspondence and documents issued before the permit variation was issued.
11. At no point were discussions with the EA difficult and the working relationship was practical and respectful on both sides, which facilitated a smooth transition from the exemption for the wash plant to the varied permit.
12. The replacement of the Paragraph 13 exemption by a permitted operation was required because of the implementation of the Environmental Permitting (England and Wales) Regulations 2010 ("EPR 2010").
13. The main focus of EA correspondence during the transition was that feed stock for the wash plant was restricted to clean construction and demolition waste. Following the 2009 audit⁸, the Environment Officer responsible for regulating the site, Rachel Argyros, issued a letter on 3rd October 2009⁹ regarding the EA's position relating to the use of the Paragraph 13 exemption and the potential for non C&D waste to be processed by the wash plant. It should be noted that the majority of waste processed at the site is from C&D sources.
14. The Controlled Waste (England and Wales) Regulations 2002 and 2012 both define C&D waste from all sources as industrial waste, including that from households.
15. A response to that letter was sent¹⁰ (8th October 2009) on behalf of the Appellant by Jan Edwards, which included reference to the pending changes to the exemption regime under the impending EPR2010.

⁷ Nick Brookes Aggregates Protocol v2, 12th September 2008, CD4.1

⁸ Audit Report I_18.06.09_50066_M01, 18th June 2009, CD5.1

⁹ EA Letter to NB (Para 13 Exemption & wash plant permit variation, 3rd October 2009, CD8.1

¹⁰ Oaktree letter to EA (Response to EA Email 2009-10-08), 8th October 2009, CD8.2

16. The final date for the transition of the Paragraph 13 exemption to permitting was 6th April 2012, which was also the deadline for the submission of permit applications to regulate operations which would cease to benefit from the exemption.
17. The fact that the permit application was submitted to the EA on 8th April 2011¹¹ is testament to the assertion I have already made about the working relationship between the appellant and the EA. Rather than engage in legal arguments relating to the relevance of the exemption to the wash plant and waste definitions, a permit variation application was submitted a year earlier than required.
18. I attended the audit with Nick Brookes carried out on 17th August 2010 by Rachel Argyros and Andy Jobson, both of whom I had known for some time as regulators. One of the key findings of the audit was noted as follows: “If after testing the feedstock is identified as not inert or no testing is carried out, then proposals to expand the permit area and operate the wash plant under a permit rather than an exemption will be required”. Discussions continued and the application was duly submitted in April 2011 as discussed above.
19. The outcome of the audit was not that the materials being processed were an issue, but that to continue to process them, in the EA’s opinion, would require a permit variation. It was my understanding that regulating the activities under the permit would remove the concerns raised in the audit, which found the wash plant to be “nearly compliant” with the exemption, and not wholly incompatible with the permit as currently asserted by the EA. This new interpretation represents a wholesale change in the regulation of the wash plant, discarding over a decade of EA involvement which accepted the processing of the trommelled waste from the transfer station into the wash plant to produce aggregates.
20. In summary the Appellant has proactively engaged with the EA, submitted proposals, and updated protocols in response to regulatory feedback, contradicting any claim of refusal to remedy.

Permit Interpretation and Scope of Permitted Activities

21. The permit application was submitted at the EA’s request, following the 2010 audit and subsequent correspondence. Once submitted, the process was entirely in the EA’s hands and the varied permit was issued as requested. The site inspector, Rachel Argyros, was heavily involved in the permitting process and the permit was not issued until she had discussed the draft with the permitting officer Hannah Jones. Rachel had requested some final updates to the EMS and Hannah Jones emailed Oaktree on 11th August 2011, following

¹¹ Letter Oaktree to EA (Permit Variation Submission), 8th April 2011, CD8.6

receipt of the EMS, which was the last correspondence before the permit was issued. The permit application was submitted following detailed discussions with Rachel and the document history in the EMS shows the dates various revisions were sent to the EA. It would not be an exaggeration to state that Rachel Argyros had knowledge of all site operations when considering the permit application with the permitting officer and that by approving the EMS for issue with the permit had knowledge of the risks identified and minimised by the procedures set out in the EMS.

22. The permit format is standard for the time of issue as the condition 1.1.1 wording had been widely introduced following the introduction of standard rules permits in 2008 and version 7.4¹² of the EMS was issued to the EA to enable the permit to be issued. My understanding is that some amendments were discussed with the EA and version 7.3 was updated as requested, demonstrating that the EMS met the requirements of condition 1.1.1. Version 7.4 refers to “risk” and associated risk assessments in compliance with condition 1.1.1 (a). Paragraph 3.6 of version 7.4 makes it clear where the waste is to be sourced from for the wash plant to process: see “3.6 The applicant will be operating and maintaining the soils washing facility which accepts inert and non hazardous waste either direct from mineral extractions and operations and from construction and demolition activities or from (sic) the on site transfer station.”
23. We assumed that the permit issued by the EA reflected their knowledge, understanding and acceptance of the Appellant’s operations, which have remained consistent for 15 years thereafter. The EMS has been updated periodically and sent to the EA as requested, without significant issues and the site operations have largely remained the same.
24. The EA has inspected the appeal site regularly and has never raised concerns about the fundamental process or its environmental safety. The permit and EMS must be read together, as a single instrument. The EMS explicitly describes the movement of waste from the transfer station to the wash plant for processing, which was known to the EA before, during and after the permit application was determined. The permitted operations at the transfer station and wash plant areas have hardly changed since 2011.
25. The assertion that “trommel fines” were always prohibited is contradicted by the lack of any breach recorded in previous audits and Compliance Assessment Reports¹³ (CARs) issued following frequent inspections by EA officers and by the fact that the terminology and regulatory focus on trommel fines is a recent construct. It should also be noted that the

¹² EMS v7.4, CD4.5

¹³ Compliance Assessment Reports – see CD5.3, CD5.4, CD5.5, CD5.6, CD5.8, CD5.9, CD5.10

expression includes material processed through a trommel i.e. a rotating perforated drum through which various particles are segregated, irrespective of the content of the waste and can therefore be a very misleading expression. Trommel fines can range from clean soils and aggregates to heavily contaminated materials. The Appellant has always sought to exclude unwanted material from the wash plant feedstock as it would detrimentally affect the manufactured product. The waste is checked by plant operatives when carrying out initial segregation of the loads tipped in the transfer station. Bulky wastes are separated before the smaller items are loading into the feed hopper for the picking line, where unwanted items are removed prior to feeding the trommel. Only pre-segregated wastes which are listed in Table S2.2 are deposited directly into the A2 wash plant activity area, but the preference is to tip loads in the transfer station for pre-checking in most cases unless the quality of the waste is known to be good enough for direct deposit.

26. At the time the permit application was determined trommel fines as an expression did not feature in the correspondence between the Appellant and the EA. It should also be noted that the words “trommel” and “fines” do not appear in the permit.
27. The Secondary Aggregate Production Protocol, submitted and agreed with the EA, details the diversion of fines to the wash plant and was never challenged until the recent change in interpretation.
28. The waste acceptance requirements in the permit relate to wastes imported into the facility, not to mid-process materials generated on site as part of the treatment process i.e. the waste which required further processing or washing before it could be removed from site as a waste or a product. Had there been a requirement to test, classify and code wastes mid process then there would have been a corresponding requirement to include the waste stream on the quarterly returns submitted to the EA as inputs under table S2.2. Had such an approach been taken it would have resulted in double counting of a significant proportion of the inputs to the site.
29. Had screened C&D waste or the fines from the transfer activity been coded it is likely that they would have been coded at the time under Chapter 12 of the EWC. However, there was no intention of taking the finer fraction from third party operators because the wash plant was designed and built to deal with wastes collected and processed by the Appellant and therefore any code for externally accepted sub 40 mm material would not be required. The wash plant was designed to cope with the Appellant’s operations and not to provide an outlet for competitors to recycle their fines.

30. In over 34 years as a permitting consultant and a waste regulation officer/ permitting team leader, I have never come across a requirement to classify and code waste using the EWC or any predecessor scheme mid-process. It may be necessary to understand the composition of the waste mid-process, which is the case in this Appeal. Failing to understand the composition of the waste prepared for washing would render the wash plant useless as it is a very technical and involved process which would fall down if the Appellant did not take care over the quality of inputs.

Environmental Management System (EMS) Adequacy

31. The EMS has been regularly updated and was expressly linked to the permit at the time of its variation in 2011 by permit condition 1.1.1.
32. The EMS describes and controls the movement of waste, including the processing of sub-40mm materials, and sets out procedures for safe handling, storage, and treatment.
33. The EA's criticisms of the EMS are unfounded and arise from a recent change in interpretation, not from any failure of the EMS itself.
34. The EA's own audits acknowledged the Site's Quality Management Scheme and recommended improvements, which were addressed in subsequent updates.
35. The Appellant has robust waste acceptance procedures. Incoming waste streams are predominantly construction and demolition (C&D) material, properly described and classified at delivery. The Appellant does not claim that hazardous substances are impossible, but they take reasonable steps to identify and manage any risk.
36. Thousands of pounds have been spent on laboratory testing in the last 20 years, consistently confirming that outputs are non-hazardous. It should be noted that the inputs to the site are non-hazardous.
37. This demonstrates practical compliance with the principle and ensures environmental protection.
38. The transfer station process is well-known and transparent. Material entering the site is controlled and documented.
39. Outputs such as WRAP-compliant aggregates and filter cake undergo testing before leaving the site.
40. These measures satisfy duty of care and demonstrate that there is no real risk of pollution.
41. If the EA is suggesting that, because there is uncertainty about incoming waste, the precautionary principle should apply. This is incorrect because the process is long established and well understood. EA officers have inspected and approved operations for many years without requiring additional precautionary measures relating to the manufacture

of aggregates. Many of those officers still work for the EA and I presume would be able to confirm that the understanding above is correct given that CAR forms documenting EA inspections for many years did not raise the issues which are the subject of the Regulation 36 notice, which is the subject of this appeal.

42. The EMS was updated to version 10 on 11th March 2022¹⁴ and Version 11¹⁵ was sent to the EA in response the Regulation 36 notice which is the subject of this appeal.

End-of-Waste Criteria and Product Classification

43. The Site follows the WRAP Quality Protocol for Aggregates, with regular sampling and testing by UKAS-accredited companies and experienced consultants.
44. Outgoing material is accompanied by delivery tickets confirming compliance with the quality scheme and outputs are also tested to meet customer specifications, such as building sand, pipe bedding etc.
45. The Appellant has provided sample analysis results and professional interpretation and has engaged with the EA regarding product classification.
46. The WRAP protocol and government funding were specifically intended to support the recycling of these materials.
47. Testing history proves these outputs are safe. There is no evidence of groundwater contamination or other environmental harm and the EA has not prevented the use of aggregates from the wash plant at other sites.
48. The EA has focused on classifying trommel fines mid-process. This is unnecessary because fines that require classification are not dispatched until processed and tested at the correct stage i.e. when the fines that are not washed are sent off site.
49. The EA's insistence on WAC testing at times is misplaced. WAC applies to landfill disposal, not to material destined for recovery or reuse. The Appellant's testing regime is proportionate and compliant. The comments relating to WAC and other issues in the 2010 audit were resolved by the issue of the permit as the audit checked compliance within the context of the Paragraph 13 exemption. The focus on the word "inert" should be approached with caution because the 2005 and 2013 WRAP Aggregates Protocols¹⁶ clarified the meaning by the inclusion of Appendix C entitled "Wastes considered to be inert waste for the purpose of this Quality Protocol...". In the 2013 document this list includes EWC 17 03 02 "Bituminous mixtures other than those mentioned in 17 03 01", which would never be described as an inert

¹⁴ EMS v10, 11th March 2022. CD4.7

¹⁵ EMS v11, 13th September 2024, CD4.8

¹⁶ WRAP Quality Protocol – October 2013, CD6.2

was in any other circumstances. The Landfill (England and Wales) Regulations 2002 reference is removed in the 2013 document.

Proportionality and Reasonableness of Enforcement Action

50. The EA has long been aware of the Appellant's operations. CAR forms and correspondence dating back to 2009 confirm their understanding of what is now termed trommel fines and wash plant integration.
51. WRAP commissioned and funded the wash plant, reinforcing its compliance with best practice.
52. The Appellant has been aware of, and responsive to, regulatory feedback, and has made repeated efforts to engage and comply. It cannot be stated that the EA have overlooked the processing of fines in the wash plant and have taken a cursory approach to inspection. The many CAR forms show a willingness on the part of all officers to raise breaches as they see fit, in respect of which the appellant has engaged with the EA to remedy breaches raised.
53. The EA's escalation to enforcement is based on a disputed change in interpretation, not on any new environmental risk or operational change. There has been no engagement in discussion or review of the site history in the EA's response to this appeal. It would appear that the long relationship between the EA and operator is not of significance, which the facts readily disprove.
54. The requirements of the Enforcement Notice are onerous and excessive, effectively requiring closure of the wash plant and undermining the region's ability to recycle C&D waste at scale.

Estoppel and Legitimate Expectation

55. The EA has, since 2011, accepted and regulated the Site on the basis that sub-40mm materials from the transfer station could be processed in the A2 facility and have not required the mid-process waste to be coded.
56. In my view the Appellant has a legitimate expectation, based on the EA's conduct, the terms of the permit and EMS, and the government's involvement, that these practices are lawful.
57. The Appellants operations comply with regulatory requirements and the principles set out in Verlezza. The EA's concerns are unfounded. The precautionary principle does not apply because:
 - 57.1. The process is established and transparent and until recently not disputed.
 - 57.2. Testing history demonstrates negligible risk, backed by testing data.
 - 57.3. EA has approved and monitored operations for many years i.e. the washing of sub 40mm material from the transfer operations.

58. The EA's change of position is unfair and contrary to the principles of good administration, especially in light of the public funding and policy objectives underpinning the Site's operations.

Direct Rebuttal of Environment Agency's Statement of Case

59. The EA's claim of persistent contravention is contradicted by the documented regulatory engagement and operational history.

60. The assertion of no change in regulatory approach is refuted by the EA's own historical acceptance of the wash plant's process and the recent shift in focus on trommel fines.

61. The EA's interpretation of permitted waste types ignores the factual matrix at the time of permit issue and the operational reality of the Site. The extant waste coding guidance at the time was "Using the List of Wastes to code waste for Waste Transfer Notes, PPC Permits and Waste Management Licences in England & Wales - Living Guidance from the Environment Agency - Version 1 - April 2006", which makes no mention of trommel fines or the coding of such waste as EWC 19 12 12, with the coding only used for "compacted household waste". Trommel fines is a more recent expression.

62. The criticisms of the EMS and product classification are based on a narrow and recent interpretation, not on any substantive failure of compliance or environmental protection.

The notice requirements and the EA's Statement of Case

63. The Regulation 36 notice which is the subject of this appeal makes 4 observations in respect of Version 10 of the EMS and imposes requirements set out in Schedule 1 to the notice, which are addressed in the Statement of case.

64. Version 11 of the EMS was prepared and submitted in response to the notice but could never comply with steps which effectively ask for the appellant's business to stop operating the wash plant. Step 1(b) is a direct contradiction of everything that has previously been agreed with the EA in respect of the wash plant operation. It would be unusual to put an exclusion in the EMS when such matters are normally the domain of the permit and the permit includes no such prohibition of processing fines in the wash plant.

65. It appears to be that the notice has been issued to tackle a problem that does not exist. It has always been the case that the EA could issue an EA initiated permit variation and charge the appellant for doing so and in issuing such a variation would in itself give the appellant a right of appeal against the conditions of the variation. The EA chose not to vary the permit, for reasons unknown.

66. The EA reiterate Step 1(b) in their Pre-Inquiry Statement (Paragraph 66)¹⁷ which is a false assertion. If the appellant does not do what the EA say then 1.1.1 is breached despite being compliant with the very same condition for over 10 years. It is not possible to amend the EMS as requested without shutting the site as the wash plant is integral the operation, as inspected by multiple officers before Iain Storer and Jemimah Smith visited the site. The same issue is raised in paragraph 108 of the same Statement. It is my understanding that the wash plant part site does not drain to surface water as there is a net water requirement for the plant to wash the waste and aggregates.
67. Paragraphs 69 and 78 of their Statement of case refers to trommel fines coded 19 12 11*/19 12 12 not being a permitted waste type, without providing any authority to support their assertion that the fines should be coded. I cannot further answer a request which has not been requested on any site I have ever worked on as a regulator or consultant, throughout the UK waste industry. I have given reasons above as to why I consider coding waste mid process to be unnecessary. The EA have not sought to produce evidence of other permits which require this to be done as I do not believe that they exist.
68. Paragraph 81 can be answered by the appellant as I understand that the material referred to was not sent off site but was reprocessed to remove the items i.e. the plant had a breakdown and waste was being put through the process multiple times to ensure that the plant was operating normally.
69. Paragraph 82. I cannot respond to an assertion that is not evidence based as no samples were taken to verify the leachability assertion. Paragraph 103 refers to contamination with metals, glass and plastics, which is not prohibited by the 2013 WRAP protocol, which allows provision for 1% of X materials in Table B3 i.e. defining X as “Cohesive (e.g. clay and soil), metals, wood, plastic, rubber, gypsum plaster”. This speculation continues through paragraphs 115 and 116, which I can only describe as misleading. If the Statement of case were referring to the appellant’s trommel fines, based on samples obtained then I could understand the statements made. However, generalised statements about trommel fines are meaningless as trommel fines are a function of what is put through a trommel. This argument continues throughout the Pre-Inquiry Statement, without properly linking the comments made to the appellant’s waste streams.
70. Paragraphs 168 and 169 are incorrect and exhibit a complete change in the way the site is regulated, making no reference to and completely ignoring the site history before and after the permit was varied in 2011.

¹⁷ Environment Agency Pre-Inquiry Statement, 1st May 2025, CD1.1

71. Paragraph 174 claims that the EMS does not contain procedures to ensure outputs are correctly classified as waste, completely ignoring Sections of the EMS, such as 3.6.2, which clearly refers to the site's aggregate protocol. The EA Statement misunderstands the wording of permit condition 1.1.1, which refers to a "written management system" not just an EMS which I consider to be a collection of operator documents, not limited to the EMS but including the Aggregate Protocol, Risk Assessment, Dust Management Plant etc.
72. Paragraph 187 is in my opinion complete nonsense. The wash plant is a multi-million pound investment supported by WRAP and the EA. Other operators are using wash plants to wash trommel fines to produce product. It would appear that the EA does not support the waste hierarchy, despite being the regulator for it, by stating that trommel fines should be disposed of rather than recovered.

Conclusion and Relief Sought

73. The Green Lane Site has operated in accordance with its permit and various iterations of the EMS, with full regulatory engagement and compliance with government-backed protocols.
74. The wash plant's operation is integral to the Site's business model and environmental objectives, which has been consistently supported by regulatory correspondence and audits.
75. I respectfully invite the Inspector to allow the appeal, quash the Enforcement Notice, or vary the permit to clarify that the processing of sub-40mm materials in the A2 facility is permitted, in line with the original purpose of the WRAP-funded scheme and the Site's design.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed: Marco Muia



Date: 15th October 2025

Appendix: Summary of Proof of Evidence – Marco Muia dated 14 October 2025

1. My name is Marco Muia, Managing Director of Oaktree Environmental, acting as consultant to Nick Brookes Demolition and Waste Disposal in respect of the Green Lane site, Wardle, Nantwich.
2. I wish to set out the full context and key points of my evidence in support of the appeal against the Enforcement Notice issued by the Environment Agency.
3. The Green Lane site operates under Permit EPR/EP3798CS, which authorises three main activities: a Waste Transfer Station, a Soil Processing Facility known as the wash plant, and a Composting Facility. The wash plant is central to the business, enabling the recycling of approximately 90% of construction and demolition waste into aggregates, in line with government policy and WRAP funding.
4. The site's operations have evolved from a Paragraph 13 exemption to a regulated permit, with proactive engagement and compliance demonstrated through audits, correspondence, and updates to the Environmental Management System (EMS). The EA's audits in 2009 and 2010 confirmed the use of a Quality Management Scheme for aggregate production, and the process flowchart submitted to the EA clearly outlined the movement of materials from the transfer station to the wash plant. The EA never disagreed with this representation.
5. Throughout this period, the working relationship with the EA was practical and respectful, facilitating a smooth transition from exemption to permit. The permit application was submitted at the EA's request, following the 2010 audit, and the varied permit was issued after detailed discussions and updates to the EMS. The EA was fully aware of all site operations, and the EMS was expressly linked to the permit at the time of its variation in 2011.
6. The assertion that "trommel fines" were always prohibited is contradicted by the lack of any breach recorded in previous audits and Compliance Assessment Reports, and by the fact that the terminology and regulatory focus on trommel fines is a recent construct. The Secondary Aggregate Production Protocol, submitted and agreed with the EA, detailed the diversion of fines to the wash plant and was never challenged until the recent change in interpretation.
7. The waste acceptance requirements in the permit relate to wastes imported into the facility, not to mid-process materials generated on site. There has never been a requirement to classify and code waste mid-process, and the wash plant was designed to process materials collected and segregated by the Appellant, not to provide an outlet for competitors.
8. The EMS has been regularly updated and describes and controls the movement of waste, including the processing of sub-40mm materials. The EA's criticisms of the EMS arise from a recent change in interpretation, not from any failure of the EMS itself. The Appellant has robust waste acceptance procedures, and regular laboratory testing confirms that outputs are non-hazardous. The transfer station process is well-known and transparent, and outputs such as WRAP-compliant aggregates and filter cake undergo testing before leaving the site.
9. The site follows the WRAP Quality Protocol for Aggregates, with regular sampling and testing by accredited companies. Outgoing material is accompanied by delivery tickets

confirming compliance, and there is no evidence of environmental harm or groundwater contamination from site operations.

10. The EA's escalation to enforcement is based on a disputed change in interpretation, not on any new environmental risk or operational change. The requirements of the Enforcement Notice are onerous and excessive, threatening the viability of the wash plant and undermining the region's ability to recycle construction and demolition waste at scale.

11. The EA has, since 2011, accepted and regulated the site on the basis that sub-40mm materials from the transfer station could be processed in the wash plant, and have not required mid-process waste to be coded. The Appellant has a legitimate expectation, based on the EA's conduct, the terms of the permit and EMS, and government involvement, that these practices are lawful. The process is established and transparent, testing history demonstrates negligible risk, and the EA has approved and monitored operations for many years.

12. The EA's claim of persistent contravention is contradicted by documented regulatory engagement and operational history. The assertion of no change in regulatory approach is refuted by the EA's own historical acceptance of the wash plant's process and the recent shift in focus on trommel fines. Criticisms of the EMS and product classification are based on a narrow and recent interpretation, not on any substantive failure of compliance or environmental protection.

13. The Regulation 36 notice makes four observations in respect of the EMS and imposes requirements that would effectively require closure of the wash plant. The notice appears to tackle a problem that does not exist, and the EA could have issued a permit variation instead, which would have given the Appellant a right of appeal.

14. In conclusion, the Green Lane site has operated in accordance with its permit and various iterations of the EMS, with full regulatory engagement and compliance with government-backed protocols. The wash plant's operation is integral to the site's business model and environmental objectives, consistently supported by regulatory correspondence and audits.

15. I respectfully invite the Inspector to allow the appeal and quash the Enforcement Notice, to clarify that the processing of sub-40mm materials in the wash plant is permitted, in line with the original purpose of the WRAP-funded scheme and the site's design.

The contents of this summary proof are true.