PSC Land

From: Lesley Loane (LMM) < ll@landandmineral.co.uk>

Sent: 21 December 2020 08:01

To: PSC Land

Cc: Patchett, Vicky; Bellamy, Emma

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001

(EAWML 405803)

Attachments: Part A 09 12 2020.pdf; Part B2 09 12 2020.pdf; Part B4 09 12 2020.pdf; Part F1 18 12

2020.pdf

Categories: Alex

The application above is being re-submitted with a Noise Impact assessment and NMP as requested.

The recycling element has also been dropped for simplicity and it is now for only restoration of a sand and gravel quarry. The fee has been paid 18/12/2020 via BACS.

With the files necessary to accompany the noise assessment, the application is too large to email so can be found here:

The applications forms are attached to this email as well.

A full assessment of the risk of dust has been carried out and concludes that 'the effective implementation of the dust mitigation measures will ensure that dust generated at the site will have an insignificant effect on nearby sensitive receptors'. This assessment is included in the submission as part of the ES and the DMP forms part of this application.

I would appreciate acknowledgement of receipt.

L

From: Patchett, Vicky < Vicky. Patchett@environment-agency.gov.uk >

Sent: 09 December 2020 12:06

To: Lesley Loane (LMM) < Il@landandmineral.co.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Thanks Lesley. Let me know when you resubmit it and we can discuss prioritisation then.

Kind regards

Vicky

From: Lesley Loane (LMM) [mailto:ll@landandmineral.co.uk]

Sent: 09 December 2020 10:53

To: Patchett, Vicky < Vicky.Patchett@environment-agency.gov.uk >

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Thanks Vicky, you will appreciate that we have to try and find the best outcome for our clients in this situation and we will appreciate your support in prioritising this application in a few weeks when it comes back again!

L

From: Patchett, Vicky < Vicky.Patchett@environment-agency.gov.uk >

Sent: 08 December 2020 16:34

To: Lesley Loane < ll@landandmineral.co.uk>

Cc: Butler, Paul <paul.butler@environment-agency.gov.uk>; Bellamy, Emma <emma.bellamy@environment-

agency.gov.uk>

Subject: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Hi Lesley,

As Emma's team leader I have reviewed your request to retain this application and I have also discussed this with Matt and Sian.

Further to feedback from consultants and operators we are ensuring we follow our processes strictly to ensure all customers are treated in a consistent manner. With regards to your application we asked for further information from you in a not duly made request on 29 September. At this time we gave you 10 working days to respond, with a response date of 13 October. We received a response from you on 12 October asking for justification of the information requested, which we gave and at which point we allowed a further 10 working days for you to submit the information.

We will not agree a further extension whilst we await further information, and have returned other applications in the same position as yourself without granting the additional 10 days.

I appreciate that this may not be the response you would like however I will be happy to discuss prioritising this application when it is resubmitted, on the understanding all the information we have requested in the not duly made request is included.

If you are still unhappy with this response and would like to make a formal complaint you can do this by following the complaints procedure on our website https://www.gov.uk/government/organisations/environment-agency/about/complaints-procedure.

Kind regards

Vicky

Vicky Patchett BSc., MCIWM CRWM | Permitting Team Leader – Waste | National Permitting Service **Environment Agency** | Trentside Offices, Scarrington Road, West Bridgford, Nottingham, NG2 5BR

Email: vicky.patchett@environment-agency.gov.uk

External: 020 302 53172



From: Lesley Loane (LMM) [mailto:ll@landandmineral.co.uk]

Sent: 04 December 2020 12:31

To: Williamson, Matt <matthew.williamson@environment-agency.gov.uk>; Bellamy, Emma

<emma.bellamy@environment-agency.gov.uk>

Cc: Davies, Sian < sianb.davies@environment-agency.gov.uk

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Matt,

Quick reply:

I therefore ask that you follow Emma's direction so that she can progress this application.

It is being returned...many many months after submission...

Without prejudice to what my client decides to do... If I can get a BS4142 to you asap, can it stay in the system?

From: Williamson, Matt <matthew.williamson@environment-agency.gov.uk>

Sent: 04 December 2020 12:24

To: Lesley Loane (LMM) < ll@landandmineral.co.uk >; Bellamy, Emma < emma.bellamy@environment-agency.gov.uk >

Cc: Davies, Sian < sianb.davies@environment-agency.gov.uk >

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Hi Lesley,

As you are aware I do have some sympathy with the circumstances operators and consultants face in the inert sector relating to the application of our noise policy. I have in the past eluded to updates to the Agency's H3 horizontal guidance on the topic and committed to try to influence change amongst those responsible for developing our legal/technical position on noise. I think I have also been clear that any decision to change our approach is ultimately not mine to make.

The H3 guidance has been updated by the 4 UK environmental regulators and as I understand it is now with the government publishing teams. Critically though it's my understanding that the guidance does not fundamentally change the current approach. I think it is critical that our noise specialist team hears the difficulties faced by the inert sector and adapt approaches to suit. To that end I am working with Nicola Owen to set up a session with the relevant EA team at a forthcoming MPA group session. My hope this will occur in Jan/Feb.

Our landfill technical colleagues share the concerns I have voiced on this matter, they are working with us to develop an approach which will enable us to take a risk based approach to how we screen for noise in our determination process. Once completed this will allow us to develop a sector specific approach more suited to the particulars of any sector (initially we're focusing on the inert sector where their appears a more significant impact). This does though require further work and approval and is not yet ready to be applied.

I know the pace of some of this will be a frustration to you. These are though complex multi-faceted conversations involving many different perspectives. They've also been considerably delayed by the pandemic which have impacted our resource and operations to a significantly.

I believe that both Sian and I have previously stressed that trying to influence process/technical change during a determination is not desirable and will ultimately be fruitless. Emma is applying the direction she is given which is consistent with the Agency's current approach. There is no latitude at present to defer from this. I therefore ask that you follow Emma's direction so that she can progress this application.

I'm hopeful that we may be able to share a revised position soon but there remain some fairly critical steps that must be taken before I can give you the certainty you need or importantly a timescale.

Regards

Matt

Matt Williamson

Permitting Manager, Permitting Service, Operations – Regulation, Monitoring and Customer **Environment Agency** | PO Box 12, Richard Fairclough House, Knutsford Road, Warrington, WA4 1HG

matthew.williamson@environment-agency.gov.uk External: 020 30250845 | Mobile: 07776 482746





Sent: 03 December 2020 12:26

To: Bellamy, Emma <emma.bellamy@environment-agency.gov.uk>; Williamson, Matt

<matthew.williamson@environment-agency.gov.uk>

Cc: Davies, Sian <<u>sianb.davies@environment-agency.gov.uk</u>>; 'Darren Hazell' <<u>darren.hazell@nmsb.co.uk</u>>; 'Rob Flower'

<rob.flower@nmsb.co.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

I would be grateful if someone could please let me know the position on this?

It was clear from what Matt said that the EA was changing it's position on BS4142 being required in addition to the governments standards for noise assessment at quarry working including restoration.

MW also provided an update on noise assessments. An internal assessment of the guidance had taken place and text had been agreed for the minerals industry and should align better to the planning process

We need to get this site Permitted to be able to comply with our planning requirements on restoration and with the delays to date there is significant pressure from all sides.

Can you please confirm that the application as submitted and with the supplemental information confirmed on the noise assessment work that has been done to date, the noise plans agreed already, the noise conditions on the planning consent etc etc, there is no reason to return this application and it can move forward to duly made.

L

From: Lesley Loane (LMM) < ll@landandmineral.co.uk>

Sent: 17 November 2020 09:27

To: 'Bellamy, Emma' < emma.bellamy@environment-agency.gov.uk Cc: 'Matt' < matthew.williamson@environment-agency.gov.uk

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Emma,

I found the reference: Matt Williamson reported to the MPA inert waste working group 16th Sept 2020

Noise Assessments

MW also provided an update on noise assessments. An internal assessment of the guidance had taken place and text had been agreed for the minerals industry and should align better to the planning process. It was agreed that someone from the team dealing with this at the EA should attend the next MPA Waste Group meeting. MW/NO to arrange for the noise assessment/ guidance review lead to attend the next meeting of the MPA Waste Working Group.

I have copied him to this email as it is critical that this application moves forward, the company can't have another ~6mths delay in commencing their restoration

L

From: Lesley Loane < Il@landandmineral.co.uk>

Sent: 17 November 2020 08:00

To: Bellamy, Emma <emma.bellamy@environment-agency.gov.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Emma, I appreciate you taking the extra steps.. can I just troll thru my MPA minutes..I think it was Matt Williamson

in August to the Inert Waste working group of MPA...

I will ask Sharon Palmer of Tarmac, who chairs that group to comment as it has been something extensively discussed by the quarry industry.

I'll be at my laptop in an hour if you can hold off just a little longer please...

L

Sent from BlueMail

On 17 Nov 2020, at 07:42, "Bellamy, Emma" <emma.bellamy@environment-agency.gov.uk> wrote:

Dear Lesley

I have looked into this for you and can confirm that we have had conversations with our AQMAU support team. They are not aware of any such messages being cascaded to the MPA and have confirmed that a BS4142 assessment is needed.

As such, we will be returning your application and you will need to provide a BS4142 assessment with a resubmitted application.

Many Thanks

Emma Bellamy

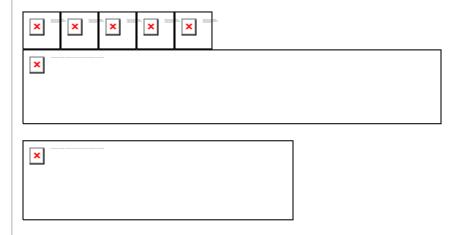
Permitting Officer, National Permitting Service

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emma.bellamy@environment-agency.gov.uk

External: 020 302 53747 Mobile: 07867 370 563

Working days: Monday to Friday



Sent: 11 November 2020 09:15

To: Bellamy, Emma <emma.bellamy@environment-agency.gov.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Emma, can you please retain the application, I am sure this can be resolved quickly. It is essential for the quarry that we do not end up in another very long queue. We have successfully negotiated this position on other submissions and I have raised with Matt Williamson and Sian Davis this morning as I had understood that the EA had agreed with the Mineral Producers association that requiring a BS4142 noise assessment for a quarry was inappropriate, when government has provided very specific noise assessment standards fr quarries.

L

From: Bellamy, Emma <emma.bellamy@environment-agency.gov.uk>

Sent: 11 November 2020 08:42

To: Lesley Loane (LMM) < !ll@landandmineral.co.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Dear Lesley

My apologies for the delay in providing a response to you, we have been assessing your response.

Following our assessment we can confirm that this application cannot be duly made. This is due to the noise impact assessment and noise management plan being insufficient for the following reasons;

- Information provided satisfies the requirements of planning and not environmental permitting
- A BS4142 assessment of noise impact on receptors has not been provided
- The background data used is over 5 years old and may not represent the current soundscape
- The noise report is over 4 years old
- A noise management plan which describes how the operator will carry out permitted waste activities in a way that minimises or mitigates noise has not been submitted

As such, we will be returning the application to you and retaining 20% of the fee (capped at £1,500). Before resubmitting the application, we recommend that you refer to the guidance regarding noise and also dust. This is to enable you to provide information which will be sufficient for duly making and subsequent determination.

If you have any queries regarding this, please contact us.

Many Thanks

Emma Bellamy

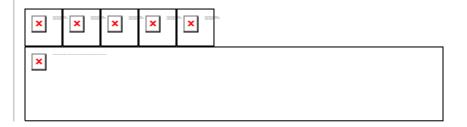
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emma.bellamy@environment-agency.gov.uk

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Working days: Monday to Friday





Sent: 09 November 2020 10:41

To: Bellamy, Emma <emma.bellamy@environment-agency.gov.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Emma,

Can you please let me know where we are with this?

L

From: Bellamy, Emma < emma.bellamy@environment-agency.gov.uk >

Sent: 19 October 2020 14:44

To: Lesley Loane (LMM) < Il@landandmineral.co.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Dear Lesley

Thank you for providing a response to our queries regarding the above application. We are currently in the process of assessing this and will confirm whether the application will be duly made once we have completed assessment.

In the meantime, please can you confirm the payment reference for the additional fees paid? This is so that we can check that payment has been received by us.

Many Thanks

Emma Bellamy

Permitting Officer, National Permitting Service

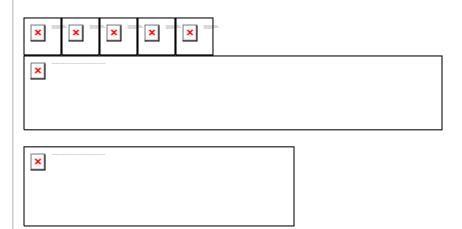
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emma.bellamy@environment-agency.gov.uk

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Mobile: 07867 370 563

Working days: Monday to Friday



From: Lesley Loane (LMM) [mailto:ll@landandmineral.co.uk]

Sent: 15 October 2020 12:32

To: Bellamy, Emma < emma.bellamy@environment-agency.gov.uk >

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Emma,

Please see attached and below.

In accordance with guidance on Permitting we are utilising documents prepared for the planning process with this submission. If the EA, after assessment of the management measures already agreed for these operations to protect sensitive receptors, require any further information please do let me know.

The additional fees which have been required have been paid by NMS today.

- 1. Confirm the billing contact for this application, on Part A of the application form you confirm that it is as section 6b, however this section of the application form is blank. Details in 6<u>a</u>.
- 2. Robbie Flower has completed the declaration section in Part F1 of the application form. There is a director named Robert Flower listed on Companies House, please confirm whether this is the same person. It is.
- 3. An additional payment of £3,172 is needed for the physical treatment activity as it is a 50% charge for a secondary activity and you have only paid the 10% fee for a repeat activity. Fee paid
- 4. Provide payment of £779 for a habitats assessment as the proposed activities are within 1,000m of a SSSI, SAC, SPA and Ramsar. Fee paid
- 5. Provide proof of registration to WAMITAB for Darren Hazell to complete his continuing competence which expired on 18/09/2020. See attached
- 6. Submit a Noise Impact Assessment and Noise Management Plan along with a payment of £1,246 for the assessment. Fee paid This is because the boundary for the treatment area appears to be approximately 200m from a residential receptor. Alternatively, provide a justification as to why a Noise Impact Assessment and Noise Management Plan is not needed. Guidance regarding noise can be found through the following link; https://www.gov.uk/government/publications/environmental-permitting-h3-part-2-noise-assessment-and-control. The noise from the plant site was assessed as part of the wider development. Then plant site is that which will be used as the treatment are as noted above. The assessment can be found at chapter 11 of the attached. The Noise details including management are addressed in section 4 of the 2018 EMP attached. The

planning consent included a condition limiting noise at sensitive receptor as a processing of assessing any unacceptable impact though EIA. The ES submitted with the permit application includes at Chapter 11 and the noted addendums the Noise impact assessment for the mineral extraction and recovery operation. The measures noted in the attached EMP also address this element of the wider operation. This is appended to the Outline EMS included with the Permit application.

- 7. Submit a Dust Emissions Management Plan along with a payment of £1,241 for the assessment. Fee paid This is because you are treating and depositing waste within 500m of residential receptors. Further information regarding this can be found through the following link; https://www.gov.uk/quidance/control-and-monitor-emissions-for-your-environmental-permit#emissions-management-plan-for-dust Dust Management is addressed at section 5 of the attached EMP. This is appended to the Outline EMS included with the Permit application.
- 8. Provide more information regarding waste code 19 08 99 along with a full description of this waste. The description is provided in the LoW stone filter media, free from sewage contamination arising from a WWTW.

Regards

lesley

From: Bellamy, Emma < emma.bellamy@environment-agency.gov.uk >

Sent: 13 October 2020 13:46

To: Lesley Loane (LMM) < Il@landandmineral.co.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Dear Lesley

Thank you for your response yesterday, I have looked into your comments and have provided responses below in red text.

This outlines why the additional information and payments are needed. We can give you another 10 working days to provide the information and payment, which gives you until 27/10/2020. Failure to do so will result in the application being returned to you and 20% of the application fee (capped at £1,500) being retained. This is outlined in Section 8. (5) of the Charging Scheme.

If you have any queries regarding this, please contact me.

Many Thanks

Emma Bellamy

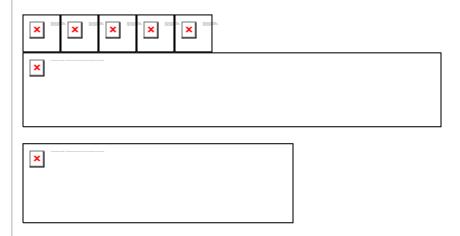
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Working days: Monday to Friday



Sent: 12 October 2020 08:23

To: Bellamy, Emma <emma.bellamy@environment-agency.gov.uk>

Subject: RE: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Emma,

Please see responses in green below.

I would be grateful for the opportunity to discuss any of these points if necessary

L

From: Bellamy, Emma <emma.bellamy@environment-agency.gov.uk>

Sent: 29 September 2020 09:52

To: Lesley Loane (LMM) < !l@landandmineral.co.uk>

Subject: Application - H H & D E Drew Limited - Hurn Quarry - Ref: EPR/GB3805KR/A001 (EAWML 405803)

Dear Lesley

Following my email a couple of weeks ago, I have now completed the duly making checks for the above application. The following information is needed in order to duly make this application;

- 1. Confirm the billing contact for this application, on Part A of the application form you confirm that it is as section 6b, however this section of the application form is blank. Details in 6a.
- 2. Robbie Flower has completed the declaration section in Part F1 of the application form. There is a director named Robert Flower listed on Companies House, please confirm whether this is the same person. It is
- 3. An additional payment of £3,172 is needed for the physical treatment activity as it is a 50% charge for a secondary activity and you have only paid the 10% fee for a repeat activity.

The example given on the form is an activity description using the EP Regs, eg Section 5.2 landfill for haz Waste. Therefore for this application the equivalent descriptor, following the example is the same for both – section 5.4 – Recovery of non haz waste. An additional payment of £3,172 is needed for the physical treatment activity as it is a 50% charge for a secondary activity and you have only paid the 10% fee for a repeat activity. Please note that the charging guidance outlines the required fee in Section 8. (2) and 8. (2) (b) and the fees are identified from the applications charge tables.

The charging guidance outlining, within the interpretations under section 7.

"application activity" means a single activity described in a single sentence in column 2 of the application charge table; "application activity charge" means the charge for the relevant type of application described in columns 3 to 8 of the application charge table, which corresponds to the relevant application activity.

Without this fee, the application cannot be progressed.

4 Provide payment of £779 for a habitats assessment as the proposed activities are within 1,000m of a SSSI, SAC, SPA and Ramsar. The requirement to carry out an assessment is not a blanket one limited only by proximity to a European site. There is only a need in all the relevant Regulations to carry out an assessment where there is <u>likely to</u> be a significant effect.

In view of the conclusions of the assessment already undertaken and agreed with Natural England and the Planning Authority (both competent authorities for such assessments) through the planning process for both elements of this application, the development is not likely to have a significant effect, therefore no second duplicating assessment is required. The EA's statutory guidance at section 3.7 makes this clear:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/297009/LIT_7260_bba627.pdf_and_additionally_https://www.push.gov.uk/wp-content/uploads/2019/11/Natural-England-and-Environment-Agency-Joint-Statement-18-November-2019-Roles-in-Planning-and-Permitting-.pdf

How would the EA justify disregarding previous conclusions drawn by competent authorities and indeed justify the view that there is a likely significant effect from the operations proposed when there has already been an assessment concluding there will not be?

Furthermore a HRA / CROW has recently been completed by the EA for the Hurn site (EPR/SB3191VU - attached), and given the Nature of the SPA (Solent and Dorset Coast potential SPA) and the very generic information used, it seems reasonable that the same can be concluded for this application. As part of the assessment of the proposed permitted activities we will undertake an assessment specific to the activities and the potential emissions from these. There are relevant habitats within proximity of the proposed site and therefore there is a potential for emissions from activities on site to impact on the features of the designation. Considerations under the planning permission are to determine if the development is an acceptable use of the land.

- 4. Provide proof of registration to WAMITAB for Darren Hazell to complete his continuing competence which expired on 18/09/2020. Due to the COVI situation WAMITAB has extended competencies to 2021, Darren has however managed to get his review booked for Dec 2020 (situation allowing). Please provide a copy of the registration confirmation for Darren Hazell to attend the continuing competence assessment in December 2020.
- 5. Submit a Noise Impact Assessment and Noise Management Plan along with a payment of £1,246 for the assessment. This is because the boundary for the treatment area appears to be approximately 200m from a residential receptor. Alternatively, provide a justification as to why a Noise Impact Assessment and Noise Management Plan is not needed. Guidance regarding noise can be found through the following link; https://www.gov.uk/government/publications/environmental-permitting-h3-part-2-noise-assessment-and-control

The planning process has adequately considered noise and has not identified any likelihood of unacceptable impact at any sensitive receptor that has not been adequately addressed through mitigation required under planning. Those have been set out at section 5.8 of the outline EMS. The ERA concludes there is no unacceptable risk. None of the guidance provided in relation to the EA's requirements for Noise impact or noise management indicate that they are required solely in relation to distance or type of operation. EA guidance confirms the requirements are risk based and in this instance the risk has been assessed through a recognised assessment to a British Standard and found to be acceptable. Therefore no further information is required or justified in terms of likely significant risk.

Thank you for your responses in relation to questions 5 and 6. Please note our decision whether to grant an environmental permit is completely separate from the planning process. Planning permission allows a new site to be built. The planning process determines whether the development is an acceptable use of land and considers a broad range of matters such as visual impact, traffic and access, which do not form part of our decision making process. An environmental permit allows the site to operate once it has been built and regulates emissions from the ongoing activities. A new development will need to have both planning permission and an environmental permit before it can operate. We will only issue a permit if we believe that the facility will be designed, constructed and operated in a manner that will not cause significant pollution of the environment or harm to human health. Please therefore provide

a response to these questions. The noise impact assessment and noise management plan have been requested due to the close proximity of the site to residential receptors.

6. Submit a Dust Emissions Management Plan along with a payment of £1,241 for the assessment. This is because you are treating and depositing waste within 500m of residential receptors. Further information regarding this can be found through the following link; https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit#emissions-management-plan-for-dust The EMS information in the application includes the Environmental Management Plan that has been approved for this site through the planning process, as noted above in relation to both the Habitats and Noise points, full assessment has already been carried out and the appropriate measures put in place. Duplication of regulation is not an appropriate course of action and there is nothing to indicate in your response that the management measures included in the application and as approved by the LPA are not adequate in view of the conclusions of the ERA that there is no significant risk. The use of reports prepared for other purposes is supported in this Core Guidance updated March 2020 at 5.7

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879531/environmental-permitting-core-guidance.pdf Please see the response to question 5 above. The assessment of the emissions plan is specific to the proposed permitted activities on site and the control of the associated risks.

7. Provide more information regarding waste code 19 08 99 along with a full description of this waste. – the description is provided in the LoW – stone filter media, free from sewage contamination arising from a WWTW, obviously inert as that is the overriding tenant of the application.

Please provide the information requested above by 13/10/2020. Failure to provide the information by this date is likely to result in the application being returned to you.

If you have any queries regarding this, please contact me.

Many Thanks

Emma Bellamy

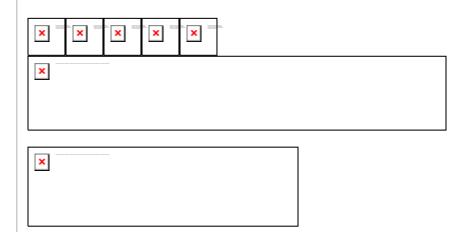
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