

Michael Knott  
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**Our ref: EA/EPR/CP3994ZR/V005**  
**Your ref: EA/EPR/CP3994ZR/V005**

**Date: 23/07/2020**

Dear Mr Knott,

**Environmental Permitting – Recovery or Disposal Operation**

**Application Reference: EA/EPR/CP3994ZR/V005**

**Proposed Operator: Darrington Quarries Limited**

**Regulated facility: Skelbrooke Quarry Extension Area**

You have submitted information to us that includes your assessment that the activity you wish to undertake at your site amounts to a recovery operation for permit reference EPR/CP3994ZR.

We have now fully considered your submission and we would like to advise you that:

*Decision: Not yet satisfied to agree recovery*

We do not agree with your assessment that your activity is a recovery operation for the following reasons: Not enough evidence has been provided to support the case that the proposed activity is a recovery operation and therefore we cannot confirm that this is a recovery operation.

You have demonstrated that the relevant planning authority has previously accepted a low-level restoration of the site including partial infill of the lake. Further you've provided evidence that, in principle, you are not required to use waste to complete the scheme. However the current planning permission has expired and the relevant planning authority has confirmed a new one will need to be agreed. Therefore it is not clear if there remains an obligation to complete the work and, if there is, the extent of the work required.

Please note any evidence submitted to demonstrate an obligation would be considered as confirmed in our guidance including:

- the extent to which the local planning authority was directly involved in the design of the scheme when planning was granted and the condition imposed
- whether the local planning authority would be likely to agree anything significantly different.

For example, if an alternate restoration scheme were proposed we would need to understand why you are obligated to complete the revised scheme instead of the previously agreed restoration scheme.

Your Waste Recovery Plan refers to a death that occurred at the site and the need to restore to remove risks currently posed. Evidence provided by the Planning Authority also suggests concerns over this. However, the previous planning permission (dated 2005) does not impose any statutory requirement to carry out the works as proposed, for example under health and safety legislation. This may be an additional consideration for you.

New evidence of there being a statutory obligation should address recent bathymetric and topographic surveys used to calculate the amount of material required to restore. As you made us aware during the assessment, previous planning agreed to lower quantities which were not based on modern modelling.

No specific construction standards were specified in the Waste Recovery Plan, and due to the nature of the proposal tipping waste in to water, technical assessment of the suitability of the wastes would be needed during a permit application rather than during assessment of the Waste Recovery Plan.

The Environment Agency can only authorise the placement of waste into water as a recovery activity where an applicant can show through their risk assessment how they will protect groundwater and surface water receptors. You must show through risk assessment and application documents you are taking appropriate measures necessary to mitigate the risk of pollution.

Appropriate measures will be informed by key documents, for example the findings of any hydrogeological risk assessment, which would be technically assessed by the Environment Agency as part of any permit determination. You would also have to specify what controls, including waste acceptance procedures and testing criteria, are appropriate in the context of the site setting.

Waste acceptance criteria are likely to be based on leachability concentrations that meet the minimum reporting values for hazardous substances based on DWS and/or EQS. Or background groundwater concentrations, where these are lower than the DWS and/or EQS. We may place further restrictions on certain wastes for example those from brownfield excavations, loads from multiple waste streams or where there is suspicion of contamination. A recovery permit may also require further controls, for example the installation of groundwater monitoring wells and associated monitoring or the use of an attenuation layer.

You may still apply for a recovery permit or variation to the existing permit, however if you are unable to provide further evidence that supports your claim that the activity is a recovery operation, then the application is likely to be refused. If this happens you will lose your application fee. If your application is refused you have the right to appeal that refusal.

If you have any questions please phone me or email [ellewelllyn@environment-agency.gov.uk](mailto:ellewelllyn@environment-agency.gov.uk)

Yours sincerely

Emily Llewellyn

**Permitting Officer**