

Graeme Kennett
Mabbett & Associates Ltd
By E-mail only

Our ref: EPR/UP3127SZ/P001
Your ref: Project No 311890

Date: 08/07/2024

Dear Graeme,

Environmental Permitting – Recovery vs Disposal assessment of a waste recovery plan

Pre-application reference: EPR/UP3127SZ/P001

Prospective applicant name: Brockley Wood Ventures Limited

Site name and address: Brockley Wood Quarry, near Belstead, Suffolk, IP8 3JU

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.

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

We agree with your assessment that your activity is a recovery operation. This advice is based on the information you have provided to support that the waste is being used as a substitute for non-waste material plus details in relation to waste types and quantity and the purpose and nature of the proposal. If you change any of this information between now and when you submit an application, this advice may no longer apply.

Please note that the advice contained in this letter is not in itself a permitting decision or an indication that a permit will be granted or permit variation issued following submission of an application. Further assessment will take place during the permit determination stage and pre-application advice should be sought as required before preparing an application. See appendix for more information.

The following documents are considered to form the approved waste recovery plan:

Title	Reference (where applicable)	Date
Waste Recovery Plan [Brockley Wood]	Revision 2.0 - Project No 311890	03/05/2024

Additional comments:

Two of the waste codes the applicant has proposed the use, 01 04 12 and 19 02 06, relating to wastes from the washing of minerals and inert wastes respectively, do not appear in our guidance <https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/check-if-your-waste-is-suitable-for-deposit-for-recovery>.

In the case of the latter waste code, this is often found to exceed leaching limits for waste acceptance at inert landfills due to high sulphate and total dissolved solids. This should be considered in the operating techniques and risk assessments to support the forthcoming application for a deposit for recovery permit.

I have also noted that the applicant is already the operator of a SR2009 No8 mining waste permit, EPR/KB3805MB at the same site. This permits the 'storage, treatment and disposal of inert extractive wastes and unpolluted soil resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries at a mine or quarry'. The wastes under this permit should be limited by the approved waste management plan, but this has yet to be submitted to our local compliance team.

As discussed, I recommend that the applicant seeks pre-application advice on whether the proposed deposit for recovery, inert waste processing and washing activities would be better applied for and regulated under the same permit as the mining waste activity rather than under a separate permit. This may avoid the potential for ambiguity if compliance issues arise. It could also avoid a consolidation being imposed upon the applicant/operator at a later date.

If you have any questions regarding our advice, please contact me using the details below.

Yours sincerely

Chris Cumming

Permitting Officer, National Permitting Service

Environment Agency | Quadrant 2, 99 Parkway Avenue, Sheffield, S9 4WF

Christopher.Cumming@environment-agency.gov.uk

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Pronouns: He/Him ([why is this here?](#))



Appendix

Recovery vs Disposal advice

The Recovery vs Disposal (RvD) assessment of a waste recovery plan enables us to advise an applicant regarding whether or not we agree in principle that a proposed waste activity is a recovery operation to inform what type of permit would be required (recovery or disposal).

This assessment is discrete from the pre-application advice that would be provided to support the preparation of a permit application (see below) attracting a separate charge.

Our decision to grant a recovery permit or to issue a variation is subject to further assessment carried out during the permit determination stage. In the case of bespoke permit applications, this includes site-specific risk assessment based on the location of the site and technical

requirements of the scheme.

For example:

- RvD assessment considers what waste types *may* be suitable, not what waste types *will* be deemed suitable following technical assessment of a permit application which would take into account the sensitivity of the site location and the proposed appropriate measures to be carried out. This is particularly relevant where non-inert wastes are to be deposited.
- RvD assessment considers whether it has been demonstrated that the scheme will be designed and constructed to be fit for purpose. Further technical assessment of the design and the construction methods and/or quality standards to be met may be carried out during permit determination.

If the permit that you are intending to apply for includes the application of waste to improve / enhance or maintain soil quality (landspreading), you must make this clear in your permit application and provide a benefit statement with your application that shows that the specific use of the waste is suitable and will provide no more soils and/or nutrients than the plants need. This is separate to the RvD assessment of the waste recovery plan.

If you plan to mix or blend waste or manufacture a soil substitute under the permit this should be made clear in the permit application as it is a separate activity that will need to be assessed during permit determination.

Pre-application advice on a recovery permit application

Prior to preparing and submitting an application for a recovery permit, you should review our deposit for recovery guidance (<https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits>) and consider seeking pre-application advice (<https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>).

You should use the paid for enhanced pre-application advice service to discuss your proposal if any of the following apply:

- your site is in a sensitive location (<https://www.gov.uk/guidance/landfill-operators-environmental-permits/plan-the-environmental-setting-of-your-site#sensitive-locations>)
- you are depositing waste on top of a landfill
- you are depositing waste into water
- hazardous waste is to be deposited as part of the scheme
- additional activities (such as landspreading or soil treatment) are intended to be included in the permit

Changes to your waste recovery plan

Before making changes to your proposal you should review our waste recovery plan guidance (<https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits>).