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North Lincolnshire Council  
Development Control  
Civic Centre Ashby Road  
Scunthorpe  
DN16 1AB

**Our ref:** AN/2024/135785/01-L01  
**Your ref:** PA/2024/740  
**Date:** 06 August 2024

Dear Dean

**Planning permission to extend the existing site of the quarry onto land to the north and east of Slate House Quarry, retention of the existing concrete batching plant, wash plant, weighbridge and all portable buildings used for operational and welfare purposes**  
**Slate House Quarry, Redbourne Road, Hibaldstow, DN20 9NN**

Thank you for consulting us on the above application, on 16 July 2024.

### **Environment Agency position**

Whilst we have **no objections** to the application, we have the following informative comments to make for the applicant and Local Planning Authority.

### **Advice to the applicant**

#### Foul Drainage

We recognise that there is no information included in the submitted plans which demonstrates how foul water will be disposed of from the proposed Office and Welfare Facilities.

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of

an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

#### Wash Plant

A bespoke permit will need to be obtained in order to cover present use of the wash plant in addition to this planning permission.

Sludge/filter cake produced by the wash plant is not suitable material for the restoration of the quarry as it is a waste, regardless of whether chemicals are added or not during the process. The sludge codes from physico/chemical treatment are EWC 19 02 05\* or 06. It will need to be sent to a permitted facility (landfill) who can accept it. A full testing suite will be required to show the material is non-hazardous.

#### Use of waste on-site – authorisation or permit required

The plans include importation of material onto site to be recycled, which requires an environmental permit. The existing permit does not cover the activities proposed on site.

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in

the wider economy.

- We have produced guidance on the recovery test which can be viewed at <https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits#how-to-apply-for-an-environmental-permit-to-permanently-deposit-waste-on-land-as-a-recovery-activity>.

You can find more information on the Waste Framework Directive here:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here:

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here:

<https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here:

<https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

#### Abstraction licence

The application does not demonstrate that any dewatering is proposed. Should dewatering be needed in the future we would need to be consulted as an abstraction licence would be required. If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me using the details below.

Yours sincerely

**Miss Emily Fisher**  
**Planning Advisor**

