

## **APPENDIX ES C**

### **PROTREAT STATEMENT OF COMPETENCE**

1. Regulation 18(5) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 state that:

*'(5) In order to ensure the completeness and quality of the environmental statement—*

*(a) the developer must ensure that the environmental statement is prepared by competent experts; and*

*(b) the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.'*

2. The Environmental Impact Assessments (EIA) and the subsequent Environmental Statement (ES) have been produced by specialist and competent experts in their relevant fields.

#### **Planning & Environmental Statements and EIA**

3. Protreat prepared and coordinated this Environmental Statement. However, Section 19 of the ES – Ecology, was prepared by Urban Edge Environmental Consulting Ltd and the clay pit design work was carried out by Caulmert Ltd. Protreat are specialist and competent for the matters covered by their ES scope and the experience of the key individuals involved is set out as an appendix to this statement. Protreat was formed in 2011 and the individuals specified in the appendix have prepared and submitted planning applications with environmental statements & impact assessments for waste management facilities and other industrial activities since the early 1990s. Protreat has a detailed understanding of the EIA and waste legislation to ensure that EIAs are undertaken in accordance with best practice.
4. The in-house management systems for a small project have been developed by Protreat's Director in accordance with an ISO 9001 Quality Management System. Protreat's Director is a trained auditor for ISO 17025, which incorporates ISO 9001. In 1994, an Environmental Statement and EIA prepared by Protreat's Director, in support of a planning application for a chemical waste management and treatment facility in Cardiff, was deemed to be competent by the Institute of Environmental Assessment, when planning permission granted by Cardiff City Council, was unsuccessfully challenged by judicial review proceedings.

#### **Transport and Traffic Statement**

5. Additional specialist input has been provided for the Transport Statement by Nick Culhane, Highways Consultant. Nick has over 34 years of experience dealing with the traffic and transport implications of residential and commercial development relating to planning applications submitted to Planning and Highway Authorities. Having started his career with Hampshire County Council dealing with the highway aspects of strategic planning applications, Nick moved to Winchester City Council where he undertook the role as Highway Engineer, commenting on anything from single dwelling units, to housing estates of 100+ units. Nick has extensive knowledge of both Local and National Planning Policies and has acted as an expert witness on many Appeals and Public Enquiries. He is a public speaker and has represented the Highway Authority in many public meetings and Planning

Committees. Nick now specialises in advising Planners, Developers and Private Individuals in the highway implications of planning proposals.

### **Landscape and Visual Impact Assessment**

6. Additional specialist contribution for the Landscape and Visual Impact Assessment was provided by Charmaine Noel BA(Hons), MSc, CMLI, MIEEM of Landvision South East Limited, who has 25 years' experience in private practice. The company is an accredited Member of The Landscape Institute and Member of the Chartered Institute of Ecology and Environmental Management, with considerable professional experience, having worked for many years with a large number of Local Authorities, Quangos, developers, architects, engineers, planners Land project managers as well as for private clients. Landvision are currently landscape consultants to a broad spectrum of land use professionals, namely planners, architects, engineers, chartered surveyors, private developers, Local authorities, quangos and other interested parties. They have extensive experience in ecology, landscape design, landscape contract management, amenity horticulture, woodland management plans, planning applications, grant applications, grassland management and general landscape management. Landvision South East also produced the landscape plan shown as Figure PS16 to the Planning Statement.

### **Hydrogeology and Hydrology including a Flood Risk Assessment**

7. Additional specialist input was provided by Principal Hydrogeologist Sarah Venning and Steven Barber-Bailey of Caulmert Limited. Caulmert was established in 2008 by founder members Michael Caulfield (Civil Engineer) and Åsa Kolmert Strickland (Environmental Scientist). Caulmert has expertise in geotechnical, civil and structural engineering, environmental, town planning, digital drafting and modelling and project management. Caulmert operates in the commercial, education, energy, health, hotel, leisure & recreation, industry – storage & distribution, rail, residential & social housing, retail & leisure and waste sectors.

### **Noise**

8. Additional specialist survey and modelling input was provided by Adam Glass BSc (Hons) MIOA, Principal Consultant of Anderson Acoustics Limited. The company was formed in Brighton in 2006 and provides acoustics and vibration management consultancy and related services across the airports, construction, environmental, schools and building acoustics sectors. Andersons have been involved in small to very large-scale projects, ranging in value from under fifty thousand to billions of pounds, with team experience delivering UK and international projects.

### **Land Contamination**

9. Additional specialist input was provided by Geotechnical Engineering Limited. Established in 1961, Geotechnical are the UK's largest, privately owned, independent, ground investigation contractor, providing quality geotechnical and geoenvironmental data throughout the UK. They deliver an extensive range of ground investigation services for the purpose of informing on the physical and engineering properties of the ground (soil & rock), and any potential contamination issues. Their offering is complemented by a dedicated surveying team that provide utility tracing and detection services and have an in-house, accredited soil and rock testing laboratory.

## **Archaeology and Cultural Heritage**

10. Additional specialist input was provided by Emily Walsh and Chris Butler MCIfA, Cert Ed. of Chris Butler Archaeological Services Limited (CBAS) and Alex Godden BA (Hons) MA ACIfA of Wessex Archaeology Limited. CBAS are one of the leading specialists in large landscape and woodland surveys in South-East England. For many years, their archaeologists have been involved in several large landscape and woodland surveys. The Forestry Commission has employed CBAS to complete large woodland archaeological surveys at three major forests across Sussex: St Leonards Forest, Tilgate Forest and Sheffield Forest. Chris Butler has been an archaeologist since 1985 and formed CBAS at the beginning of 2002. Wessex Archaeology is the UK's leading provider of archaeological and heritage services, and an educational charity. Established for 40 years, they offer an unrivalled range of services above ground, below ground and underwater, delivered by over 320 industry experts from an international network of offices. They work in partnership with clients across a variety of sectors to deliver practical, sustainable solutions to effectively manage the historic environment. Their experience and knowledge helps clients achieve successful planning outcomes, engage communities and stakeholders, and enhance the value of national historical assets.

## **Soil Resources**

11. Additional specialist input was provided by Geotechnical Engineering Limited (see paragraph 9 above for more details) and Dr Richard White of Lucideon Limited (formerly the British Ceramic Research Association). Lucideon operate in the aerospace, ceramics, construction, energy and healthcare sectors to create and deliver game-changing Materials Technologies enabling the development of the products of the future, enhance competitive advantage and market position, supported by their world-leading Testing, Analysis & Characterisation laboratories, Product Optimization team and their Certification & Assurance division.

## **Arboricultural**

12. Additional specialist input was provided by Independent Arboricultural Consultant Owen Allpress and Horticulturalist and Arboriculturalist Ian Noel of Landvision South East Limited (see paragraph 6 above for more details). Owen Allpress has over a decade of local authority and commercial contracting experience for arboricultural consultancy and tree surveying. Ian Noel is a Director of Land Vision South East and is a qualified arboriculturalist experienced in dealing with architects, project managers, local authority planners, construction companies, builders, engineers and private clients, producing detailed tree reports to professional standards that are up to date with relevant legislation, British Standards, and arboricultural best practice. Owen Allpress carried out the site surveys and the Arboricultural Impact Assessment was produced by Ian Noel.

## **Ecology**

13. Specialist input and advice was provided by Urban Edge Environmental Consulting Limited (UEEC). The ecological surveys were carried out by UEEC over a 12-month period from March 2020 onwards, prior to them producing a detailed Surveys Report for Flora and Fauna, an Ecological Impact Assessment, a biodiversity net gain assessment and Section 19 of the Environmental Statement. UEEC is a Registered Practice of the Chartered Institute of Ecology and Environmental Management. The following personnel were involved in carrying out the surveys:

Personnel	Qualifications
Nick Pincombe BA(Hons) MSc CEnv MIEMA MCIEEM	Director with fifteen years' experience leading survey and impact assessment teams for a wide range of ecology and environmental planning projects. Natural England Class Licences to survey for bats (WML-CL18) and great crested newt (WML-CL08).
Andy Jukes BSc (Hons) MCIEEM FRES	Invertebrate Ecologist with over 20 years' applied experience in undertaking invertebrate surveys and site assessment.
Dr Richard Bickers BSc(Hons) PhD MCIEEM	Senior Ecologist with ten years' professional consultancy experience. Botanical specialist and keen birder with a licence to survey for great crested newt (WML-CL09).
Becci Bond BSc(Hons) MCIEEM	Senior Ecologist with nine years' professional consultancy experience. Licences to survey for bats (WML-CL17), great crested newt (WML-CL09) and hazel dormouse (WML-CL10a).
Anna Douglas BSc(Hons) MSc GradCIEEM	Ecologist with four years' professional consultancy experience. Licences to survey for bats (WML-CL17) and great crested newt (WML-CL09).
Jeff Turton BSc(Hons) GradCIEEM	Ecologist with four years' professional consultancy experience. Licence to survey for great crested newt (WML-CL09).
Alexandra Weeks BSc(Hons) MRes	Assistant with two seasons' survey experience.

14. UEEC is a specialist ecological and environmental planning practice operating across the UK, assisting clients in understanding the ecological and environmental constraints and opportunities facing their development proposals. UEEC provide consulting services to a wide range of private and public sector organisations, including housebuilders and commercial developers, planning consultants, architecture practices, project consortia, local government, infrastructure operators, public and private sector utility companies and regulators. Their aim is to innovate in partnership with their clients to achieve lasting, effective and creative solutions for sustainable development. Their primary focus is on the interactions between environment and development, working on land use and spatial planning matters, including environmental planning, ecological surveys and impact assessment, including EIA.

**Christopher Williamson**  
**ProTreat Limited**

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**PERSONAL HISTORY**

**ProTreat Limited**

**2010 – Present**

Formed the Company to pursue technical and legal challenges with private clients in the waste and recycling sectors.

**Managing Director**

Responsible for client care - multi-faceted technical projects in the waste processing and recycling sector and advising re legal disputes with the UK Government, Environment Agency, local authorities and in civil proceedings.

- Prepared a formal complaint to the Commission of the European Union for infraction proceedings against the UK Government for not implementing the Waste Incineration Directive & Industrial Emission Directive requirements for small waste oil burners.
- Brought a private judicial review High Court action against the Secretary of State for the Department of Environment Food and Rural Affairs for not implementing the Industrial Emissions Directive requirements for small waste oil burners in England & Wales
- Produced a comprehensive technical document for a private client to oppose the Environment Agency and Sahaviriya Steel Industries UK's ("SSI") re-commissioning of the Redcar blast furnace using waste oil as the main energy source other than in accordance with the Waste Incineration Directive. SSI withdrew their application to the Environment Agency.
- Assisted the Original Recycling Association with representations to Defra and the Environment Agency with regard to the European Commission's legal challenge to the UK Government's PFO Protocol.
- Designed and built an oil emulsion waste treatment process with a capacity of 200 tonnes per day.
- Successfully advised a corporate client in civil proceedings for the value of silver recovered from silver plating waste.
- Successfully advised a corporate client to appeal HMRC's decision to designate a recovered oil as a Tied Oil for excise duty purposes.
- Successfully advised a corporate client and represented them at a formal mediation hearing at the Chartered Institute of Arbitrators to reduce a claim against them from £1.9 million to £100k.
- Advised a corporate client in the successful defence of an Environment Agency prosecution based on an abuse of process legal argument.
- Appointed as an expert in support of a corporate client's application for judicial review of the Environment Agency's decision to suspend their environmental permit, which resulted in a High Court injunction and the voluntary withdrawal of the notice.
- Appeared as an Expert Witness in a Public Inquiry re a waste permit refusal appeal.
- Reinstated permit exemptions for a corporate client after these had been withdrawn by the Environment Agency.
- Negotiated with the Environment Agency for a 2 year extension for the completion of onerous improvement conditions specified in a client's environmental permit.
- Advised a corporate client on the determination of hazardous waste status in accordance with the Environment Agency's WM2 Guidance.
- Obtained planning permission for a waste management facility in Redcar, Teesside.
- Assisted a corporate client with the evaluation of a tyre recycling process in Italy.
- Advised a corporate client re their legal entitlement to mechanically treat wastes in accordance with the terms of their environmental permit including an application for judicial review forcing the Environment Agency to vary the permit to reinstate the permit to the conditions that existed prior to the unlawful variation.
- Produced numerous applications for the trans-frontier shipment of waste in accordance with the European Waste Shipments Regulations and the Basel

Convention. Handled the application of hazardous waste from a non OECD country to the UK in accordance with the Basel Convention. Advised the Isle of Man government department re a Duly Reasoned Request for the export of waste to the UK in accordance with Article 11 of the Basel Convention and Article 41 of Regulation (EC) No. 1013/2006.

- Carried out a review of an existing waste carrier / brokers waste management activities and set up an Environmental Management System to address numerous Duty of Care issues.
- Produced 2 comprehensive Expert Reports and contributed to a Joint Experts' Report to support a client's defence re the Environment Agency's prosecution of a company director for allegedly operating a waste activity outside the scope of the registered waste exemptions, resulting in the Crown Court trial being aborted after just a few days.
- Brought judicial review proceedings against the Environment Agency in the High Court and Court of Appeal re their decision not to introduce End of Waste guidance for recycled waste oils in accordance with the waste hierarchy.
- Obtained planning permission for a waste management facility in Ealing, West London.

### **Original Recycling Association**

**2018 – 2021**

Leading trade association to the hazardous and non-hazardous waste sector, established in 1998, with 45 corporate members. See [WWW.ORA.ORG.UK](http://WWW.ORA.ORG.UK)

#### **Director General**

Appointed as a director in 2016 and took up the position of Director General in August 2018. Ran the trade association on a part-time basis alongside other commitments to Protreat Limited until March 2021.

### **OSS Group Limited**

**2004 – 2010**

Oil recycling company creating a British Standard fuel oil product from waste oils. UK market leader involved in a landmark Court of Appeal ruling to allow the recovery of waste.

#### **Operations Director**

Responsible for R&D, technical issues, engineering, production, end of waste legal matters, REACH and transport.

- **Won a landmark end of waste case versus the Environment Agency in the Court of Appeal to allow the recovery of a fuel oil product from waste lubricating oils. Produced a 3,500 page technical document in support of the judicial review application.**
- Consolidated all UK fuel oil production at one location and increased production capacity by 150% to 130k tpa.
- Developed a new fuel oil product in conformance with BS2869 for use in shell and tube steam boiler systems.
- Developed end of waste guidance and test methods in co-operation with the Environment Agency.
- Re-engineered and modified an existing patented oil recovery process to achieve the 2010 End of Waste Protocol.
- Managed UK military, naval and aviation waste fuel arisings for export to European markets.
- Installed bespoke oil filter fragmentation plant for the recovery of ferrous and non-ferrous metals.
- Managed UK waste oil collection network involving 60 rigid and articulated road tankers operating from 14 locations.
- Obtained planning permission for a new waste management facility in the Wyre Forest district.

### **Petrus Oils Limited**

**1996 - 2003**

Oil recycling company. Niche capital-intensive R&D business with oil trading activity and wholly owned subsidiary in Germany.

#### **Managing Director**

Responsible for all technical aspects in addition to accounting, oil trading and the development of Petrus Oils Germany GmbH.

- **Successfully presented and steered the company's defence in a high profile environmental court case against the Environment Agency and recovered all legal costs amounting to over £200,000.**
- Designed a sophisticated electronic business model and negotiated a discretionary EU Objective One EUR 19.5 million capital grant for a new EUR 39 million investment in Germany.
- Due to a collapse in the value of oil commodities to a 25-year low, reorganised UK refining operations with a drastic reduction in personnel combined with formulating a new direction for the future development of the company. This resulted in a break-even position the following year compared to cumulative losses of £4 million during the previous 3 years.
- Created a new oil import trading activity based on outsourced supplies, storage, shipping and road transportation services and negotiated sales to the UK power generation sector worth £2.6 million over a 15 month period making a profit of £350,000.
- Devised a new product with a partner company for stopgap added value sales to their existing customer base worth £1.7 million over 4 months, with the incremental profit divided equally between the parties.
- Due to a cash equity shortfall formulated negotiations with a non-SME company and secured their EUR 1.5 million investment for a new project in Eastern Germany.
- Obtained planning permission for a waste oil recycling facility (re-refinery) in Eisenhüttenstadt, Germany.

### **Whelan Environmental Services Limited**

**1990-1996**

Largest independent chemical waste treatment company.

#### **Operations Director**

**1992-1996**

Overall responsibility for facilities in Birmingham, Stoke on Trent and Middlesbrough and responsible for developing new facilities. **Managing Director of Whelan Environmental Consultants Limited.**

- Managed recruitment at new locations and down sized the HQ management structure for increased productivity and greater efficiency. Reduced management overheads and direct expenses by £300,000 per annum despite expanding the business to a national operation with a 50% increase in turnover.
- Over a 6-month period with the company owners living abroad, negotiated final terms for the sale of their business to a major competitor and effected the start-up of their new capital-intensive joint venture business with a US partner. Their established business with an annual turnover of £10 million and profits of £900k was sold for over £10 million with £2.5 million of capital investment directed into the new joint venture.

### **Whelan Environmental Services Limited**

#### **Business Development Manager**

**1990-1992**

Responsible for developing sales in a new region and locating new facilities for expansion outside of Birmingham.

- Developed new sales territory in the north-west of England securing high margin business worth £500,000 over 18 months and located three sites for future development with planning permission obtained at all three locations in Stoke on Trent, Billingham – Teesside and Cardiff during the two-year period.

### **Castle Oils Limited**

**1988-1990**

#### **General Manager**

### **Fuchs Lubricants (formerly Century Oils plc)**

**1982-1988**

**Various – from Environmental Services to Quality Assurance & Process Control**

### **Johnson Matthey plc**

**1977-1982**

#### **Environmental Services Technician**

## **EDUCATION**

BA Business Studies Staffordshire University

HNC Endorsement – Analytical Chemistry

HNC Chemistry

ONC Physical Sciences

**1988-1991**

**1981-1982**

**1979-1981**

**1977-1979**



# Barrie Thomas

.PROTREAT ASSOCIATE FOR THE LOXWOOD CLAY PITS PROJECT FROM JANUARY 2019

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## PERSONAL HISTORY

### BRECS Ltd

2011 to Present

#### Managing Director

Working on a number of projects primarily in the waste, energy, and renewable energy sectors.  
Main achievements to date –

- Helping a unique tyres/plastics to oil conversion process to develop its technology and bring their invention to market. Leading on all technical aspects of the project, aiding with process design and improvement, and leading the HAZOP team to identify and control the safety aspects of handling hot pyrolysis gasses and liquids from the technology. Key member of the Directors team which then installed the technology on a site in the UK for commissioning trials.
- Working with a London based energy project developer looking to invest in clean and renewable technologies, leading on technical development and carrying out due diligence work. This company has significant investment budgets with work in areas including distributed energy plants, biomass gasification and waste to energy processes. This work is ongoing and has delivered over 30Mw through to funding to date.
- Devised and successfully implemented a feedstock sourcing strategy for another project development team looking to enter the waste wood to energy market.
- Carried out several feasibility and due diligence studies in relation to biomass and RDF fuelled energy generation plants for various clients

### National Industrial Symbiosis Programme (NISP)

2007 - 2011

#### Regional Manager - NISP Wales

Managing a small team of practitioners dedicated to delivering the government funded NISP (Industrial Symbiosis) programme in Wales.

- Working directly with the Welsh Assembly Government at very senior level to ensure the programme achieved their environmental requirements and delivered on the targets in their national waste strategies.
- Practical experience in the circular economy, finding re-use opportunities for a wide range of wastes and resources, from a wide range of industries, using the industrial symbiosis approach to get wastes away from landfill and back into the chain of utility.
- Diverted well over 100Kt of material out of landfill and back into useful applications

#### NISP National Team Manager

Successfully managed a small team of practitioners helping national companies to develop multi-regional projects by coordinating activities through the NISP regional teams and coordinating interfaces with the companies concerned.

- Evaluated many waste to energy technologies such as pyrolysis and gasification processes for incorporating into the NISP network of approved suppliers.
- Used background and experience in anaerobic digestion to take the lead in NISP's involvement in the delivery of anaerobic digestion projects nationwide. This included co-ordination with WRAP to ensure NISP supported its funded AD plants, and being part of DEFRA's landscape delivery drive to develop AD Infrastructure. This latter work was concurrent to the work as head of the programme in Wales.

## **McCain Foods GB**

**1995 - 2007**

### **UK Group Environment Manager**

Successfully managed all McCain UK sites through the PPC permitting process, and handled all environmental, and environmental legal issues for the group UK wide, in addition to developing waste and renewable energy projects for integration into core business operations .

- Achieved delivery of projects such as building 10Mw wind turbines – whilst managing all Environmental and Planning aspects
- Developed projects for the installation of biomass boilers, biogas engines, water recycling and energy & waste reduction.
- Also had many years personal experience of operating and managing an anaerobic waste water treatment plant, improving gas yields by 50% through developing technical improvements to the processes and existing systems installed.
- Sourced more efficient and effective methods for treating and disposing of all wastes group wide
- Achieved a waste reduction improvement of over 20% through innovation and process developments.
- Wrote and implemented McCain bespoke Environmental Management Systems to satisfy global CSR and Environmental policies. Many of these systems were later used through the McCain group worldwide. Authored and implemented the current McCain GB Environmental Policy as part of this work, succeeding in making the company the leading renewable energy generator in its sector in Europe and the most resource efficient part of the McCain group worldwide.

### **Technical Manager**

Key experiences while managing all technical aspects, and also the large Q.A. department were

- the implementation from scratch of HACCP food safety systems, BRC systems and ISO Quality Systems, the first McCain company in the world to get accreditation for these. These systems were later copied to the other sites worldwide.
- Customer technical liaison (with companies like McDonalds, and all the major retailers) and Supplier Quality Assurance.
- Later also given the responsibility for all environmental issues on site including managing the local resident liaison committee, achieving a significant reduction in problematic odours and emissions from the site.
- Practical “hands on” experience in the operation and improvement of a full waste water treatment plant from primary treatment (centrifuges, clarifiers, cyclones) right through anaerobic digestion, aeration and tertiary treatment systems for discharge into a consented river.

## **Peters Foodservice**

**1988 - 1995**

Practical experience in development and implementation of ISO quality systems and HACCP food safety systems in a high risk food industry environment, with management of a large QA function over several sites.

- Became a HACCP Master Practitioner within the group of companies which actually invented the technique (Pilsbury). Achieved the first independently approved ISO quality system in the group worldwide.

## **EDUCATION AND TRAINING**

B.Sc. (Hons) Food Technology – Reading University

1983 – 1987

Diploma in Environmental Science

2005

