

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)**

SUSPENSION NOTICE AND REQUIREMENT TO TAKE STEPS

To: **FAO Company Directors
GTR Aggregates and Recycling Ltd
Stoneraise Quarry
Great Salkeld
Penrith
Cumbria
England
CA11 9NF**

Environmental permit number: EPR/ TB3397TD
**Regulated facility: GTR Aggregates and Recycling Limited, Waste Transfer Station,
Dee Bank Industrial Estate, Boot End, Bagillt, CH6 6HJ.**

Under Regulation 37(1) and (5) of the Environmental Permitting (England and Wales) Regulations 2016, **Natural Resources Wales** may suspend an environmental permit if, **Natural Resources Wales** consider that the manner of operating a regulated facility contravenes an environmental permit condition, and that such contravention involves a risk of pollution. Accordingly, **Natural Resources Wales** has decided to suspend the environmental permit to the extent specified in Schedule 1 with immediate effect.

In addition, you are required to take the steps specified in Schedule 2 to remove that risk. Further, in relation to any activities that you are still authorised to carry out under the environmental permit, you are required to take the steps specified in Schedule 3.

The reason for this decision is that, **Natural Resources Wales** consider that the operation of the regulated facility involves a risk of pollution namely:

Failure to comply with **condition 1.1.1 (Table 1.1) of the Environmental Permit EPR/ TB3397TD**. This conditions states that *"No waste management operations shall be authorised by this licence unless: a) Specified in and undertaken in accordance with the limitations in the following table (1.1). Table 1.1 States that Household, Commercial and Industrial Wastes should be 'Stored in accordance with condition 2.1.1 and in location as shown on RW/02 (Inside the transfer building only) and in accordance with 1.3 and 1.5.5. of the working plan. No more than 500 tonnes of untreated non-hazardous waste shall be stored at any one time'.*

GTR Aggregates Limited is storing Household, Commercial & Industrial waste outside of the transfer building which is a breach of permit conditions. This waste is not being stored in accordance with the site's working plan. The height of the waste exceeds stipulated limits of 2.5m.

The storage of this waste presents significant fire risk due to the volumes being stored in one continuous pile which extends outside of the transfer building. The height of the waste pile also exceeds the limit of 2.5m.

Should this waste catch fire, there would be significant air pollution which would have a direct impact on the adjacent coastal A548 road. This could cause major traffic disruption and affect local residents' health and wellbeing.

In addition to this, the site has failed to address site drainage issues. Site drainage is not effective and currently, it is not clear whether site run off is contained and whether any fire water run off would be able to be disposed of safely. Therefore, there is risk this fire water could escape from site permit boundary and potentially impact on the local SSSI Dee Estuary, which is less than 50m from the site boundary.

The environmental permit ceases to have effect to the extent specified until this notice is withdrawn.

Date: 29th July 2021

Signed: *CWilliams*

Carys Williams
Waste Regulation Team Leader – North East
Natural Resources Wales
Chester Road
Buckley
Flintshire,
CH7 3AJ

Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2016 Regulation 37(1) and (5)

Notes:

General

1. This notice suspends the environmental permit to the extent specified in Schedule 1 because Natural Resources Wales consider the manner in which the regulated facility is being operated contravenes an environmental permit condition and that contravention involves a risk of pollution. Consequently, operating any of the activities which this notice has suspended is an offence and legal action may be taken against you.
2. You remain bound by any conditions of the environmental permit that are not specified in Schedule 1.
 1. Failure to comply with these conditions is an offence and legal action may be taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within 2 months of the date of this Notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate
Crown Building
Cathays Park
CARDIFF
CF10 3NQ

Tel: 029 2082 3866

Email: wales@pins.gsi.gov.uk

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

In this document "Natural Resources Wales" means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)

SCHEDULE 1	
EXTENT TO WHICH THE ENVIRONMENTAL PERMIT IS SUSPENDED	
Extent	
The following parts of the Environmental Permit are suspended with immediate effect:	
The importation of Household, Commercial and Industrial waste pursuant to condition 1.1.1, Table 1.1.	

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)**

SCHEDULE 2 STEPS TO BE TAKEN TO REMOVE RISK OF POLLUTION	
Steps to be taken	By date
STEP 1: Cease the acceptance of Household, Commercial & Industrial waste onto site. The Operator shall cease to receive this waste onto site with immediate effect.	With immediate effect
STEP 2: Ensure all Household, Commercial & Industrial waste is stored within the transfer building <u>only</u>. The operator will remove all Household, Commercial & Industrial waste being stored outside of the transfer building. This waste type should be stored within the transfer building only and be of a maximum height of 2.5m as stipulated in the Working Plan .	Friday 13 th August 2021
STEP 3: Ensure the quantity of stored Household, Commercial and Industrial waste (untreated non-hazardous) is not exceeding 500 tonnes, as stipulated by the Environmental Permit The Operator shall ensure the stored quantity of Household, Commercial & Industrial waste, does not exceed 500 tonnes as stipulated by the Environmental Permit Ref: EPR/ TB3397TD .	Friday 13 th August 2021.
STEP 4: Submit Weighbridge Records / other supporting documentation to evidence volumes of waste being stored. Submit weighbridge records and any other supporting documentation to evidence that the site is storing no more than 500 tonnes of Household, Commercial & Industrial wastes. Please provide evidence covering the period 1 st June 2021 – 28 th July 2021.	Friday 20 th August 2021

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)**

STEP 5: Submit a full drainage survey for review by Natural Resources Wales. This survey should include a detailed plan and scaled drawing. It should evidence how the site currently meets drainage standards as specified in Table 2.1 of the site's Environmental Permit.	Friday 20th August 2021
STEP 6 : Submit waste transfer notes for waste removed from site Fully completed Waste transfer notes should be supplied to NRW to demonstrate that the waste has been sent to an authorised facility.	Friday 20th August 2021

Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)

SCHEDULE 3 ADDITIONAL STEPS FOR NON-SUSPENDED OPERATIONS	
Steps to be taken	By date
STEP 1 All other permitted activities can continue other than those specified in Schedule 1 in accordance with the permit conditions.	 With immediate effect