

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 36**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

To: **GTR Aggregates & Recycling Ltd
Stoneraise Quarry
Great Salkeld
Penrith
Cumbria
ENGLAND
CA11 9NF**

Environmental permit: EPR/TB3396TD

Regulated facility: GTR Aggregates & Recycling Ltd, Dee Bank Industrial Estate, Boot End, Bagillt, Flintshire, CH6 6HD.

Natural Resources Wales considers that the following conditions of the environmental permit conditions are being contravened:

- 1) Condition 1.1.1 – Table 1: ‘No more than 2000 tonnes of untreated inert waste shall be stored at any one time’.**

BECAUSE

The site is storing in excess of 2,000 tonnes of inert waste. The last 3 CAR forms have included actions to submit to NRW volumes of inert waste being stored at site. The last CAR form issued following a site inspection on 16th November 2021, required the site to reduce volumes of inert waste to below 2,000 tonnes. This was due on 10th December 2021, but a site inspection on 17th January 2022 confirmed this had not been completed.

Please see Schedule 1 which details steps you must take in relation to permit condition 1.1.1.

2) Condition 2.1.2 'Engineered site containment and drainage systems'

BECAUSE

The results of the a CCTV drainage survey of the site identified a number of issues that require action. The survey identified that the site drainage infrastructure is not currently fit for purpose.

As yet, GTR Aggregates & Recycling Ltd have been unable to provide suitable evidence to show how site drainage meets the standards specified in **Table 2.1**.

There is regularly standing water on site which indicates current drainage systems are not effective. Two recent fires on site have confirmed that site drainage is ineffective. The fire service were unable to use site drains/interceptors to dispose of fire runoff.

GTR Aggregates & Recycling Ltd are also yet to submit evidence as to how site drainage will be inspected and maintained going forward.

I must make you aware that this is the third and final Regulation 36 Notice that we will issue regarding site drainage. GTR have been given a generous amount of time to resolve this issue, but have not made any progress since the drainage survey was completed. Should this final notice date of Friday 18th February 2022 not be met, we will consider the issuing of an Environmental Permitting (England and Wales) Regulations 2016 Regulation 37 Suspension Notice to suspend your permit.

You are required to take the steps set out in **Schedule 1** by the dates specified in order to remedy the contraventions.

Signed:



Date: 21/01/2022

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

Please see over for notes.

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Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being 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 two 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.

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SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
1.1.1 (Table 1)	Reduce the volume of untreated inert waste being stored on site to less than 2,000 tonnes.	Friday 18 th February 2022
2.1.2	Submit to NRW a revised drainage plan that shows how the system is constructed, inspected, validated and maintained.	Friday 18 th February 2022
2.1.2	Following the CCTV drainage survey, perform appropriate maintenance works to ensure the drainage system is fit for purpose and in good working order, as per standards specified in Table 2.1 of the site's permit. Evidence should be provided to Natural Resources Wales to show this.	Friday 18 th February 2022