

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

SUSPENSION NOTICE AND REQUIREMENT TO TAKE STEPS

To:

GTR Aggregates and Recycling Ltd

**C/O Frp Advisory Trading Limited
Derby House,
12 Winckley Square,
Preston, PR1 3JJ**

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** considers that the manner of operation of the regulated facility contravenes environmental permit condition(s) and such contravention involves a risk of pollution, namely:

For the purposes of the Environmental Permitting (England and Wales) Regulations 2016, “pollution” means any emission as a result of human activity which may—
(a) be harmful to human health or the quality of the environment,

- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities or other legitimate uses of the environment.

NRW believe that GTR Aggregates & Recycling Limited are breaching the following permit conditions:

- ***‘Stored in accordance with condition 2.1.1’***

Condition 2.1.1: Waste shall only be deposited, stored, treated or otherwise handled in any area of the site, where the engineered site containment and drainage system for that area is provided in accordance with this condition and condition 2.1.2.

Condition 2.1.2: The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained and shall be fully documented and recorded, to be fit for purpose, and, shall meet the standards specified in **Table 2.1**.

Because

Following a CCTV drainage survey report undertaken in October 2021, it was identified that GTR's drainage was not fit for purpose and is in need of a number of repairs. Three separate Regulation 36 Notices of the Environmental Permitting Regulations 2016 were issued to GTR, requiring the company to evidence how the drainage system was fit for purpose and how it would be inspected, validated and maintained. These notices were issued on 17/08/2021, 15/11/2021 and 21/01/2022.

GTR failed to meet any of these three notice deadlines. A subsequent EPR 2016 Regulation 37 (1) and (5) Notice was served to site on 30/03/2022. This again required GTR to resolve drainage issues on site to ensure it was fit for purpose to avoid any environmental impact from site runoff. Other than the CCTV drainage survey completed in October 2021, GTR have yet to provide sufficient evidence to show how site drainage issues have been resolved. Therefore, GTR are in breach of condition 1.1.1, condition 2.1.1 and condition 2.1.2 and NRW considers there to be a continuing risk of pollution, namely emissions that are or may be harmful to human health or the quality of the environment due to inadequate site containment and drainage.

AND

- ***‘Stored in accordance with 1.5.5 of the working plan’***

Permit Condition 1.1.1 states ‘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’.

Table 1.1 states Household, Commercial & Industrial waste to be ‘stored in accordance 1.5.5 of working plan.

1.5.5 of the working plan states, the maximum storage times for Mixed waste as 7 days.

Because

The site permit was partially suspended for all incoming wastes on 30/03/2022. The site continues to store mixed waste as of 21/06/2022, therefore breaching this condition. Storing waste in excess of 7 days, increases the risk of fire and self-combustion. As this waste is likely to have been stored for over 10 weeks, the risk of a further fire on site continues to be assessed as high.

The site has now suffered two fires within the suspension period on 08/05/2022 and 19/06/2022. The latest fire on 19/06/2022 was significant and required a great deal of resource from both North Wales Fire & Rescue Service (NWFRS) and North Wales Police. NWFRS directly attributed the cause of the fire on 08/05/2022 to be self-combustion due to waste being left unmoved for too long. This fire risk coupled with ineffective site drainage, means there is significant environmental risk. Fire water cannot be safely disposed of and this may run off and impact the local environment and nearby Dee Estuary/Aber Afon Dyfrdwy Site of Special Scientific Interest (SSSI). Smoke from site fires is affecting local residents and could pose a health risk.

NRW considers there to be a risk of pollution from the occurrence of fire on site, namely emissions that are or may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities or other legitimate uses of the environment.

AND

- **1.2.1 Permitted categories and types of wastes**

No wastes other than those which are specified in section 1.5 and Appendix I of the working plan shall be accepted at the site.

1.5.2 Excluded wastes - the following wastes will not be accepted: Hazardous waste as defined under the Hazardous Waste (England and Wales) Regulations 2005'.

Because

The site is accepting hazardous waste which is not a permitted waste type under section 1.5 and Appendix 1 of the working plan.

Section 1.5.2 of the working plan states '1.5.2 Excluded wastes - the following wastes will not be accepted: Hazardous waste as defined under the Hazardous Waste (England and Wales) Regulations 2005'.

Waste Transfer Notes received from site on 16/06/2022, shows incoming 'Contaminated Waste' with waste classification code '17 05 03*' on 13/06/2022 (within the suspension period). The site should not be accepting hazardous waste as it is not authorised by the permit to do so. The site does not have the appropriate infrastructure or controls in place to manage hazardous waste to ensure hazardous properties and risks are dealt with accordingly. Site drainage has not yet been evidenced to be fit for purpose, so there are concerns about what this soil is contaminated with and how any run off or loose fibres could impact on the local environment. There is also concern for the wider environment, as to where GTR are then moving this waste to. Furthermore, GTR have submitted evidence to show asbestos waste going into site. NRW are yet to receive a formal response on this matter. NRW have only received a small selection of Waste Transfer Notes and so there is concern there could be greater volumes of hazardous waste being accepted than NRW is

currently aware of. NRW considers there to be a risk of pollution, namely emissions that are or may be harmful to human health or the quality of the environment.

AND

- ***'No more than 2000 tonnes of untreated inert waste shall be stored at any one time'.***

Permit condition 1.1.1, Table 1.1 states 'No more than 2000 tonnes of untreated inert waste shall be stored at any one time'.

Because

Whilst the volume of untreated inert waste appears to have decreased, it is estimated that the site remains to be storing more than the 2,000 tonne limit and sufficient evidence has not been submitted to NRW to evidence less than 2,000 tonnes of inert waste is being stored on site.

NRW considers there to be a risk of pollution from emissions arising from storing in excess of 2,000 tonnes of inert waste, namely dust pollution to air and neighbouring properties and businesses.—

NRW issued GTR Aggregates & Recycling Ltd a partial permit suspension on 30/03/2022. This meant the permit was suspended for all importation of waste. The operator has failed to comply with the requirements of the suspension notice dated 30/03/2022 by continuing to accept waste within the suspension period. NRW officers inspected Waste Transfer Notes on a site inspection on 16/06/2022, which evidenced waste going into site 'as normal', despite the permit being suspended for incoming waste. Therefore, the environmental permit ceases to have effect to the extent specified in the attached Schedules until this notice is withdrawn.

Date: 21st June 2022

Signed: 
David Powell
Operations Manager North East

Natural Resources Wales
Chester Road
Buckley
Flintshire,
CH7 3AJ

Please see over for notes.

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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.

SCHEDULE 1
EXTENT TO WHICH THE ENVIRONMENTAL PERMIT IS SUSPENDED

Extent

The environmental permit is suspended as follows:

Condition 1.1.1 and Table 1.1, all specified waste management operations in relation to all permitted waste types as listed in Table 1.1;

Condition 1.2.2;

Condition 2.1.1;

Conditions 4.4.1, 4.4.2, 4.7.1 and Table 4.7, 4.8.1;
are now suspended with immediate effect.

This means the site is only authorised to remove specified waste. Waste must not be imported onto or treated at the site. Please see Schedule 2 for clarification.

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SCHEDULE 2 STEPS TO BE TAKEN TO REMOVE RISK OF POLLUTION	
Steps to be taken	By date
STEP 1: The site must cease the importation and treatment of all wastes. The Operator must cease importing , storing and treating any new waste on site.	With immediate effect
STEP 2: The operator must remove all Household, Commercial & Industrial waste on site. The operator must remove all Household, Commercial & Industrial wastes from site. This waste has exceeded the 7 day storage period and is posing a fire risk through self-combustion. Evidence that all the above waste has been removed (to a suitably authorised facility), should be submitted by post or email to the NRW regulatory officer for the site: Sarah Walton Waste Regulation Officer Natural Resources Wales, Chester Road, Buckley, Flintshire CH7 3AJ Email: sarah.l.walton@cyfoethnaturiolcymru.gov.uk Please provide waste transfer notes for all H,C &I waste removed from site since 30/03/2022.	Tuesday 28th June 2022
STEP 3: The site must remove all hazardous waste from site. ALL hazardous waste currently being stored on site must be removed and to a facility authorised to accept it. Evidence that the above waste has been removed (to a suitably authorised facility), should be submitted by post or email to the NRW regulatory officer for the site using the contact details above. Please also provide Waste Transfer Notes and Consignment Notes for all Hazardous Waste that has been accepted by site since 1st January 2022.	Tuesday 28th June 2022

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STEP 4: The site must remove inert wastes to come in line with 2,000 tonne storage limit. The operator must remove inert wastes to ensure the site is not exceeding 2,000 tonnes storage limit. No inert waste should be treated, only removed. Evidence of the quantity of inert waste being stored on site submitted by post or email to the NRW regulatory officer for the site using the contact details above. Please provide waste transfer notes for all inert waste removed from site since 30/03/2022.	Friday 8th July 2022
STEP 5: Complete all repairs to site drainage to ensure it is in full working order and fit for purpose The operator must resolve all site drainage issues noted in the CCTV report conducted October 2021, to ensure the drainage system is fit for purpose as stipulated by Environmental Permit: EPR/ TB3397TD.	Tuesday 19 th July 2022

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SCHEDULE 3 ADDITIONAL STEPS FOR NON-SUSPENDED OPERATIONS	
Steps to be taken	By date
Condition 3.2.1 A copy of this Notice and/or sign(s) must be displayed at the entrance to the site informing the public that no further waste may be accepted at that facility until such time as this notice is withdrawn.	With immediate effect