

**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 operation of the regulated facility involves a risk of pollution namely:

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

2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

S1.1 states ‘All waste must be stored and treated on an impermeable surface with sealed drainage’.

Because

Following a CCTV drainage survey report undertaken in October 2021, it was identified that GTR's drainage was not fit for purpose and was 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 the three notice deadlines. Two subsequent EPR 2016 Regulation 37 (1) and (5) Notices were served to site on 30/03/2022 and 21/06/2022. These notices again required GTR to resolve drainage issues on site, to ensure the system was fit for purpose, to avoid any environmental impact from site runoff. Following the CCTV drainage survey completed in October 2021, GTR have yet to provide sufficient evidence to show how site drainage issues have been resolved.

Runoff from site should be contained within a sealed system, so that no contaminants leak out into the local environment. The faults and cracks noted in the CCTV report from October 2021, need repairing and evidence of this should be submitted to NRW.

The site has suffered 4 fires since the start of 2022. Due to the faulty drainage system, fire water has not been able to be safely disposed of on site, meaning this firewater could have impacted the local environment and nearby Dee Estuary (SSSI).

Summary

On 01/08/2022, the site permit EPR/TB3397TD was varied, updated and consolidated through an NRW led variation. This means the wording in the permit has changed regarding site drainage.

Following some improvements on site, such as the site being cleared of Household, Commercial and Industrial wastes and the newly varied permit, the site is being served a new and updated EPR2016 Regulation 37 suspension notice. The previous suspension notice issued on 21/06/2022 will be withdrawn.



Date: 4 August 2022

Signed: Julia Frost

David Powell
Operations Manager 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 2.1.1 Table S1.1. The importation of Inert waste pursuant to condition 2.1.1 Table S1.1 Signs must be displayed at the entrance to the site informing the public that no further waste may be accepted at that facility until the notice is withdrawn.

**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: The site should cease the importation of all wastes. The Operator shall cease to receive Household, Commercial & Industrial waste and Inert waste on site with immediate effect.	With immediate effect
STEP 2: Complete all repairs to site drainage to ensure the system is sealed. The operator must resolve drainage issues noted in the CCTV report conducted in October 2021, to ensure the drainage system is sealed to prevent any runoff from impacting the local environment.	Friday 26 th August 2022
STEP 3: All waste should be stored and treated on an impermeable surface. All waste on site should be stored and treated on an impermeable surface as stipulated by the site's permit in table S1.1.	Friday 4 th November 2022

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
N/A	N/A