

Statutory Notice

Environmental Permitting (England and Wales) Regulations 2016 Regulation 22 and Regulation 23

NOTICE OF REVOCATION OF ENVIRONMENTAL PERMIT AND REQUIREMENT TO TAKE STEPS

To: GTR Aggregates & 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 22 of the Environmental Permitting (England and Wales) Regulations 2016 **Natural Resources Wales (NRW)** may revoke an environmental permit and having decided to do so may, under Regulation 23 of the Environmental Permitting (England and Wales) Regulations 2016, require you to take steps to avoid a pollution risk or return the site of the regulated facility to a satisfactory state.

Natural Resources Wales has decided to revoke the environmental permit for the regulated facility **with effect from Monday 4th September 2023**. The reasons for this decision are:

Financial Competence

- The Operator has not paid permit subsistence fees to NRW for the last 3 years. The outstanding amount owed to NRW is £19,371.80.
- The Operator is deemed to not be financially competent. We acknowledge the company is currently in administration status.
- The operator has failed to invest in proper infrastructure to achieve compliance with the environmental permit.
- The operator has failed to communicate with NRW to explain how compliance with permit conditions will be achieved despite a lack of financial provision.

Operator Competence – A history of permit non-compliance

The company GTR Aggregates & Recycling Ltd (GTR), is not considered to be competent. This is because there has been a long history of non-compliance whilst the permit has been under the control of GTR.

Despite a number of interventions by NRW, the operator has failed to come back into compliance. The permit remains suspended, with the operator failing to comply with the steps laid out in the suspension notice.

There have been a number of breaches to permit conditions which are not limited to the following but the most serious of which are;

- Category 2 breaches of permit condition 1.1.1 (Permit version EPR/TB3397TD/V002) relating to excessive waste volumes being stored on site, which have posed significant fire risk, resulting in several fires, requiring the resource of North Wales Fire & Rescue Service.
- Failure to comply with Condition 2.1.2 'Engineered site containment and drainage systems' (Permit version EPR/TB3397TD/V002) and condition 2.1.1, table S1.1 (Permit version EPR/TB3397TD/V003). The site's drainage is not fit for purpose and not sealed. The operator has failed to investigate or rectify this matter which poses significant environmental risk.
- Failure to produce management documents as stipulated in permit condition 2.4.1 (EPR/TB3397TD/V003). The varied permit required the production of important site management documents such as a Fire Prevention Mitigation Plan and an Environmental Management System. These documents have not been produced proving the operator is not competent in managing and running a permitted waste operation.

Natural Resources Wales have offered GTR a great deal of advice and guidance in the form of emails, letters, comments on CAR forms and notices. GTR has not acted on this advice.

Operator Competence – Failure to comply with Environmental Permitting Regulations 2016 Regulation 37 Suspension Notice

- A suspension notice has been in effect on site since 30th March 2022. There have been a number of notices issued to site across this time, as the requirements have changed according to site operations. The permit remains suspended at the time of this notice being issued. The operator has failed to take steps laid out in the notice, to remove the risk of pollution on site. In addition to this, the operator continued to accept waste on site after the permit being suspended for importation of waste.

Waste has been left at the site. GTR have not provided sufficient evidence that material on site has been treated to WRAP Quality Protocol. Therefore, Natural Resources Wales considers all material left on site to be a waste. This includes all waste within the permit boundary. There are 5 distinct piles of inert waste which include soil & stone as well as what appears to be general construction & demolition wastes.

Further, after the revocation has taken effect, we require you to take the following steps in order to return the site to a satisfactory state:

- (a) Those listed in Schedule 1, which we consider that you are already required to

take under the environmental permit; and
(b) Those listed in Schedule 2.

The environmental permit continues to have effect to the extent that it requires the specified steps to be taken until **Natural Resources Wales** issue a certificate stating that we are satisfied that all such steps have been taken.

Date: 3rd August 2023

Signed: 

Carys Williams

Waste Regulation Team Leader

Natural Resources Wales

Chester Road, Buckley, Flintshire, CH7 3AJ

Please see over for notes.

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Notes:

General

1. This notice revokes your environment permit entirely, save that, to the extent that it requires the specified steps to be taken, the environmental permit continues to have effect until we issue a certificate stating that we are satisfied that all such steps have been taken.
2. Unless you have appealed against this notice carrying on the activities which this notice has revoked 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 given before the date on which the partial revocation takes effect. Where an appeal is brought the revocation will not take effect until the final determination or withdrawal of the appeal.

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

Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Tel: 0300 0604400

Email: PEDW.Casework@gov.wales

Website: [Planning and Environment Decisions Wales | GOV.WALES](http://PlanningandEnvironmentDecisionsWales.gov.wales)

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 THAT ARE ALREADY REQUIRED BY THE ENVIRONMENTAL PERMIT	
Steps to be taken	By date
You are required to ensure ongoing compliance with the following permit conditions until NRW issues a certificate stating that it is satisfied that all the steps required by this Notice have been taken: 3 Emissions and monitoring 3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions. 3.2.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour. 3.3.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.	From date notice served.
4 Information 4.1.1 All records required to be made by this permit shall: (a) be legible; (b) be made as soon as reasonably practicable; (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and (d) be retained, unless otherwise agreed in writing by Natural Resources Wales, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender: (i) off-site environmental effects; and (ii) matters which affect the condition of the land and groundwater.	From date notice served.

4.3.1 Natural Resources Wales shall be notified without delay following the detection of: (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution; (b) the breach of a limit specified in the permit; or (c) any significant adverse environmental effects. 4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule	
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SCHEDULE 2 STEPS TO BE TAKEN	
Steps to be taken	By Date
You must complete the step specified below and by the date specified in the column to the right in order to return of the site of the regulated facility to a satisfactory state 1) All waste stored within the permit boundary, as detailed in 'Schedule 7 - Site Plan' of the current permit, must be removed from site. This waste must be removed by a suitably authorised carrier and taken to an authorised facility. Duty of Care documentation must be kept for all waste removed from site. Waste Transfer Notes must be obtained and copies of the same sent to Natural Resources Wales for all waste movements from the site. Please direct the Waste Transfer documents to WasteReg.NE@cyfoethnaturiolcymru.gov.uk	Friday 6th October 2023.

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SCHEDULE 3

NOTIFICATION OF VARIATION OF CONDITIONS

Condition number	New condition now reads
N/A	N/A

