

## **Schedule 5 Notice #2 Appendix**

1. I assessed the revised EPTR (Issue 3, July 2024) and revised procedures within submitted by the Appellant to NRW 04 July 2024 (5pm) against the outstanding actions included in 'PEDW REF CAS-02313-Z1D6V4 NRW assessment of S5#2 response version 2 - issues still remaining Case Officer comments' and Schedule 5 Notice #2 Appendix 4 (CD xxx).

The revised EPTR (Issue 3, July 2024) included the following procedures:

- Appendix I – Environmental Policy, Issue 3, dated July 2024,
- Appendix II Overall Process Flow Schematic/ Factory Process Flow Plan, Issue 3 dated July 2024,
- AGR P017 Factory Material Approval Procedure, issue 4 – revised 03/07/24,
- AGR F068 Product Factory Questionnaire, issue 7 – revised 03/07/24,
- AGR P013 Incoming Material Procedure, issue 5 – revised 03/07/24,
- AGR P016 Sampling Procedure, issue 9 – revised 01/07/24,
- AGR P010 Visual Quality Testing Procedure, issue 6 – revised 03/07/24,
- AGR F027 Quality Testing Data Form, issue 3 – revised 03/07/24,
- Appendix IV Flowchart, issue 3 – dated July 2024,

## **2. NRW assessment 08/07/24 to revised Environmental Permitting Technical Requirements (EPTR) (Issue 3, July 2024)**

Points to note from EPTR:

- Limited number of changes have been made to the EPTR document.
- No references to “MDF dust” or “particle board” as feedstocks for the different products or of any testing of final/finished ‘products’.
- Now refers to testing for substances that would be present in glues and resins (what, it is not stated) and tested by accredited lab. The Appellant currently has no such sample results data from an accredited lab (using accredited test method or non-accredited test method with justification). This indicates relevant information is to be obtained and provided to NRW in future.

- References to untreated waste wood now include “shavings” (1.13 and 1.14).
- 4.2.3.5 has been added to include further information on how animal bedding and cubicle conditioner are input into the different balers.
- 4.2.3.6 has been added and states that that any animal bedding or conditioning material will pass over magnets, and it is not possible to process animal bedding and conditioner at the same time through the same process stages. The process route is flushed between changeovers with all flushed material destined for conditioner.
- 4.2.4.4 has been revised to state that Platts will obtain a representative sample from the wood dust extraction system of the prospective supplier and commission chemical analysis, including heavy metals. Sample analysis also includes those substances which would be present in glues and resins. All analysis is undertaken at a United Kingdom Accreditation Service (“UKAS”) accredited laboratory.
- It is not clear if the sample from the wood dust extraction system of the prospective supplier” also includes untreated waste wood (shavings).
- Note that 4.2.4.5 states: *Following characterisation of the waste, and confirmation of a match against the waste description, a technical assessment of the waste will be undertaken by Platts regarding its suitability for treatment at the Facility.*

However, at the Inquiry it was stated that suppliers are not carrying out waste classification assessment and therefore 4.2.4.5 contradicts this evidence.

- Note that 4.2.4.8 has not been revised and states *The Technical Assessment will always be undertaken by Platts and not by a third party.* Are Platts technically competent to do this?
- Note that 4.2.4.9 has not been revised and states:  
*All analytical results of wood waste from suppliers will be reviewed against a ‘library’ of results to ensure there are consistent low levels of substance concentrations within the waste streams accepted. This will be the case for both animal bedding and cubicle conditioner (animal bedding) waste streams. On-going review will help identify waste streams which may display elevated results for certain substances.*

*This can be queried with suppliers and means of reducing such substance content can be identified, thereby consistently improving the finished product.*

- This section does not consider elevated results that exceed thresholds meaning that the waste should not be accepted and processed.
- Note that 4.2.4.10 has not been revised and states:

*An overarching review of analysis results to date has been prepared as part of a Wood Waste Review (Document Reference PLAT.01.02/WWR) contained within Section 10 of this application submission.*

However, Wood Waste Review (Document Reference PLAT.01.02/WWR) and the analysis results within this document have not been revised to include *“those substances which would be present in glues and resins”*, as referenced in 4.2.4.4 of revised EPTR.

- Noted that 4.2.5 Sampling and Testing section of the EPTR has not been revised to reflect the revised *“Sample analysis also includes those substances which would be present in glues and resins.”*
- Noted that 4.2.5.1, 4.2.5.2, 4.2.5.3, 4.2.5.4 have not been revised.
- Noted that 4.2.5.1 has not been revised to reflect substances present in glues and wood and states:

*The sampling and testing methodology has been informed by reviewing the Publicly Available Specification PAS111:2012 document commissioned by Waste and Resources Action Programme (“WRAP”) in collaboration with the British Standards Institute (“BSI”).*

- No information on what has been used to inform the revised testing of substances that may be present in glues and resins.
- 4.2.5.5 has been revised to state that the discussions on analytical suite to assess the wide range of substances that may be present in the waste wood and the development of the suite has been informed by discussion with the “laboratory (United Kingdom Accreditation Service (“UKAS”) accredited) and review of the industry sector. All samples for analysis are sent to a UKAS accredited laboratory”.
- Evidence of the “wide range of substances” have been provided and the suite of analysis has not been provided.

- We still do not know what substances are being tested for and what parameters the Appellant is using to determine if the results exceed the parameters, and whether the Appellant has considered if there are any legal limits in place for these substances.
- Whilst the Appellant has stated that sample analysis also includes those substances which would be present in glues and resins, we still don't know what these substances are and whether they pose a risk to the animals, human health or the environment.
- Noted that 4.2.5.6, 4.2.5.7, 4.2.5.8, 4.2.5.9 have not been revised.
- Noted that 4.2.5.9 has not been revised and states:

*These proposed sampling regimes will be subject to review of the analysis results currently being generated and in discussion and agreement with the regulator.*

These results are fundamental with assessing the risk posed to the animals, human health and the environment and the information must be provided prior to making a decision on whether to grant the permit. These are matters that cannot be discussed post permit issue.

- Noted that 4.2.5.10 has not been revised and states:

*It is considered that following sampling and analysis, the processed material should be classified as a 'product' and no longer considered a waste. The results of analysis to date and interpretation of results against PAS111 and other industry standards are presented in the Wood Waste Review (PLAT.01.02/WWR) contained in Section 10 of this application submission.*

### **3. Appendix I – Environmental Policy, Issue 3, dated July 2024,**

Noted no revisions have been made.

### **4. Appendix II Overall Process Flow Schematic/ Factory Process Flow Plan, Issue 3 dated July 2024,**

Noted no revisions have been made.

5. Regarding 4.2 of Schedule 5 #2 and the further information requested on magnets. Section 9.5.2 of the revised EPTR has been amended to include information on the use of the magnets, why this process is required and what happens to the metal waste after it has been removed from the wood. I am satisfied with information and this point is discharged.

**Schedule 5 Notice #2 Appendix 4 includes:**

***4.3 ACTION: Revise the EPTR to include waste acceptance procedure used by the operator at the waste producer's site.***

*Whilst the EPTR states that a waste acceptance procedure will be put in place with the primary purpose to confirm that characteristics of the incoming waste matches the information provided at the pre-acceptance stage. It also states that on collection from the waste producer the operator's drivers will undertake loading checks (trailer, connection, canopy), however it is not clear what visual checks will be carried out.*

*Section 4.2.6.6 of the revised EPTR states that "On collection from the waste provider, Platts' drivers undertake loading checks (trailer, connection to abatement/filtration plant, canopy is fully connected)." It is not clear from this statement what checks on the waste are carried out to ensure that it meets the waste acceptance criteria. The waste acceptance procedure for waste collected from the waste producer's site has not been provided. **Therefore, this point has not been discharged.***

6. **NRW assessment 08/07/24 of waste acceptance procedure used by the operator at the waste producer's site.**

Noted that 4.2.6.1 has been revised to include:

*Platts have put in place a fully documented incoming waste acceptance procedure at the Facility (AGR P013 Incoming Material Procedure, as well as a AGR F027 Quality Testing Data Form – see Appendix III), the primary purpose of which is to confirm that characteristics of the incoming waste matches the information provided at the pre-acceptance stage.*

- AGR P013 Incoming Material Procedure, (issue 5 – revised 03/07/24) at 2.2 states:  
*On the day requested, the material is collected from the Approved Factory and transported to the Production Facility site in Platts own trailers by our own trained drivers. On collection from the approved factory, Platts drivers complete the Collection Note which requires them to undertake inspections of the incoming and outgoing trailers. These inspections should ensure the trailer integrity, identity, road worthiness and connection and canopy safety.*
- AGR P013 Incoming Material Procedure does not include any information on how the waste has been assessed in accordance with WM3 by the supplier, no reference to waste transfer notes or how Platts are checking this upon collection of the waste to ensure that the waste meets their requirements.
- 4.2.6.6 of EPTR (July 2024) has been revised to include:  
*Physical visual checks of waste is not possible at the waste provider site due to the possible environmental impact (e.g. dust emissions liftoff potential), therefore, the checks are related to the location of collection is as expected, for example, hooked up to the abatement plant at the silo and from the correct stage of the manufacturing process. Platts' drivers will not collect from unassessed or unexpected process stages on site.*
- 4.2.6.6 does not include any information on how the waste has been assessed in accordance with WM3 by the supplier, how Platts are checking this upon collection of the waste to ensure that the waste meets their requirements. This does not meet How to comply, Duty of care, there is no reference to waste transfer notes. This information is still outstanding.
- AGR P013 Incoming Material Procedure, (issue 5 – revised 03/07/24) has been revised at 1.1 and states:  
*To ensure that wood residue raw material accepted onto Platts facility for processing into finished product for animal bedding (from clean untreated shavings only) and conditioner is of a sufficient quality with regard to our Statement of Conformity, its properties and contamination.*

- It is unclear how the Appellant can comply with this statement if they are not carrying out any checks of the waste upon collection from the waste producer.

**7. Schedule 5 Notice #2 Appendix 4 includes:**

*The revised EPTR includes “AGR F068 Product Factory Questionnaire”.*

*This procedure refers to chemical analysis, but it does not include how that analysis is carried out (i.e., if it is carried out by a UKAS accredited laboratory) or the how the samples are taken to ensure that they are representative of the waste material. This questionnaire includes a section at the end entitled “Platts Agriculture management approval following technical assessment” – this includes “4. Can you confirm that the product does not exceed the maximum levels of heavy metals permitted under PAS 111 Standard?”.*

*However, there is no option to reject the product factory on this form, only to approve it. There is no indication on the questionnaire to detail what action is taken if the product sample exceeds PAS 111 limits. Given that the Appellant has confirmed that “waste will only be accepted if it meets PAS111”, wouldn’t this mean that the factory would therefore not be approved? If this is correct, where is this recorded on the questionnaire?*

**NRW assessment 08/07/24 of AGR F068 Product Factory Questionnaire.**

- AGR F068 Product Factory Questionnaire, issue 7 – revised 03/07/24, has been revised to include the option for recording if the sample meets the Statement of conformity limits and the option to reject a similar.
- AGR F068 has been revised to include reference to “UKAS chemical analysis of the product being completed and made available to Platts staff”.
- It is unclear to me if the suppliers are responsible for obtaining a UKAS chemical analysis of the product or if the Appellant is. Whilst questions are asked if this has been done and if a WM3 assessment has been undertaken (by a tick box – yes or no), there is no indication of what action is taken if these have not been done.

- Under Platts Management decision section on the form, the following has been added:

*Can you confirm that the product meets the Platts Statement of Conformity?*

The Statement of conformity has not been revised to include any additional substances other than heavy metals that are already included. Therefore, when making the decision to accept the factory, Platts are not taking the analysis from substances included in resins and glues into consideration.

**8. Schedule 5 Notice #2 Appendix 4 includes:**

*Section 1.2 of “AGR P017 Factory Material Approval Procedure” states “Wood materials are only accepted from wood manufacturing sites where no timber treated with preservatives can contaminate the material.” Whilst this minimises the presence of preservatives, it does not exclude the presence or use of other treatments that could contaminate the material, i.e., glues, resin etc.*

*Section 2.4 of this procedure states “If the material passes all technical analysis, the composition and properties are suitable for processing into animal bedding, there are no obvious contamination issues, and the trailer exchange process has been risk assessed and appropriate controls implemented then the factory will become an Approved Factory and material can be accepted onto Platts factory site for processing.” This statement does not consider contamination issues that may not be so obvious, i.e., glues, resin etc that may not be visible. In addition to this, it is not clear how variations in the waste from the waste producers is considered in the approval procedure. It is not clear how the Appellant has considered the following:*

- How will they be confident that the factory will be consistent in its productions and the processes that they use?*
- What if the factory makes batches of certain products?*
- What happens if the waste producer changes their processes or products?*



- How often are these “approvals” going to be reviewed?
- What will trigger a review?

Section 2.6 of this procedure states “If a factory material fails the PAS111 Standard or is not suitable for another reason such as contamination or composition then the factory will not be approved, and the material will not be accepted onto site for processing”. The “AGR F068 Product Factory Questionnaire” includes a question for “Platts Agriculture management approval following technical assessment” – “4. Can you confirm that the product does not exceed the maximum levels of heavy metals permitted under PAS 111 Standard?”. If the answer to this is “Sample exceeds PAS 111 limits”, it is not clear why this factory would then be “approved” and why the Appellant would then proceed with AGR P017 Factory Material Approval Procedure. In addition to this, we refer to our Statement of Case, that “PAS

111” is not a quality protocol or a regulatory standard. In terms of the “waste acceptance,” our concerns on the testing of the waste remains. Regarding the analysis that has been provided, only heavy meals and some organic compounds were included, not plastics, “glues,” “resins” etc.

#### **NRW assessment 08/07/24 of AGR P017 Factory Material Approval Procedure, issue 4 – revised 03/07/24**

- AGR P017, section 1.2 has not been revised to reference the exclusion of glues or resins.
- Noted that 2.1 has been revised to state:
  - If available, a WM3 assessment that details the above and includes UKAS Accredited analytical results of the wood material.*
- WM3 assessment must be carried out in accordance with Duty of Care.
- 2.2 has been revised to state:

*A representative sample should be obtained to be analysed for chemical composition to UKAS standards by Platts Agriculture Ltd for*

*the chemical composition, including heavy metals, to be sure that the material fits the requirements of the Statement of Conformity.*

Whilst 4.2.4.4 of the EPTR has been revised to state:

*Platts will obtain a representative sample from the wood dust extraction system of the prospective supplier and commission chemical analysis, including heavy metals. Sample analysis also includes those substances which would be present in glues and resins. All analysis is undertaken at a United Kingdom Accreditation Service ("UKAS") accredited laboratory.*

No evidence of the sample analysis that includes substances which would be present in glues or resins has been provided to NRW. No information on what substances are being tested for has been provided. No information on the parameters that the substances are being tested against has been provided. No information on how the Appellant has considered any legal limits which may exist for specific substances has been considered. A revised Statement of Conformity has not been submitted; the current Statement of Conformity includes heavy metals but does not include any other substances, or substances that may be present in resins and glues.

- 2.6 has been revised to state:

*If a factory material fails the Statement of Conformity or is not suitable for another reason such as contamination or composition then the factory will not be approved, and the material will not be accepted.*

As above, a revised Statement of Conformity has not been submitted; the current Statement of Conformity includes heavy metals but does not include any other substances, or substances that may be present in resins and glues.

- 2.7 has been revised to add:

*Non-conforming material would include material that;*

- *does not meet the same standard as the sample taken during pre-acceptance.*

- *Does not meet the Statement of Conformity Specification*
- *May pose a risk to process or occupational safety or the environment.*
- *is contaminated with rubbish, plastic or contrary wood waste, such as a large piece of wood.*
- *is very wet.*
- *has not been tested as per the pre-acceptance procedure.*

As above, a revised Statement of Conformity has not been submitted; the current Statement of Conformity includes heavy metals but does not include any other substances, or substances that may be present in resins and glues.

The revised AGR P017 Factory Material Approval Procedure, issue 4 – revised 03/07/24 has not been revised in a way that addresses the above concerns.

**9. Schedule 5 Notice #2 Appendix 4 includes:**

*Section 4.2.4.4 (revised EPTR) states “Platts will obtain a representative sample from the prospective supplier and commission chemical analysis, including heavy metals”. However, it does not include how that analysis is carried out (i.e., if it is carried out by a UKAS accredited laboratory) or the how the samples are taken to ensure that they are representative of the waste material.*

The revised EPTR has been revised to state that the analysis will be carried out by a UKAS accredited laboratory, however no evidence of this has been provided.

**10. Schedule 5 Notice #2 Appendix 4 includes:**

*Section 4.2.6.2 (revised EPTR) states that the waste acceptance arrangements will follow a risk-based approach considering:*

- source, nature, and age of the waste.*
- potential risks to process safety, occupational safety, and the environment (e.g., from odour and other emissions).*
- potential for self-heating; and*

*- knowledge about previous waste holder(s).*

*However, no further information is provided to detail how these considerations will affect or determine the waste acceptance arrangements.*

*Furthermore, this is all information that we would expect to be included in the pre-acceptance procedure and not the waste acceptance procedure. Some of which is included in section 4.2.4.1 which refers to the waste preacceptance procedure 'AGR P017 Factory Material Approval Procedure' that is in place. This procedure includes information on the supplier, the specific process from which the material derives, the physical form and description. Section 4.2.6.2 and the "risk-based approach" clearly undermines the effectiveness of the 'AGR P017 Factory Material Approval Procedure'.*

*The revised EPTR includes some information on the waste acceptance procedures that will be carried out on site when the waste arrives and during when the waste is tipped. Section 4.2.6.4 states that "The extent of the initial visual check is based on the waste type and how it is packaged." This statement is vague and does not detail how the waste type and how it is packaged will affect the visual check and how the assessment will be done. Does this mean that if the waste is packaged it won't be checked or won't be fully checked? This section goes on to say "Platts' will implement a number of waste acceptance checks to ensure no non-conforming waste is processed at the Facility." It is not clear what this "number of waste acceptance checks" involves.*

*The revised EPTR also includes "AGR P010 Visual Quality Testing Procedure". This is a visual sampling procedure and does not account for contaminants that could be present in the waste but are not identifiable by visual means. Section 1.1 of this procedure states "To visually check each incoming load of material and finished product for levels of plastic or other contaminant to identify and isolate suppliers sending contaminated loads or determine a batch of product of inferior quality." It is not clear what "other contaminants" the Appellant is referring to. This statement also clearly undermines the effectiveness*

*of the pre-acceptance waste analysis that the Appellant proposes to carry out to ensure that the waste is acceptable.*

*It is important to note that the revised EPTR details that testing is carried out on the waste wood before it is accepted at the site and processed. However, there is no information on any testing that is carried out on the waste wood after it has been processed (“finished product”). Section 1.1 of the AGR P010 Visual Quality Testing Procedure simply states that the finished product is visually checked. Section 2.1 of this procedure states: “Collecting samples - Production Operators to take bagged samples from each incoming load wherever possible.” It is not clear what process is followed if it is not possible to take a bagged sample. This section goes on to say that “The material should be collected from the middle of the trailer so is representative of the whole load” but no justification has been provided to support this claim that taking a sample from the middle of the trailer demonstrates that it is representative of the whole load of waste.*

*Section 2.3 of this procedure states “Visual Inspection – During daylight hours the operator should take the sample and thoroughly inspect it for contaminants. At night inspect a shovelful in the back shed under a light.” The measures proposed during the night-time is not an effective way to check the waste to identify contaminants. No justification has been provided as to why the daytime level of review cannot be carried out at night.*

#### **NRW assessment 08/07/24 of AGR P010 Visual Quality Testing**

##### **Procedure issue 6 – revised 03/07/24,**

The AGR P010 Visual Quality Testing Procedure, issue 6 – revised 03/07/24, has not been revised in a way that addresses the above concerns.

#### **11. Schedule 5 Notice #2 Appendix 4 includes:**

*The revised EPTR includes “AGR P012 Non-compliance procedure” which includes measures to record non compliances, but it is not clear on what action will be taken if unsuitable waste is identified. Section 4.2.6.12 states that “Platts will develop a procedure containing clear*

*and unambiguous criteria for the rejection of wastes, together with a written procedure for tracking and reporting such non- conformance” but the specific details of this procedure have not been included. It is not clear what procedures site operatives will follow. Furthermore, we cannot assess procedures that have not been provided to us.*

**NRW assessment 08/07/24 of ‘AGR P012 Non-compliance procedure’**

‘AGR P012 Non-compliance procedure’ has not been submitted within the revised EPTR. Section 4.2.6.12 of the EPTR has not been revised. Therefore, the points above remain outstanding.

**12. Schedule 5 Notice #2 Appendix 4 includes:**

*The revised EPTR includes “AGR P013 Incoming Material Procedure”, Section 1.3 of this procedure states: “The factory operators and Production Manager have the responsibility to ensure this procedure is followed. They are responsible for identifying contaminated material and reporting this to the Group QHSE Manager who will raise a non-conformance report. The ultimate decision on whether the material is refused and returned to the factory rests with the Commercial Director or Managing Director.” There is no information on what is considered or how this decision is made.*

*Section 2.1 of this procedure includes details on checks that the Platts drivers undertake on the vehicle during the collection of the waste from the product factory (waste producer) but there is no information on procedures used to actually check the waste wood that is being collected.*

**NRW assessment 08/07/24 of AGR P013 Incoming Material Procedure, issue 5 – revised 03/07/24,**

- AGR P013 Incoming Material Procedure does not include any information on how the waste has been assessed in accordance with WM3 by the supplier, no reference to waste transfer notes or how Platts are checking this upon collection of the waste to ensure that the waste meets their requirements.

- 2.9 has not been revised but noted that it states the material will be returned to the factory although during the Inquiry Caroline Platts stated that material would not be returned.
- 2.16 has been revised to state:

*During unloading of the trailer the sample for chemical analysis is taken, usually from the middle of the load somewhere so it is representative of the load. The sample is then dealt with as per AGR P016 Sampling Procedure and is sent to the UKAS Accredited laboratory for analysis.*

The revised 'AGR P013 Incoming Material Procedure (issue no. 3)' has not been revised in a way that addresses the above concerns.

### **13. NRW assessment 08/07/24 of AGR P016 Sampling Procedure, issue 9 – revised 01/07/24**

1.1 Purpose has been revised to state:

*To ensure samples are obtained and processed as required to enable analysis of the samples to be undertaken and quality of the product to be assessed and shown to be within the required limits of our Statement of Conformity.*

These limits or how they have been derived has not been provided to NRW.

14. Regarding *"During unloading of the trailer the sample for chemical analysis is taken, usually from the middle of the load somewhere so it is representative of the load. The sample is then dealt with as per AGR P016 Sampling Procedure and is sent to the UKAS Accredited laboratory for analysis."*
15. There is no information on what happens to the load whilst the sampling is being undertaken; if it is held awaiting processing until the sampling results are returned by the laboratory or if it is processed and segregated until the sampling results are returned. No information is provided on what action is taken following the sampling results.

### **Sources of waste wood**

16. **Schedule 5 Notice #2 Appendix 4 includes:**

*From the revised EPTR, the only reference made to the type of waste wood and the product that it is made into, is in section 1.1.3 that states “Animal bedding products will be produced from clean, uncoated, and untreated waste wood only. Waste wood which has been previously coated will not be used to produce animal bedding and therefore the two waste wood types will not be mixed.”*

*And in section 1.1.4 that states “Any treated waste wood will be stored entirely separately from the clean, uncoated, and untreated waste wood and will be pulverised to produce a cubicle conditioner (animal bedding) for use in the agricultural livestock sector”.*

**NRW assessment 08/07/24 of revised EPTR on sources of waste wood.**

- References to untreated waste wood now include “shavings” (1.13 and 1.14). EPTR has not been revised to provide any further information on the source of the treated waste wood.
17. The revised procedures (AGR F068, AGR P017, AGR P010 and AGR P013) have not been revised in a way that addresses the above concerns. It is still not clear how, if or when it is decided that the waste wood is to be accepted to produce animal bedding (from clean, untreated waste wood) or if it is to be accepted to produce cubicle conditioner (from treated waste wood).
18. If the treated waste wood is safe and harmless to be used to produce cubicle conditioner as the Appellant claims, it is unclear why the Appellant will now be testing for substances present in glues and resins.
19. Our concerns raised in the Schedule 5 in relation to waste acceptance procedures remain.
20. The draft permits have been revised to reflect the revised EPTR submitted 04/07/24 and information that remains outstanding.