

### Background

This document constitutes a review as required by section 6.22 of the Environmental Permitting Guidance, Core Guidance reviewed March 2013. The section relates to applications deemed withdrawn by the regulator on account of the failure of the applicant to respond to a request for further information made by the regulator under Schedule 5 Paragraph 4 (1) of the Environmental Permitting Regulations 2016.

On 20/03/19 PAR Contractors Limited applied for a new tier 2 bespoke permit for their proposed waste facility at PAR Contractors Limited, Ynys Uchaf, Brynteg, Anglesey, Gwynedd, LL78 8JZ.

The application was duly made on 20/03/19

The proposed activity is for the treatment of waste to produce soil, soil substitutes, road-stone and aggregate up to 75,000 tonnes. All conditions are the same as SR2010 No12, but the location where the activity is to take place requires assessment. This means that the operator must comply with all conditions of the standard rules permit other than the outlined location criteria. The risk to the location must be assessed.

The proposed facility is located within relevant distance of the following designated sites:

- Cors Goch SSSI (Site of special scientific interest) and National Nature reserve.
- Anglesey and Llyn Fens – RAMSAR and SAC (Special area of conservation)
- Afon y marchogion ac ynys Isaf – Local nature reserve.
- European Protected species can be found within relevant distance of the site.

The application did not consider or address the risks from the activity in relation to dust, risk to groundwater, waste acceptance and waste types.

Expert teams within NRW were consulted in relation to the risk to groundwater and the designated sites and species. The consultation responses along with the assessment of the application provided the content of the second schedule 5 notice of 18/09/19, which has been reproduced below for reference

#### **1. Dust**

Dust is a key risk from the activity and very limited information on the measures used prevent and control dust leaving the site boundary have been included in the document entitled "Operating Techniques and Non-Technical Summary". We have noted the following:

### **2.3 Acceptable wind directions for waste processing**

**If the wind strength is Force 3 or above and it is not raining, then waste processing will only take place during the following wind directions.**

**Northerly**

**Easterly**

**North Easterly**

Meaning that in these conditions the dust has the potential to be blown directly to Anglesey and Llyn Fens RAMSAR/SPA and Cors Goch SSSI which is situated to the North East of the site. It is not acceptable to divert these risks to the SAC/SSSI/RAMSAR.

#### **Action: 2.3 Acceptable wind directions for waste processing**

This needs to be re-evaluated and the dust management plan revised to ensure that the potential for dust to impact the designated sites has been fully mitigated.

### **3.1 Dust assessment and control measures**

It is stated that dust suppression will be applied when required and this will be water based. But the means of suppressing the dust with water have not been outlined or how this water will be prevented from leaving the site. The use of water for dust suppression may cause silt laden run-off from the yard and the access track to enter the local wildlife site and the designated sites.

#### **Action: 3.1 Dust assessment and control measures**

**This needs to be updated to outline what dust suppression methods using water will be used and what would trigger their use, how the water will be contained/removed from site and how it will not impact the local wildlife site or the designated sites.**

## **2. Groundwater risk assessment**

The adjacent SSSI is dependent on low nutrient groundwater, small changes in soil and water chemistry could lead to loss of species or habitats of interest and the SAC is groundwater fed we would therefore expect a groundwater risk assessment and mitigation strategy to be provided. The Ynys Mon central carboniferous limestone groundwater body in this area is already assessed as poor due to chemicals and the Ceint water body is in moderate condition. The proposed activities should not be allowed to cause any deterioration of these water bodies, which are supposed to achieve good status by 2027. The groundwater risk assessment should take the existing condition into consideration and should be aware of Cors Goch SSSI/SAC and its reliance on groundwater.

**Action: Please provide a groundwater risk assessment and mitigation strategy full addressing the risks to groundwater from the operations on site with clear mitigation measures outlined. This should include but not be limited to:**

- **Details as to how runoff and leachate would be managed**
  - **Details of the drainage system for the site and infrastructure**
  - **Nutrient enrichment should be considered in detail.**
- Guidance on groundwater risk assessments can be found [here](#)**

## **3. Waste codes**

The adjacent SSSI and SAC are sensitive to nutrient enrichment and changes to the chemical balance of these site could be detrimental to both the species and habitats that make up these sites. Several the wastes included within the permit have the potential for nutrient input into the designated sites, either into the groundwater or into the SSSI/SAC through blown dust, run-off or other means.

These wastes are as follows:

02.02.02 - shellfish shells from which the soft tissue or flesh has been removed only

03 01 01 - waste bark and cork

03 03 01 - waste bark and wood

10 01 01 - bottom ash and slag only

10 01 02 - pulverised fuel ash only

10 01 05 - gypsum (solid) only

10 01 07 - gypsum (sludge) only

10 01 15 - bottom ash and slag only from co-incineration other than those mentioned in 10 01 14

17 05 06 – dredging spoil other than those mentioned in 17 05 05

19 05 03 - compost from source segregated biodegradable waste only

19 08 02 - washed sewage grit (waste from desanding) free from sewage contamination only

19 08 99 - stone filter media if free from sewage contamination only

19 09 02 - sludges from water clarification

19 12 12 – treated bottom ash including IBA and slag other than that containing hazardous substances only

19 13 02 - solid wastes from soil remediation other than those mentioned in 19 13 01

19 13 04 - sludges from soil remediation other than those mentioned in 19 13 03

**Action: Provide evidence via waste acceptance measure such as full chemical characterisation of the waste before acceptance on site, suitable storage measures for the waste for example: storage on impermeable surface with sealed drainage or storage in suitable containers, mechanisms to prevent run-off or aerial emissions. Alternatively, you could remove these waste streams from the permit, however this would mean that you would be unable to comply with the conditions of the SRP and would require a tier 3 bespoke permit – we would need to discuss the implications of this if you chose to take this option.**

#### 4. Operating techniques

Clarification is required on a number of points within the Operating techniques document.

- 2.1.4 Control of mud and debris – The access road and yard area will be monitored as part of the EMS for mud. It is unclear as to which road this applies to? Does this apply to the long track which runs alongside Cors Goch SSSI or the road beyond this?

**Action: Please clarify which roads/tracks you are referring to in section 2.1.4.**

- 2.1.8 Control of surface water - This section refers to run-off towards the northwest, which is as stated as being away from the designated site; this is towards the non-designated wildlife site. However, in the next sentence it states that the pathway to the local wildlife site will be by infiltration. It suggests that run-off will be into a semi-improved grassland: this may be the case initially, but it is likely that run-off, especially in wet conditions, will continue to the LWS which is a mosaic of wet woodland and fen/marshy grassland.

**Action: Please clarify the drainage direction and methods on site. Please address the points in relation to the run-off to semi-improved grassland and to the local wildlife site within the groundwater risk assessment.**

- 3.1.3 Invasive species – Himalayan balsam is present in the local wildlife site in the area beyond the onsite bund. This has not been acknowledged.

**Action: Please amend this section of the operating techniques to acknowledge the presence of Himalayan balsam outside of the intended permitted boundary and how the site will be monitored to ensure there is no establishment of this plant species within the site.**

## **5. Great Crested Newt assessment and mitigation statement**

Clarification and further information is required in relation to some points included

- Section 1.8 – here it is stated that the site is not part of any statutory or non-statutory protected area however the north west boundary of the site lies within the LWS
- A full Newt mitigation strategy needs to be provided this should include but not be limited to information how and where newt fencing will be installed and how it will be maintained, how monitoring of the site for newts will be undertaken and what steps will be taken if newts are found to be present on site.

**Action: Please update the Great crested newt assessment and mitigation statement to address the points raised above.**

## **6. Waste acceptance procedures**

Given the proximity of the proposed site to designated sites, it is vital that suitable waste acceptance procedures are in place to ensure that only permitted waste is accepted on site. It is the operator's duty to ensure that all waste accepted on site does not pose a risk to the environment.

The waste acceptance procedure submitted in response to the schedule 5 is still insufficient and lacks specific details as to how aspects will be managed and undertaken, the following should be addressed and as we do not consider the waste to be low risk non-hazardous consideration of 5.06 Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste and the waste acceptance requirements outline here should be used in forming the waste acceptance procedure for the site.

- Due to the proximity of the site to sensitive receptors it is advised that full characterisation of the waste is undertaken prior to acceptance on site – especially those wastes outlined in point 3 of this notice.
- The waste acceptance procedures and criteria outlined in SOP 01 and SOP 2 are not sufficient. The processes are not clearly outlined and rely on the producer of the waste to characterise the waste. It is not outlined how the applicant will ensure that the waste being accepted on to site is permitted under the permit, does not pose a risk to the protected sites, does not contain invasive species and is as documented by the producer.
- Where is the quarantine area? How will the operator ensure the material stored here poses no risk? What infrastructure is in place?
- Visual inspection of the waste on arrival is a basic check and should be done for every load on acceptance to the site prior to any tipping of material.
- What checks will be undertaken to ensure that the waste does not contain any invasive species (Himalayan Balsam/Japanese Knotweed)? What procedure will be put in place if the waste is found to contain either?

**Action: Please update the waste acceptance procedure to include detailed acceptance procedures in line with recommendations outlined in 5.06 Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste and addressing the points raised above.**

On the 9<sup>th</sup> of October 2019 an email was received from the consultant prior to responding to the notice, to request if the operator would be able to restrict the waste codes accepted onto site via the EMS (Environmental management system). As the operator has applied for a tier 2 bespoke permit based around a standard rule permit all conditions of the standard rules permit must be complied with. This means that even if the waste codes accepted on site are restricted through the EMS, the site would still be permitted to accept the waste outlined as unsuitable due to the risk to the protected sites. This position was confirmed with our legal team and the need to comply with all aspects of the standard rules permit was outlined to the consultant. The option for the applicant to withdraw the application and reapply for a tier 3 bespoke removing the unsuitable waste codes was presented to the consultant. The consultant confirmed that the applicant did not want to withdraw the application and wished to proceed..

The schedule 5 response was received on 16<sup>th</sup> of October 2019 and was assessed.

Points 4 (Operating techniques) and 5 (Great Crested Newt assessment and mitigation statement) of the schedule 5 have been discharged as the requested information has been added to the relevant document. The suitability of the Great Crested Newt assessment and mitigation statement has not been assessed.

Point 1 (Dust)

Acceptable wind directions for waste processing – this section has not been addressed  
Dust assessment and control measures – this section has been discharged.

Point 2 (Groundwater risk assessment) – a ground water risk assessment has been submitted however this is eight years old and relates to an aerobic digestion facility being operated on the site. This section has not been discharged. The groundwater risk assessment should reflect the operation proposed as part of the application. The groundwater risk assessment therefore does not adequately address this risk to groundwater and the groundwater fed designated sites.

Point 3 (Waste codes) this section has not been discharged. The applicant has not provided the information requested to enable the wastes to be accepted on site and has proceeded with amending the EMS to restrict the waste codes accepted at site.

Point 6 (Waste acceptance procedures)

This point has been partially discharged. The information requested in respect of the quarantine area and the procedures for identifying Himalayan Balsam in the waste has not been provided.

After discussions with legal services we are deeming the application withdrawn as of October 25<sup>th</sup> 2019 as the applicant has failed to fully answer the schedule 5 notice and has outlined that they will not be undertaking any of the actions outlined in point 3 of the schedule 5 notice.