

Our Ref: AC/ST18175/LET-001
Your ref: EPR/JB3700MC/A001

Date: 19 November 2020

Mr M Tanner
National Permitting Service,
Environment Agency
Richard Fairclough House,
Latchford,
Warrington
WA4 1HT

Dear Mr Tanner

Scotts Bros Limited, Thorpe Thewles, New Bespoke Deposit for Recovery

You have raised a number of points in relation to application number EPR/JB3700MC/A001 which you would like to see addressed in order to make the application duly made. Please find below our response to the points that you have raised.

1) Provide evidence of technical ability.

The Wamitab website shows that a CoTC for waste transfer and treatment would be appropriate for a permit for the deposit of waste for recovery. David John Scott has now completed this qualification. His WAMITAB certificate number is 3350 but due to COVID 19 restrictions there has been a delay in receiving the physical certificate. We hope that this confirmation will enable you to accept the application as duly made.

2) Complete and re-submit all relevant sections of application forms.

For example, your responses in Appendix 4 of form B4 do not reflect the response to Table 1a of the same form. We also require form F1 to be amended to include the documents and fees associated with this not-duly made request.

Please find enclosed an amended copy of form B4, with the correct box ticked in Appendix 4 to reflect an R10 operation. We note that the only materials to be spread on site are soils and the purpose is to ensure appropriate restoration of the landfill and allow plant growth to occur, rather to provide specific nutrients to a specific crop.

3) In association with question 5 in Appendix 4 of form B4, please provide a Stability Risk Assessment. This can be provided as part of the ESSD as originally indicated, or a stand-alone document.





The site is largely flat or gently sloping and the operation is for spreading of soils, with a maximum depth of 1m. It is considered that the risk of instability is very small. Sections 2.3.2 to 2.3.4 have been added to the ESSD to address this point.

A revised version of the ESSD is enclosed.

- 4) **Please review the site condition report included in the ESSD to ensure it considers all areas of the site that don't have permanent deposits of waste (e.g. weighbridge, if appropriate).**

We recommend that you comprehensively address the implications of the site's history within your ESSD as it is our understanding that the proposed activity will take place on top of an old landfill and/or alongside or on top of unpermitted waste deposits. For example, but not limited to, you should ensure that monitoring is sufficient to reliably characterise current groundwater quality and background concentrations and current impacts of gas. This information is likely to be relevant during our determination and the eventual surrender of any permit, if issued.

The only infrastructure on site will be a welfare unit and wheel wash. These items are considered to present a low risk of causing pollution. We have added a paragraph to section 5 of the ESSD to explain this.

In terms of further characterising the landfill we believe that this is disproportionate to the risks posed by the activities. The landfill was completed in the 1970s and is likely to be largely stable. A gas spike survey has been carried out and the results were provided with the application. Of the 40 tests only 2 detected methane, with a maximum concentration of 2.7%v/v. This suggests that the risks from landfill gas are not significant.

As the aim is to provide a growing medium and the soils to be spread on the site will not be excessively compacted but will remain permeable to gas, allowing oxygen to reach plant roots. It is therefore unlikely that the works will limit pathways for residual gas which may be venting from the landfill (if any).

No previously deposited wastes will be disturbed during the works, which might mobilise contaminants from the former waste. All landfilled wastes will be left in situ and there should be no change in the level of risk to the water environment posed by the historic landfill.

In terms of surrender of the permit, the wastes to be deposited will be fully characterised before being sent to the site, a necessary precaution to ensure that the land is restored to beneficial agricultural use. It is expected that surrender of the permit will be based on records regarding waste inputs and, if necessary, sampling of the soils themselves. We believe that this emphasis on the characterisation of the source itself is the most appropriate approach, given the limited depth of newly deposited waste (average 0.6m, maximum 1m).



It is noted that, had the land required restoration due to some other industrial use, then the activities which have been applied for could be completed under the standard rules and no environmental monitoring would be required.

5) You have acknowledged the risk of dust emissions from the site. Please provide a Dust Emission Management Plan (DEMP), with the associated fee.

What we require in the DEMP is outlined [here](#). As we do not need to carry out the Habitats Risk Assessment which you have provided, we would have typically returned this fee. We will retain this as part of the DEMP assessment fee, which leaves an outstanding fee of £462.

Measures for the control of dust are set out in the application, in the Operating Techniques and the ESSD.

The Environment Agency guidance on Gov.UK suggests that a Dust Management Plan is required where and an operator is carrying out the recovery of “household, commercial or industrial waste by deposit for recovery”. This appears to refer to non-hazardous waste and it is not immediately clear that it also applies to inert or mainly inert wastes.

Nevertheless, a Dust Management Plan has been prepared and is enclosed. The additional £462 is being paid by BACs and we will advise you of the reference shortly.

We trust this provides all the information you require to accept the application as duly made.

Yours sincerely

For Wardell Armstrong LLP

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Enc: Amended Form Part B4
Amended Form Part F1
ESSD V2
Dust Management Plan