



CONTROL OF POLLUTION ACT, 1974 (PART 1)

THE COUNTY COUNCIL OF SOMERSET, being the WASTE REGULATION AUTHORITY, for the said Administrative County, HEREBY GRANT A LICENCE for the deposit of controlled waste pursuant to the provisions of Part I of the Control of Pollution Act, 1974 and of the Collection and Disposal of Waste Regulations, 1988 to the application of:

ECC Construction Materials Ltd
De La Bere House
Bayshill Road
Cheltenham
Gloucestershire

Ordnance Survey Reference	NGR:ST 7269 4489
Position and Nature of Proposal	Landfill site for the deposit of controlled waste at Colemans Quarry, Holwell, Frome, Somerset.

This Licence is granted subject to the conditions set out on the attached sheet.

Dated:

12.4.94

Director for the Environment

County Hall,
Taunton.

IT IS IMPORTANT THAT YOU READ ALL THE ATTACHED NOTES

1. This licence relates only to that area edged in red on the attached plan (Ref.No. SL2/3).

Type of Waste

2. The type of waste deposited at the site shall be limited to the following:
 - a) Stone aggregates coated with bitumen which do not feature any coal tar products or derivatives.
 - b) Uncontaminated subsoil and topsoil.

The following waste shall not be deposited at the site:

- i) Wastes featuring coal tar products or derivatives.
- ii) Soils contaminated with such materials as paper, hardboard, plasterboard, paints, plastics, wood, timber based products, tree and hedge trimmings and other green wastes.
- iii) Chemicals or chemical waste controlled by Section 17 of the Control of Pollution Act 1974, or Section 62 of the Environmental Protection Act 1990.
- iv) Liquid waste.
- v) Waste oil, clinical and noxious waste.
- vi) Construction and demolition wastes (with the exception of 2 (a) above).
- vii) Foodstuffs and other putrescible (rotting) waste.

Working Plan

3. A detailed Working Plan shall be prepared and submitted for consideration by the Waste Regulation Authority prior to the commencement of tipping. The Working Plan shall be updated at twelve monthly intervals (or at periods specified by the Waste Regulation Authority) to take into account changes in the site and contemporary waste management practice and advice. Any subsequent amendments to the Working Plan shall be agreed in writing with the Waste Regulation Authority prior to their implementation.
4. The Working Plan shall detail the following:
 - i) Details of the procedures that will be followed to ensure that incoming waste is acceptable for disposal at the site and inspection procedures following deposit.
 - ii) The method of working the site including phasing and direction of tipping operations.
 - iii) The plant and equipment to be used.
 - iv) The amounts and types of waste inputs.

- v) Water pollution (leachate) control measures and monitoring arrangements.
 - vi) Site security measures including fencing, gates and staffing arrangements.
 - vii) Noise control measures.
 - viii) Site access and subsidiary roads.
 - ix) The manner in which the site is to be restored with details of final cover, contours, top-soiling, drainage and proposed planting and other aftercare provisions.
- 5. No waste disposal activities shall occur on site until the Working Plan has been agreed in writing by the Waste Regulation Authority.
 - 6. All documents and drawings submitted as part of the Working Plan shall form part of this licence for the purposes of Section 6 (2) of the Control of Pollution Act 1974 or Section 35 of the Environmental Protection Act 1990.

Site Preparation

- 7. A lockable gate and fencing shall be provided around the site to prevent both unauthorised entry and tipping. When the site is not in use or staffed the gates shall be locked.
- 8. On-site fuel tanks (if used) shall be positioned and bunded to a standard agreed in writing by the Waste Regulation Authority. Fuel tanks shall be stored within a bunded area capable of containing:
 - i) 110% of the volume of the largest tank retained within the area; and
 - ii) a minimum of 25% of the total volume of liquids retained within the area.

There shall be no flexible or permanent pipe connections outside the bunded area. When not in use all valves and taps shall be locked.

Site Operation

- 9. No processing, sorting or re-excavation of any waste material shall take place on site without the prior written agreement of the Waste Regulation Authority.
- 10. Each load shall be inspected before and after deposit and any unpermitted biodegradable and other waste shall be removed immediately. Waste removed from the loads shall either immediately be taken off site or placed into a sealed, suitable container for disposal at an authorised site within a time limit of 4 days for putrescible waste or 21 days for non-putrescibles.

The Waste Regulation Authority shall be notified immediately of any unpermitted waste delivered to the site and a record of the types and quantities of any unpermitted wastes shall be kept and made available to the Waste Regulation Authority on request.

11. Deposit of waste and other disposal operations at the site shall take place only between the hours of 0700 and 1800, Monday to Friday, and between 0700 and 1300 Saturdays. No deposit of wastes or other operations shall take place outside these hours or on Sundays or public holidays.
12. All necessary measures (as agreed with the Waste Regulation Authority in writing) shall be taken to ensure that there is no pollution of local watercourses, other surface water features, drains, sewers or groundwater caused by the disposal operations on site.

If required by the Waste Regulation Authority such measures shall include the installation of silt-traps, stilling ponds and/or interceptors to a standard agreed in writing by the Waste Regulation Authority.
13. Measures shall be taken to prevent the carriage of mud and other material from the site onto the public highway by vehicles leaving the site. Any such materials that may be so deposited are to be removed as soon as possible and the access swept. If required by the Waste Regulation Authority wheel-cleaning facilities shall be installed to a standard agreed in writing by the Waste Regulation Authority.
14. At no time shall waste be deposited, treated or kept outside the licensed area.
15. The site shall be staffed and supervised during working hours to a standard agreed in writing with the Waste Regulation Authority.
16. All necessary supervision shall be provided for the operation of the site. Such supervision shall be given by designated persons having adequate knowledge of the operations being carried out including the methods and techniques required, the hazards likely to be encountered and the methods of preventing accidents.
17. Following deposit waste shall be levelled and formed into layers of no greater depth than two metres as soon as practicable after deposit and not later than 7 days after the day on which the waste was deposited. All accumulations of waste material awaiting levelling shall not exceed 2 metres in height, or cover a ground area greater than 100 square metres.
18. Waste shall either:
 - i) be deposited on the surface of the site behind the face then spread and compacted into a layer down the site face; each progressive layer not exceeding 2 metres in depth, or
 - ii) be deposited on the ground forming the base of the site or on a previous layer in front of the face and shall be spread and compacted upwards into a layer not exceeding 2 metres in depth.
19. The working face and flanks shall be compacted to form gradients not steeper than 1 in 3.

Environmental Control

20. A monitoring plan covering the following points shall be proposed by the operator and accepted by the Waste Regulation Authority prior to any tipping on site;
 - i) Sampling and analysis of wastes deposited.
 - ii) Sampling and analysis of the groundwater around the site.

21. No waste material shall be burnt within the boundaries of the site and any outbreak of fire shall be regarded as an emergency and immediate action shall be taken to extinguish it. All outbreaks of fire shall be notified forthwith to the Waste Regulation Authority.
22. If required by the Waste Regulation Authority measures shall be taken to a standard agreed in writing by the Waste Regulation Authority to prevent the emission of dust as a result of the disposal operations on site.
23. During dry weather the site access roads shall be sprayed with water to suppress dust.
24. Until final restoration completed areas of landfilling shall be graded and maintained in a tidy condition.
25. All plant and equipment used on site shall be equipped with silencers to the manufacturers specifications and shall be maintained in good working order with all covers in position so as to keep noise levels to a minimum at all times.

Records

26. A site log book shall be kept, this shall detail the types and quantities of waste deposited at the site on a daily basis.
27. A quarterly return of the estimated amount and types of waste deposited shall be sent to the Waste Regulation Authority. An estimate of the site's remaining capacity shall also be forwarded to the Waste Regulation Authority on a quarterly basis.

General

28. The maximum quantity of waste that may be deposited, disposed of or dealt with at the site shall not exceed 5,000 tonnes per annum without the prior written agreement of the Waste Regulation Authority.
29. Any temporary cessation of operations for a period in excess of three 3 months shall be notified to the Waste Regulation Authority. Not less than 14 days notice shall be given to the Waste Regulation Authority of the date on which operations are to recommence.
30. The terms of the site licence and any subsequent amendments shall be made known to any person who is given responsibility for the management or control of the site and a copy of this licence shall be made available at the premises of the licence holder.
31. The activities to which this licence relates shall not be carried on so as to contravene Section 33 (1) (c) of the Environmental Protection Act 1990, thereby to treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.

GENERAL GUIDANCE NOTES TO LICENCE HOLDERS

These notes are provided for general guidance and do not constitute an authoritative statement of the law. It is important that they are read and understood and for further information you are advised to contact the Waste Regulation Authority on Taunton (0823) 255694.

- 1.0 The licence relates only to the requirements of the Control of Pollution Act 1974 for the deposit of waste and the use of plant and equipment subject to the conditions set out herein. The licence does not constitute a consent required by any other legislation. In particular, it is the responsibility of the licence holder to comply with any requirements of, amongst others:

The Water Resources Act 1991;
The Environmental Protection Act 1990;
The Health and Safety at Work Act 1974;
The Town and Country Planning Acts;
Building Regulations;
The Scrap Metal Dealers Act;
Relevant Environmental Health Legislation;

which may also cover the licensed activities.

This is not a comprehensive list and it is recommended that the operator seek further advice regarding his or her responsibilities in this respect.

- 1.1 In the event of an accident resulting in the death or serious bodily injury of any person as a consequence of operations on the site, the operator shall inform the Health and Safety Executive.
- 1.2 All working practices in the vicinity of electric power cables/installations should be in accordance with the latest Health and Safety Guidance Note (currently GS6). The applicant is advised to consult with the appropriate area electric company should such installations infringe on the licensed area or any access road leading to the licensed area.
- 1.3 All discharges to sewers require the consent of the relevant sewage undertaking and those to any watercourse, soakaway or other surface water feature, may require the consent of the National Rivers Authority.
- 1.4 Regular inspections will be undertaken by officers of the Waste Regulation Authority without prior notice to ensure full compliance with the licence.
- 1.5 If the licence holder ceases to occupy the land to which this licence relates, the licence may be transferred to the new occupiers after giving due notice to the Waste Regulation Authority which reserves the right to decline the transfer.
- 1.6 The spread of various invasive plant species, in particular Japanese Knotweed (*Fallopia japonica*) but also species such as ragwort and thistle must be controlled. Advice regarding this matter should be sought from the Waste Regulation Authority, the Ministry of Agriculture Fisheries and Food or the Agricultural Development and Advisory Service.

- 1.7 Specific operations at the site may require an authorisation under Part 1 of the Environmental Protection Act 1990 which is concerned with Integrated Pollution Control and local authority air pollution control. Advice regarding authorisations should be sort from the Waste Regulation Authority, Her Majesty's Inspectorate of Pollution or from the Environmental Health Department of the relevant local authority.

Licence Review

- 2.0 This licence shall be reviewed from time to time in line with recommendations detailed in Waste Management Paper No.4 "The Licensing of Waste Facilities".
- 2.1 The review will be carried out after consultation with the licence holder and amendments (if any) to the licence issued as necessary to reflect current operating practices and legislation.
- 2.2 An amendment shall be implemented within a given timescale and at no cost to the Waste Regulation Authority. An appeal system is provided by the Control of Pollution Act 1974 and details will be provided with any amendment issued.

Contravention Of Licence Conditions

3.0 Control Of Pollution Act (COPA) 1974

Your attention is drawn to the provisions of Sections 3, 9, and 16 of COPA 1974. A brief summary is detailed below.

- 3.1 **Section 3** - Prohibits under penalty the deposit of waste, or use of plant or equipment, otherwise than in accordance with the terms of a licence. This section applies to all conditions including any that may be subject to appeal to the Secretary of State under Section 10 of the Act. Any deposit which takes place without compliance with all the licence conditions may lead to prosecution under this section.
- 3.2 **Section 9** - Non compliance with any condition may lead to revocation or modification of the licence.
- 3.3 **Section 16** - The Waste Regulation Authority is empowered to require the removal of any controlled waste deposited in circumstances contrary to the terms of this licence.

Penalties Under Section 3

- 3.4 A person who contravenes Section 3 (1) of the Act shall, subject to Section 3 (4), be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding scale 5 (currently £2,000), or on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.

Where a person contravenes Section 3 (1) and the waste is poisonous, noxious or polluting, or it is likely to give rise to an environmental hazard the person would be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding scale 5 or both, or on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

4.0 The Environmental Protection Act (EPA) 1990

The legislative framework for Waste Regulation is about to be changed considerably as relevant sections the EPA are implemented. The following sections have already been enacted and are particularly relevant:

4.1 Section 29

Section 29 of the EPA 1990 gives the following guidance:

The "environment" consists of all, or any, of the following media, namely land, water or the air.

"Pollution of the environment" means pollution of the environment due to the release or escape (into any environmental medium) from the land on which controlled waste is treated, kept or deposited of substances or articles consisting or resulting from the waste and capable (by reason of the quantity or concentration involved) of causing harm to man or any other living organism supported by the environment.

("Harm" means harm to health of living organisms or other interference with the ecological systems of which they form part and in the case of man includes offence to any of his senses or his property).

4.2 Section 33 (1) (c)

Section 33 (1) (c) prohibits the treatment, keeping or disposal of controlled wastes in a manner likely to cause pollution of the environment or harm to human health.

A person who contravenes Section 33 (1) (c) above (subject to Section 9 - contravention pertaining to "Special Wastes") shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £20,000 or both, and on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

A person who contravenes Section 33 (1) (c) with respect to Special Waste shall be guilty on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding £20,000 or both and on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine or both.

4.3 Section 34 (1)

Section 34 of the Act imposes a new "Duty of Care" with regard to controlled wastes. The duty applies to any person who produces, imports, carries, keeps, treats or disposes of controlled waste. Breach of the duty of care is an offence, with a penalty of an unlimited fine if convicted on indictment.

Those subject to the Duty of Care must try to achieve the following:

- a) to prevent any other person committing the offences of disposing, treating or storing of controlled waste
 - without a waste disposal/management licence; or
 - breaking the conditions of a licence; or
 - in a manner likely to cause pollution or harm to health;

- b) to prevent the escape of waste, that is, to contain it;
- c) to ensure that, if the waste is transferred, it goes only to an "authorised person" or to a person for "authorised transport purposes";
- d) when waste is transferred, to make sure that there is also transferred a written description of the waste, a description adequate enough to enable each person receiving it
 - to avoid committing any of the offences under (a) above; and
 - to comply with the duty at (b) to prevent the escape of waste.

Advice regarding the Duty of Care should be sought from the Waste Regulation Authority, and licence holders are advised to read "Waste Management, The Duty of Care, A Code of Practice." The Code of published by the Department of the Environment and is available from all HMSO Publication Centres.

RIGHTS OF APPEAL

- (1) If an applicant/licence holder is aggrieved by the decision of the Waste Regulation Authority
- (a) in refusing to grant a disposal licence
 - (b) in refusing to modify a disposal licence
 - (c) in granting a licence subject to conditions
 - (d) in modifying conditions specified in a disposal licence
 - (e) in revoking a disposal licence

he may appeal to the Secretary of State in accordance with Section 10 of the Control of Pollution Act 1974. Appeals must be notified within 6 months of the date of this notice to the Secretary, Department of the Environment Waste Disposal, (NNW2), Room A2.22, Romney House, 43 Marsham Street, London SW1P 3PY.

The Secretary of State has power to allow a longer period for the giving of notice of an appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of an appeal.

FOR DECISIONS UNDER HEADINGS (d) or (e) ONLY

Where a notice giving this authority's decision to modify or revoke a disposal licence includes a statement that for the purpose of preventing pollution of water or danger to public health Section 10(2) of the Control of Pollution Act should not apply to the decision, the notification of an appeal against the decision will not of itself render the decision ineffective pending determination of the appeal. This decision does/does not* contain such a statement.

If you consider that such a statement has been unreasonably included in the notice of decision you may apply, under Section 10(3) of the Control of Pollution Act, to the Secretary of State to determine whether the authority's action was unreasonable or not (the address to write to is as given above). If the Secretary of State determines that the authority acted unreasonably in including such a statement, the authority's decision will become ineffective while an appeal is pending and you will be entitled to recover compensation from the authority in respect of any loss you have suffered in consequence of the statement. Any dispute as to your entitlement to compensation or its amount shall be determined by arbitration.
