

Newsletter December 2017

**P B Donoghue (Haulage and Plant Hire) Limited, Donoghue
Buildings, Claremont Road, Cricklewood NW2 1RR.
Environmental Permit NP3691NX/V002 (EAWML 80294)**

We're aware that there are strong feelings about this site and the problems you've experienced, so we've produced this newsletter to help keep you informed. To make sure everyone is aware of the context we've repeated the sections "About the site" from previous newsletters.

About the site

The site was issued with a Waste Management Licence by the London Waste Regulation Authority on 19 October 1993. The licence (later changed to be called a permit) became our responsibility when we were formed in 1996. In September 2005 the permit holder applied for and was granted a change in their license, called a variation.

The site also holds a waste exemption, and in addition the operator has a machine which they use for crushing concrete - see the relevant sections for more on this.

The Independent Audit

We commissioned a consultancy firm called Mott MacDonald to carry out an independent audit of PB Donoghues. Auditors from Mott MacDonald were on site on Thursday 28 September in the presence of one of our environment officers to gather data. They then subsequently carried out analysis of the gathered data and samples, after which point they put the completed documentation through an internal peer review process before releasing the completed report to us.

We recognise and share the disappointment and frustration in the length of time that it has taken for the report to be completed, but our priority was to obtain a thorough and accurate audit that could then lead to positive outcomes for the community. The scope of the audit included reviewing the operator's waste records from January to September 2017, as well as take samples off site for analysis. The majority of the auditors' time since the site visit has been spent reviewing this data and producing the analysis. We received the report on Wednesday 20 December.

We have also sent a copy of the audit report to the site operator to give them an opportunity to address its content.

We are now working on analysing the contents of the audit and the recommendations given, identifying potential enforcement actions, and producing a Compliance Assessment Report (CAR forms), taking into account the non-compliances that the audit has established. This is a legal document which will allow us to take the conclusions of the report and turn them into actions which are then enforceable using our powers. Copies of CAR forms can be supplied by logging a request with HNLenquiries@environment-agency.gov.uk.

Hazardous Waste

The audit has identified traces of hazardous material in two of the locations from which the samples were taken - asbestos, potassium, phosphorous and lead.

It is important to recognise that the thresholds Mott Macdonald have used in their audit represent threat to human health from direct exposure, and that where there was any doubt about the particular types of substance (for example where the tests could not determine the type of potassium during testing) the auditors have provided a worst case scenario. Additionally, the audit is clear that this material is not present throughout the site, only in some samples that were taken.

However, we are taking this report seriously. We have advised the site operator to either clear his site or to undertake a program of testing and analysis to confirm that there is no further hazardous material present on site. We will also be liaising with Environmental Health.

Waste Volumes

The audit established that after a period of non-compliance between January and June PB Donoghues has remained compliant with the tonnage limit on acceptance of waste. It did however identify that the site was non-compliant with the tonnage limit on maximum storage amount, and we are considering our enforcement options with respect to this. The audit also showed some weaknesses in the processes on site revolving around waste acceptance, and we will require the operator to make improvements to their Environmental Management procedures.

Dust

Mott Macdonald reports that at the time of the audit visual inspections of the surrounding area showed only minimal dust soiling. We do recognise however that the audit was taken at one moment in time, and local weather conditions the night before could have distorted this inspection. In particular we acknowledge that not all of the recommendations we have made to the site operator for dust suppression are being followed. We have requested a meeting with London Borough of Barnet and the site operator to assess from both an enforcement and a planning point of view what steps can be taken to tackle the issue of dust emissions.

In addition, following discussions with our colleagues in the national Air Quality monitoring team, we will be purchasing new smaller monitoring equipment which will be installed in early spring, providing further evidence as to the potential emissions from the site.

The Concrete Crusher

London Borough of Barnet have asked us to bring the concrete crusher and the pile of crushed concrete under our regulatory authority via our Environmental Permit. They did not feel the concrete crusher should be regulated by a Part B permit as it did not seem to be mobile, and at the moment the concrete crushing is therefore an unregulated activity.

We are investigating the legal situation surrounding the concrete crusher, as there is a lack of clarity around the circumstances of the crusher. For us to establish legal powers to regulate this activity we need to be able to demonstrate clearly that this falls within our remit. We are currently investigating with the aim of obtaining the clarity necessary to establish and demonstrate the best regulatory route.

Until such time as the legal situation is fully established we are not able to issue an enforcement notice to prevent the site operator from crushing concrete. Whilst we are investigating we have issued advice to the

site operator that he requires an appropriate permit to carry out the activity and until such time as the activity is regulated he should cease crushing.

Communication and Liaison

We will continue to liaise with the residents group and local councillors and hope to find a date in January when we can discuss the audit and next actions face to face. We'd like to repeat our apology that we were unable to attend on 11 December due to prior commitments.

We will continue to produce a newsletter to ensure all parties concerned are kept informed as to our actions.

Incident Reports

If you experience issues with this site please let us know, either during that particular issue or as soon as possible afterwards. You can call our incident hotline any time of day or night on 0800 80 70 60.

Talking to us

If you'd like to write to us our address is Alchemy, Bessemer Road, Welwyn Garden City, Hertfordshire, AL7 1HE.

If you want to know something, or you're unhappy with us and want to raise a formal complaint then please email us at HNLenquiries@environment-agency.gov.uk and our Customers and Engagement Team will do their best to help you. We can also provide you with copies of previous newsletters if you would like these.