

Whiteshore Cockles:

PPC/A/5001983 – New Permit Application – consultation

Re. [REDACTED] (SEPA) response to [REDACTED] ([REDACTED]) COMHAIRLE NAN EILEAN SIAR, letter dated 03 May 2022.

1. *It is noted that in the application submissions (IPPC Technical Report Supporting Document) Table 1 on page 7 refers to the storage, handling and dispatch of by-products and waste as a directly associated activity. However, in column 3 of the table, which identifies the details of the activity, the removal of effluent and wastewater from the facility by tanker is not detailed, nor is the subsequent intended disposal of those waste products to land and to AD plant elsewhere.*

Response: The activities listed in Table 1 (pg7) are for those that shall be regulated under the proposed PPC Permit for the installation. These are activities that SEPA would be the competent authority to regulation under the PPC 2012 Regulation.

The activities you mention (*removal of effluent and wastewater from the facility by tanker; intended disposal of those waste products to land and to AD plant elsewhere*) are not activities that would be regulated under the proposed PPC Permit, primarily as they would be undertaken outwith the permitted boundary of the installation.

Any environmental or other nuisance or concerns from tanker movements on the public highway would not be under SEPA's regulatory role in the scope of this application.

Waste to land applications would also not fall directly under the scope of this application. These are traditional regulated by SEPA, under the Waste Management Licensing Regulations 2011 and any proposed activity would be require an appropriate authorisation and review from SEPA before being permitted (normally WML 'Exemption' for the materials in question. Despite this regulatory difference the assessment application and SEPA assessment of it will need to consider the viability of such a proposed outlet for the waste stream, it is an essential requirement to ensure the process can be operated in a sustainable and environmentally responsible manner.

2. *Reference is made throughout the report to the island's (North Uist) wastewater treatment works. Beyond small package treatment works serving a small number of houses, no such treatment works exist and the location of the intended site for the disposal and treatment of wastewater (human waste) is queried. It is also questioned whether Scottish Water have indicated that sufficient capacity exists at an identified suitable wastewater treatment facility, through their PDE process, and whether written agreement has been provided by Scottish Water and SEPA to such an approach?*

The application does refer to a double skinned welfare tank (2000l) and that effluent from the welfare unit being removed *by tanker for treatment at the Islands sewage treatment*

works. I note your information that a treatment works does not exist on the island and it shall be put to the applicant for further clarification and understanding if there has discussion with Scottish Water around this matter.

3. *It should be noted that details of the intended surface water drainage for the site have been requested, as part of the planning conditions discharge process. Given the nature of the process, it is considered necessary for these details to be provided at this stage, prior to the operation of the facility.*

The application states 'Surface water drainage from the concrete pad is currently not served by any sub-surface drainage system' 'The roof water will be harvested for use in the process for cleaning. Further investigation will be undertaken by the operator during 2022 to consider all surface site drainage at the facility, however a scheme will be drawn up and implemented'. Point source emissions to surface water and water efficiency is an essential part of the PPC Permit assessment process, the application does not suitably consider this matter and SEPA shall be requesting further information to ensure appropriate techniques are in place.

4. *In terms of Appendix 6 (the Blackwell Water Consultancy Ltd Technical Report for treating fish rendering effluent), it is noted that removing effluent by tanker is not recommended to be considered further, due to it being highly expensive and onerous. However, the removal of effluent by tanker formed part of the details recently submitted by the applicant in respect of discharging the conditions applied to one of the recent planning permissions for the facility (Ref 20/00007/PPD).*

SEPA notes the proposed methodology for effluent treatment and disposal contradicts the information given by the appointed consultant undertaking the effluent optioneering assessment. SEPA shall be investigating this matter further as part of the permit assessment. It has however been noted on initial review that the recommended methodology for disposal within the report (Rapid infiltration for untreated effluent) would not meet the requirements of BAT for the industry or the prescribed emission limit values for effluent before discharging to the water environment. This is not a treatment process and would not be approved by SEPA.

It did not, however, form part of the application proposals that were the subject of that planning permission, or the permission reference 19/00288/PPD. These applications indicated an intention to dispose of effluent to sea, which would be controlled by a Marine Licence. As a result, the applications were screened for EIA and assessed under the HRA regime on the basis of materially different impacts to those currently proposed.

Any discharge to the water environment, marine or surface water would require the appropriate treatment of effluent prior to discharge and assessment that the risk to the environment would not be significant and controlled. SEPA is has not been informed that marine discharge including appropriate onsite treatment has been considered by the applicant at this stage.

Further information in this regard has been requested from the applicant and none of the planning permission conditions has been discharged, to date. A copy of the planning authority's response to the applicant has previously been provided to SEPA. It remains unclear at this stage whether the relevant conditions of the planning permissions will be able to be

discharged as requested. As these are suspensive conditions, this calls into question whether the planning permissions previously granted will be able to be implemented.

SEPA recognises that applicant will require to satisfy the noted planning permission requirements and conditions in order to lawfully operate the proposed activity at the site.

- 5. The information provided within Appendix 7 (the Ricardo report) focusses on the potential for agricultural benefit to Vallay by the proposed discharge to land of some 25% of the condensate from the proposed facility. However, overall and given the conclusion within the report, it is not clear that the potential environmental impacts have been appropriately assessed.*

The report highlights the potential for impact pathways to lead to significant effects on the qualifying habitats of the SAC, the qualifying species of the SPA, and the features of the SSSI. Consequently, the planning authority expresses strong concerns about such an approach and would query whether consent from NatureScot has been sought and obtained, or confirmation received that consent is not necessary. It is noted that the final row of Table 17 'Risk Mitigation and Score' of the application Technical Report does not consider the potential impact on these sensitive sites.

SEPA will be seeking further information on this proposal in order to assess if a high level of environmental protection from the activities can be met. Nature Scot have also been consulted as a statutory consultee. In cases where sensitive designations are likely to be impacted, any assessment under the previously mentioned WML 2011 regulated activities will also require a separate & further detailed assessment consultation before any approval can be granted.

- 6. It is also queried whether the odour impact reasonably likely to result from the proposed disposal of 25% of the effluent to Vallay has been adequately assessed? The Ricardo report (Appendix 13) focusses on odour impact from the plant itself, with the subsequent method of waste disposal to land only considered briefly. However, Appendix 7 notes that, in respect of the character of the odour, processes involving septic effluent are considered to be the most offensive. The comparison of the resulting odour to that of seaweed is also queried. Whilst seaweed has a distinctive odour, there is no substantive evidence within the report of the current extent of seaweed fertilisation on Vallay, or a robust comparison with the likely resulting odour from the application proposals.*

The provided odour assessment would require that odour from the permitted PPC activity would require consideration. Waste to land as mentioned above would be considered under WML 2011 'Exempt' activities and require that 'relevant objectives' for environmental impact be met, this would include that offensive odour from any applications to land not be approved to go ahead.

- 7. The limitations on the potential for this means of disposal to be feasible on the site identified, including for reasons of soil depth, amongst other reasons, are also of concern. The crop requirement for proposed treatment is also queried. It is noted that the Executive Summary of*

the report concludes that, under a next phase of the investigation, further consideration may be given to alternative sites and crops for agricultural benefit assessment.

It is therefore considered that further assessment should be undertaken to establish whether the proposed means of waste disposal to land is sustainable in this location in the long term and what impacts are likely to result to ecological features and nearby sensitive receptors. It is considered that any 'agricultural benefit assessment' should be undertaken by persons qualified in that science and the timing of that assessment should be established prior to it being undertaken.

Under WML Exemption application the applicant would require to demonstrate that agricultural or ecological benefit to the environment would be achieved from the proposed application of waste to land. This would require soil samples analyses (for the land in question), land use information, waste laboratory analyses and assessment from an agronomist or appropriately qualified individual to demonstrate application rates and consideration for the environment in question. The application would need to suitably demonstrate that the waste to land activity would not pose any risk to the environment and would be assessed by SEPA specialists prior to any approval being made.

8. *The figures given within the Blackwell report are such that the removal of effluent by tanker option is considered unlikely to be financially viable for the facility. There would therefore appear to be a disconnect between the recommendations within the supporting documentation and the proposed course of action. This raises some serious concerns about whether the preferred effluent disposal system (with 75% of the total effluent removed by tanker for treatment at an AD plant on the mainland) would be sustainable in the long term and, if not, what the resulting outcome may be, particularly given the history and continued use of the wider site for waste disposal.*

As per point 4 above SEPA shall be reviewing this matter further and seeking further justification for the proposed tankering, this will include detailed consideration for the sustainability of the methodology over potential onsite treatment, volumes of traffic movement and their frequency and contingency in event of transport delays.

9. *In addition to the above, it is considered that the removal of all effluent and wastewater from the site (with the exception of wash down water) would result in significantly greater volumes of HGV movements to and from the site than previously indicated. It is anticipated that a typical processing of 150 tonnes of fish morts per week would result in 97,500 litres of condensate being produced. The on-site condensate storage capacity is intended to be 50,000 litres. Removal from the site is stated to be in 25,000 litres tanker loads. This would therefore appear to require 4 tanker loads of condensate removed per week, with storage capacity on site for only half a week's typical production. In addition, the removal of fish oil would also be regularly required, with sufficient storage capacity on site for 10 days production. Notwithstanding the conditions imposed on the planning permissions, it is considered that the level and type of traffic generation could result in detriment to the amenity of nearby residential occupiers.*

SEPA shall be seeking more detailed and accurate information on this matter and agree it requires full consideration.

SEPA recognises that the applicant will require to satisfy any planning permission requirements around traffic movements at the site in order to lawfully operate the proposed activity at the site.

10. *Furthermore, in addition to the concerns raised above concerning the viability of such a waste disposal regime and the feasibility of disposing of 25% of this waste by disposal to land in Vallay, it is also queried whether consideration has been given to the practicalities of removing this quantity of waste product from North Uist on a weekly basis? Restrictions on ferry capacity, particularly during busy summer months, can limit availability, as can technical faults or weather conditions, which regularly results in the cancellation of services at other times of the year. Consequently, it is questioned whether the condensate (and fish oil) storage capacity on site would be sufficient, given the intended method of removal and disposal.*

SEPA shall be seeking more detailed and accurate information on this matter and agree it requires full consideration, including potential storage capacities.

11. *The process whereby non-conforming loads of fish would be removed from the site is queried. The supporting report does not make clear where quarantined loads would be stored prior to removal from site or the length of time the loads would be anticipated to remain on site before removal. Nor is the end location of the quarantined loads provided, or the method proposed to be used to transfer the loads out from the reception pit, if intercepted during unloading. In the absence of details to the contrary, this aspect of the proposal would appear to have the potential to result in unacceptable odour emissions.*

Any quarantined waste loads not suitable to be processed at the site would require to be stored in line with BAT, and this would include appropriate odour control measures. It is noted that planning condition 6 states that no fish morts shall be stored outwith the reception pit, within the reception building. Any wastes removed from the site would require to be disposed of at an appropriately licenced waste installation.

12. *The location of the intended disposal facility for the resulting bottom ash from the boiler/incinerator is also queried. This does not appear to have been provided and the waste concerned is not identified in Table 15 – Waste streams within the Technical Report.*

Any wastes removed from the site would require to be disposed of at an appropriately licenced waste installation. SEPA shall require a full and detailed assessment of all potential raw materials and anticipated wastes use / produced at the installation.

13. *The planning authority has no comments to make on the competency or otherwise of the proposed operator, apart to note that this is a novel process and it is hoped that a suitable level of skill and expertise would be expected to be demonstrated by the permit operator, in order for SEPA to be satisfied that they are technically competent.*
Noted.

14. *We have no comments to make in respect of the noise impact assessment, except to note that the provision of a noise barrier (identified as a potential BAT in section 4 of the Atmos Consulting report) along the north western edge of the boundary of a minimum of 2.8m in height would require planning permission and did not form part of either of the recently*

approved schemes. Whilst this could be the subject of a separate application, given the topography of the site and the local climatic conditions, it is considered unlikely that such a barrier (a close-boarded fence was suggested within the report) would represent an effective means of mitigation in the longer term.

SEPA recognises that the applicant will require to satisfy any planning permission requirements around the erection of noise barrier (including timber fence 2.8m high) in order to lawfully operate the proposed activity at the site.

- 15. In summary, the planning authority object to the proposed means of disposal of effluent and wastewater from the proposed facility as proposed, pending receipt of the points of clarification/further information, for the reasons given above.*

As part of the assessment process for the proposed activities at Whiteshore, I hope that the above responses to you points demonstrate that the considerations and concerns you raise shall be assessed by SEPA when undertaking it's role as the regulatory authority for PPC listed activities. With regard to any planning specific requirements the applicant will be made aware of these in further communication, and would be expected to liaise with the planning authority directly on any of these matters they chose to pursue or as you state have not been satisfied to date.