

**From:** [REDACTED] [IPPC Consultants](#)  
**Sent:** Wed, 21 Sep 2022 09:37:13  
**To:** SEPA [REDACTED]  
**Cc:** SEPA [REDACTED] SEPA [REDACTED]  
**Subject:** RE: 20220920\_Whiteshore\_Para7\_Benefit Statement\_response  
**Importance:** Normal  
**Sensitivity:** None

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Hi [REDACTED]

Thank you for your email and the detailed feedback and commentary on the agricultural benefit report produced by C A MacPhail Consulting Ltd (part of the 5Agri group). [REDACTED] will have forwarded these comments back to the consultant to review. There is a lot which needs to be reviewed and considered following the soil scientists' feedback regarding the feasibility of ground deployment for condensate at the Island.

Best regards

[REDACTED]

[REDACTED]

**IPPC Consultants Ltd**

**TEL:** [REDACTED]

**FAX:** [REDACTED]

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**From:** [REDACTED]@sepa.org.uk>  
**Sent:** 20 September 2022 11:57  
**To:** [REDACTED]@ippc-consultants.co.uk>; [REDACTED]  
**Cc:** [REDACTED]@SEPA.org.uk>; [REDACTED]@sepa.org.uk>  
**Subject:** 20220920\_Whiteshore\_Para7\_Benefit Statement\_response

OFFICIAL

Good Morning [REDACTED] / [REDACTED]

Thank you for providing the Agricultural Benefit and Nutrient Plan for the condensate waste to land proposals.

As you are aware, this information was requested as a specific response to Whiteshores indication that Condensate to land be explored in more detail to support the operation of the pending PPC permit application.

The information that has been provided was again, passed to SEPA's soil scientist for assessment. The assessment being the potential consentability under a Paragraphs 7 Waste Management Licensing exemption and compliance with the referenced technical guidance

document WMX-TG7.

Please find below in **Green** a full summary of the soil scientist comments below, , and my accompanying comments in **Blue**.

- In short, presented with the current information and assessment, the consentability of a Para 7 is still not guaranteed, and may never be suitable for the proposed year round application which I believe to be questionable.
- Essential information, required by WMX-TG7 is lacking from the assessment and there are a number of questions around the proposed application that SEPA do not at this time would not consent to.
- There are also some factors that SEPA are awaiting comment on, from Nature Scot, which may depending on the response received not allow SEPA to consent the exemption and beyond our control.

At this stage I would say that application to land is still questionable and that Whiteshore should not be proceeding with any assumptions that Condensate waste to land will be the only option to 'dispose' of the waste year round and be the only option that would allow the operation of the Fish Mort waste treatment process to viably operate.

Please give full consideration to the information below and I shall notify you in due course of any further information I receive.

I would also recommend some discussion with SEPA before Whiteshore undertake further sample analyses of instruction of consultants to undertake further work on this matter.

Regards,

[Redacted]

Waste & Industry Unit

[Redacted]

### Waste Analysis

- The supplied waste analysis (from September 2020) is not recent enough to support a para 7 application. It's currently just within the allowable timeframe for para 7 waste analysis, by a week or so (waste analysis should be no more than 2 years old – see [WMX-TG7 section 2.6](#)), but once they've actually completed and submitted the application, it will almost certainly be more than 2 years old. Furthermore, given that the operator has been developing and expanding their process over the last few years, there's a significant question about how representative a 2 year old waste analysis is likely to be of the material that will be actually spread. If there's a significant change in a process between renewals of a para 7, we normally ask the operator to provide new waste analysis data on renewal.  
■ Comment – I understand that the condensate analyses has been provided from a comparative process for information only, and that the current Whiteshore process is not operating at this time, so no representative sample is possible. I would however reinforce that the concentration and content of the waste may mean that when operating a Para 7 assessment of the actual Whiteshore Waste will bring further uncertainty to this assessment if chemical variability differs from the actual process. Newer samples will be necessary at the time of making the application to SEPA.
- The September 2020 waste analysis, I suspect that that the material has been analysed as a liquid, as results are expressed in units of mg/l, not mg/kg, and there's no dry matter content/moisture content result given. Analysis as a liquid means that the lab has filtered the sample, removing the solid fraction, and then analysed the filtrate. That is not best practise for waste spread to land – instead, they should have requested that the lab determine a dry solids content and then dry the sample and analyse the solid fraction, because nutrients and contaminants tend to accumulate in the solid phase of these wastes, so results from analysis of the liquid phase are likely to underestimate both the agricultural benefit potential of the material and the risk to the environment from spreading it.
- The waste analysis results supplied don't contain a value for total nitrogen, total potassium, total magnesium or dry matter content. These are all vital to determining whether the material is likely to deliver agricultural benefit on spreading, so a new analysis of the waste is required. It's not clear where the total nitrogen addition figure given in the benefit statement supplied (0.62 kg/m3) has been derived from. It doesn't appear to be in the September 2020 analysis results. The applicant should note that the waste should be analysed for all parameters listed in Table 2, Annex 3 of Technical Guidance Note WMX-TG7, except physical contaminants and plastic contaminants, which can be left out as they are unlikely to occur in this waste stream. The applicant should also note that it is not necessary to analyse the waste for organic contaminants (PCBs, pesticides etc) as these contaminants are highly unlikely to be found in

their waste stream at levels significant to result in environmental impacts. In their 2020 analysis results, this includes chloromethane and all determinants listed below this on page 1 of the test report they've supplied, plus all determinands listed on pages 2 and 3 of this report. The lack of relevance of these results is supported by the fact that almost of the results for these are reported as below detection limits.

I would also like to see some assessment made of how chemically variable the waste stream is – at least 3 analyses of separate batches of waste with at least a 6 week interval between them (see WMX-TG7 section 2.6),

- **Comment** – the Waste Analyses detailed has not been completed as prescribed within the technical guidance document and so a Para 7 could not be provided in this information and the questions above will be answered. If this option is to be explored in full, SEPA will require more up to date sampling which meets the requirements of the guidance, as was advised in SEPA's previous response.

#### Soil analysis and planned spread rates

- It's currently not clear which fields the soil analysis results provided refer to as the map supplied labels these with a grid reference, not a field number.
- The soil samples from Vallay Island each cover a larger area than specified in the Paragraph 7 Technical Guidance Note (WMX-TG7 section 2.3), which notes that soil samples should cover an area of 10 hectares maximum – 'where fields are greater than 10 hectares, we require a sample for each 10 hectare or part thereof'. The applicant has provided 6 samples for a total area of 91.51 ha, an average area of 15.25 ha per sample. Consequently, new soil samples that meet the requirement to divide each field into sections less than 10 ha each are needed from Vallay Island if the applicant wishes to spread the waste there, as follows:
  - Field NF 77196/76356 (14.37 ha) – 2 samples needed, each covering <10 ha
  - Field NF 76454/76223 (29.1 ha) – 3 samples needed, each covering <10 ha
  - Field NF 77554/76584 (10.62 ha) – 2 samples needed, each covering <10 ha
  - Field NF 78617/76713 (37.42 ha) – 4 samples needed, each covering <10 ha

That is a total of 11 samples.

- The applicant should note that it is NOT acceptable to divide the entire 91.51 ha on the island into a series of 10 ha blocks that cut across the boundaries of the fields, as this leads to unrepresentative sampling because different fields usually have different cropping and management histories and frequently also different soil types. Instead, each individual field should be split into sections of <10 ha for sampling, with no sampling across field boundaries.
- After they've been resampled, the soils from Vallay Island should be analysed for cadmium, chromium, copper, mercury, lead, nickel and zinc, as well as pH and extractable phosphorus, potassium and magnesium. These parameters are listed as required soil data in WMX-TG7, Annex 3, Table 1.
- Taking both the fields at Kyles Paible and Vallay, there is a total landbank for spreading of 104.7 ha. The applicant's benefit statement notes that they plan to spread the waste at a rate of 28 t/ha per year, which means that they can spread a total of 2,931.88 t of per year. However, the benefit statement also says that estimated waste production is 3,850 tonnes per year. This means that they either need to identify more land to spread the waste upon (and carry out soil analysis for this land to determine its suitability for spreading), or increase the spread rate and provide justification for doing so, in terms of agricultural benefit delivered.

**Comment:** the information and sampling as required by the Technical Guidance is necessary for SEPA to determine an application. The assumption from the statement is that Whiteshore would intend to spread all of the condensate waste to land, and not consider the offsite disposal option, is this correct?

The statement infers that year round spreading would be appropriate, this is at odds with SEPA's expectations where waste to land should only be applied where there is a crop nutrient requirement, it would be questioned what nutrient demand would be required over the winter months for grass where the growing season has ceased. There is also little information on if any crops are planted on the proposed areas and crop rotations or otherwise.

Year round spreading is also not sustainable when we consider other restrictions on spreading such as the PEPFAA code, frozen or water logged land and restrictions this could bring if the process would rely on continuous application 12 months per year. There is a risk that the continuous condensate production will require other avenues for treatment or disposal.

- It is concerning that the benefit statement refers to the spreading of waste on land as 'disposal' and that other potential risks from spreading, particularly odour, have not been considered.

**Comment:** Waste to land can only take place and be granted under WML Exemption or otherwise where there is a genuine and true benefit from the application. It was most worrying, and does not help in the justification where the Benefit Statement openly refers to this application as 'disposal' of waste, implying that this is the primary aim of the process and not the implied benefits later discussed.

Furthermore, there is no consideration in the Benefit Statement of the other potential environmental impacts other than run off or over application, most obviously potential odour impacts (something which **██████████** has raised in earlier discussions around this topic). Any significant impact of odour from the condensate waste spreading could result in SEPA removing a Paragraph 7 exemption consent / or not providing the annual renewal. In addition the proposed frequent and year round spreading that has been indicated would only increase this risk further. The statement must give full consideration to this and the other Relevant Objectives that must be complied with under the exemption:

# The Waste Management Licensing (Scotland) Regulations 2011

## SCHEDULE 4 WASTE FRAMEWORK DIRECTIVE

### PART 1 GENERAL

#### Relevant objectives

6.—(1) For the purposes of this Schedule, the following objectives are the relevant objectives in relation to waste management—

- (a) ensuring that waste is managed without endangering human health and without using processes or methods which could harm the environment and in particular without—
  - (i) risk to water, air, soil, plants or animals; or
  - (ii) causing nuisance through noise or odours; or
  - (iii) adversely affecting the countryside or places of special interest;

- Storage will need consideration. I am not convinced that year round spreading will be viable, due to fields potentially being waterlogged during winter and there being no/limited crop requirement for nutrients during winter. Storage for extended periods could also pose a potential odour risk.  
■ Comment: As above.
- NatureScot will need to be consulted on this, particularly on whether they have any objections to spreading the waste on Vallay Island, as it's part of an SAC designated for various vegetation types – in particular, I suspect that adding more nutrients to soil from the waste spreading could potentially have a negative impact on dune grassland and machair vegetation on the island. However, some expert ecological opinion is going to be needed to check this.  
■ Comment: As mentioned at the start of this email, SEPA would normally consult interested parties on any decision which may have an impact on other protected habitats or otherwise. The response may impact SEPA decision on the potential consentability of any Paragraph 7 exemption.

Current overall assessment of this is that it may be okay for a para 7 for spreading this waste to go ahead, but the operator needs to do a lot more work on this, including getting new waste and soil analysis results, establishing whether they have enough landbank for what they are proposing to do and carrying out a more thorough risk assessment of potential impacts. NatureScot also should be consulted, if they say that spreading on Vallay Island is not acceptable, then the operator will need to find a lot of replacement land, as most of their currently-identified landbank is on the island.

■ Comment: I would state again that at this stage the consentability of this is still very unknown and there are a number of factors that will need addressed and considered further.

I am concerned that the impression from this information and also from discussion with ■■■■■, that the intention from Whiteshore would be to manage all Condensate under a Paragraph 7, this being a continuous 12 month production of significant volumes, and worryingly the exploration of Effluent Treatment Options (BAT Assessment) as specified in the June 2022 Further Information Notice – Point 1 may not be met.

OFFICIAL

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From: ■■■■■ <■■■■■@ippc-consultants.co.uk>  
Sent: 02 September 2022 11:44  
To: ■■■■■ <■■■■■@sepa.org.uk>  
Cc: ■■■■■ <■■■■■@SEPA.org.uk>

**Subject:** FW: Whiteshore Cockles

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Hi [REDACTED]

Further to your email of the 14<sup>th</sup> June regarding feedback comments from SEPA's soil scientist on the AEA [REDACTED] condensate spreading report and the direction from SEPA to explore a WML Para 7 exemption Whiteshore engaged the services of a consultant with respect to the paragraph 7 exemption assessment for the ground deployment of the condensate.

Attached is a report detailing the agricultural benefit and a nutrient plan for the spreading of the condensate.

Any questions about the reports would be best placed to [REDACTED] and then to the consultant.

Best regards

[REDACTED]

[REDACTED]

**IPPC Consultants Ltd**

TEL: [REDACTED]

FAX: 01909 726566

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**From:** [REDACTED]  
**Sent:** 01 September 2022 14:19  
**To:** [REDACTED] <[\[REDACTED\]@ippc-consultants.co.uk](mailto:[REDACTED]@ippc-consultants.co.uk)>  
**Subject:** Fwd: Whiteshore Cockles

Good afternoon [REDACTED]

Please see attached agricultural report etc etc and a part completed paragraph 7 application.

Please submit to [REDACTED] at SEPA.

The wet scrubber info should also be with us within the next couple of days so I will forward that as well.

Phone and Internet sketchy where I am but I will try and get you over the next few days for a catchup.

Ralph

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** 1 Sept 2022, 14:07 +0200  
**To:** [REDACTED]  
**Subject:** Fwd: Whiteshore Cockles

----- Forwarded message -----

From: [REDACTED]@macphailconsulting.co.uk>

Date: Wed, 31 Aug 2022 at 10:50

Subject: Whiteshore Cockles

To: [REDACTED]

Good Morning,

Could you please forward the attached reports to [REDACTED]

Kind Regards

[REDACTED]

[REDACTED]

C A MacPhail Consulting Ltd  
(5Agri Consultancy Group)

t: [REDACTED]

a: [REDACTED]

w [www.macphailconsulting.co.uk](http://www.macphailconsulting.co.uk) e: [REDACTED]@macphailconsulting.co.uk