

## DN22 8RB, FCC Recycling (UK) Limited, EPR/NP3538MF/V009: environmental permit consultation

# Response 649434312

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Include unanswered questions

## Seeking your views

### **4. Please provide your comments on the environmental permit application received from FCC Recycling (UK) Limited**

(Required)

Whilst I am in favour of the land at Daneshill being regenerated and brought back into public use, I am concerned about the proposed methods for sorting asbestos contaminated waste.

I am not opposed to the potential for this work to be carried out at the site in question but do consider that there is a significant risk for asbestos fibres to be released into the environment as a result of the proposals as they stand.

I am one of the UK's leading experts in asbestos management, having acted as an expert witness in well over a thousand cases in the High Court and formerly was employed by the Health & Safety Executive as one of Her Majesty's Inspectors of Health & Safety.

The legislative requirements for asbestos dust require that all risks are reduced to the lowest levels that are reasonably practicable (see Sections 2 & 3 of the Health & Safety at Work etc. Act 1974). Similar duties are required under other statutory provisions enforced by HSE.

I have attached a copy of the response to HSE to a Freedom of Information request (no 202010232) which confirms the position of HSE. In particular that the clearance level of 0.01 f/ml does not represent an acceptable or safe level of exposure and dutyholders are required to reduce exposure to all types of asbestos dust to the lowest level that is reasonably practicable.

Unfortunately, whilst I have many other electronic documents which support my views, your system does not allow for more than one document to be uploaded and therefore my ability to evidence my concerns is severely hampered by IT issues.

The applicant in its proposals refers to the EA blue book to justify its proposal of carrying out the sorting of asbestos contaminated soils outside, in the open. This blue book, as far as I understand, was archived in 2018 as the guidance is no longer current.

The guidance upon which the applicant forms its proposal was, as I understand, originally intended to relate to peripatetic or transient work on brownfield sites where limited amounts of contaminated soils were encountered. Such works would take place over a period of a few days or weeks and would not be a semi-permanent operation over a ten year period as is proposed in this case.

There is no doubt that all types of asbestos dust can cause mesothelioma, with crocidolite and amosite being particularly associated with mesothelioma. Epidemiological studies have suggested that these are 500 x and 100 x more dangerous than chrysotile.

The proposal is based on asbestos contaminated soils containing bonded asbestos being sorted on site. Those materials include floor tiles, plastics such as bakelite and asbestos cement. Whilst I would agree that floor tiles and asbestos plastics and resinous containing materials are not friable, asbestos cement can be friable, particularly when weathered. Again I have papers confirming this to be the case.

The applicant suggests that asbestos cement contains chrysotile and not other forms of asbestos. This is not correct and HSE literature and sampling results I have seen (plus evidence from manufacturers) confirm that many asbestos cement materials contained crocidolite and/or amosite as well as chrysotile. Again I have many documents that confirm this.

It is therefore the case that a material which is known to be friable when old and weathered and which contains amphibole is proposed to be sorted outside and in areas near to sensitive receptor sites (including schools and sensitive nature reserves). Additionally, vulnerable groups live in very close proximity to the site and there is a clear need for the proposal and associated risks to be explained to all living in those areas to make sure that their voices are heard and considered.

The applicant carries out this work at a site in Rowley Regis and has decided, on a risk assessed basis, that the work needs to be carried out indoors due. It is therefore unclear why a similar approach cannot be taken here and a temporary building erected for the purpose of storing and sorting waste. That building could be fitted with a high degree of filtration and workers provided with a high level of protective equipment. I believe that this would offer local communities the reassurance needed during the period that the work is proposed.

I have outlined my concerns to the Planning Authority and believe that many of my concerns were outside of its remit but may be within the EA's remit.

In summary, I believe that the following conditions would provide reassurance to local communities:

- 1) The use of a building with filtration and bunding to prevent the escape of

hazardous materials;

- 2) The work be limited to a set time period with no prospect of this being extended (i.e. set hours over a period of no more than 10 years;
- 3) No remediated soils be removed from the site for profit and the remediated soils be used below non-contaminated soils;
- 4) A system of environmental monitoring be carried out which is sensitive enough to measure whether background levels of asbestos dust are elevated during this work. This would include sampling before the work starts on the site, site perimeter and at key receptor sites as well as routine sampling during the period of the works at those same sites.
- 5) A system where, if elevated levels are identified, work stops and investigations carried out by the applicant to determine what remedial actions are necessary;
- 6) The applicant carries out a consultation with the local community to identify a proposal which would cause such anxiety and concern;
- 7) A working liaison group is set up between the applicant and local communities to identify and resolve other outstanding concerns - including the transport of soils to site, the transport of asbestos waste from site, working hours and controls at source to minimise the dust.

It may also assist the EA to consider the financial aspects of the proposal to consider what is reasonably practicable. I anticipate that the sorting of contaminated soils is a profitable area of work and as such I would welcome the EA to consider whether the cost of erecting a temporary building and filtration would be reasonably practicable when considering the revenue the applicant is likely to receive from this activity.

I would be more than willing to work with the applicant to see if the genuine and legitimate concerns of the community can be resolved and a satisfactory solution can be identified that suits all parties.

I hope that this is constructive.

## Attachments

 [HSE response to FOI request Redacted.pdf](#)

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