Permitting decisions

Bespoke permit

We have decided to grant the permit for Land Recovery Limited Hazardous Waste Facility operated by Land Recovery Limited.

The permit number is EPR/PP3839YT/A001.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account
- shows how we have considered the consultation responses.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

Waste Pre-acceptance Criteria

The waste producer is responsible for determining if wastes are hazardous prior to dispatching them to the site. The site will accept waste rail ballast, stone and hard-core likely to be contaminated with hazardous substances for the purposes of recycling. Wastes received are consigned by Network Rail who consider a precautionary approach when classifying their waste. It is received on site as train loads of ballast / aggregate / soil waste from the producer. If Network Rail believe that there is hazardous material on a single wagon within a train load, all the wagons on the train will be presumed and classified as hazardous waste. If hazardous material has been detected by Network Rail from a particular area in pre-excavation surveys, material on all trains from that area will be dealt with as hazardous waste.

The bulk of the material is notified as hazardous waste due to it exceeding limits of mineral oil content. Prior to accepting any material, the operator will require details from the producer as to the hazardous nature of the waste, including analysis or characterisation information used to determine the hazard and identify the waste. This information will be used prior to waste acceptance to determine the wastes onward treatment or disposal route.

Each batch will be given a unique number used to identify the waste code, waste analysis, hazardous characterisation and quantity. Each batch will be allocated to a suitable storage bay. No waste batches will be mixed unless subsequent analysis characterises the waste as non-hazardous for future recovery.

Once a batch has been accepted by the operator, the material will be sampled in accordance with the site sampling protocol for a detailed appraisal of the hazardous contaminants.

Samples are sent to a laboratory for analysis. The parameters to determine the hazardous properties of the waste include speciated Total Petroleum Hydrocarbons (TPH) and speciated Polyaromatic Hydrocarbons (PAH). Additional analysis for toxic metals and pH; and quantitative screening for asbestos fibres are also included. Results from this analysis will be used to determine if the material is hazardous using the methodology in our Technical Guidance WM3 *Guidance on the Classification and Assessment of Waste*.

Following characterisation by the operator, all hazardous waste will be removed from the site to a suitably permitted facility for disposal or recovery. Non-hazardous material will be further assessed for future end use. Soil and aggregate bays will be set aside for bulking similar non-hazardous materials for specific recovery or disposal options. Further sampling / analysis may be carried out to meet explicit criteria required by end users before deciding the recovery or disposal route.

We have assessed the waste pre-acceptance and acceptance protocols proposed by the operator. We are satisfied that proper procedures will be in place to ensure only appropriate wastes enter the site. The site infrastructure is sufficient to accept the waste types they have proposed and the operator has the appropriate measures in place to manage non-conformances. The procedures on site are in line with our guidance and considered to meet Best Available Technique criteria.

Noise

The operator has included a noise assessment in the permit application to identify key noise sources that have the potential to impact on the closest sensitive receptors. The assessment was undertaken to British Standard BS4142:1997 to compare the predicted noise level from the source with the background noise level. The likelihood of noise provoking complaints is assessed by subtracting the background noise level from the rating noise level.

BS4142 states: "*a difference of around 10dB or higher indicates that complaints are likely. A difference of around 5dB is of marginal significance. A difference of -10dB is a positive indication that complaints are unlikely.*"

The noise measurement position chosen for the background noise study was around 450m from site, close to existing residential receptors. Noise at this location came predominately from traffic using the nearby dual carriageway A500 and train movements on the nearby railway line beyond the site. The impact assessment identified various mechanical plant items as sources of noise, including the excavator and loading shovel used to transfer ballast waste around the site.

We have audited the operator's noise assessment. Although we identified some discrepancies in the data, we have verified that the results are valid. The calculated noise rating level at the closest receptor falls below the criteria for when complaints are likely, and impacts of noise from the site will be marginal when compared to the current background level.

The site Environmental Management System (EMS) includes the following measures to manage noise on site:

Noise source	Noise management / abatement measures
Delivery and collection of wastes	• All site access roads and surfaces will be maintained in a good state of repair • Vehicles will be driven on and off site with consideration for neighbours
Tipper trucks and loading	• Vehicles will be well maintained and operated with silencers

plant	• Drop heights will be kept to a minimum, especially when loading tipper trucks / containers to minimise noise and vibration • Moving parts will be regularly lubricated • Vehicles will be driven slowly around site • Engines will be switched off when not in use • White noise alarms will be used to minimise noise

The site is situated within an industrial area, adjacent to a busy railway line and the A500 dual carriageway. The closest residential receptor is 450m away, beyond a bank of trees.

After considering the location of the site, together with the noise impact assessment and appropriate measures taken on site, we consider noise complaints from the operations are unlikely. We are satisfied the site meets Best Available Technique (BAT) with regards to noise. The permit includes a noise condition which requires the operator to prevent and minimise noise beyond the site boundary. If noise complaints are received we can request a Noise Management Plan in the future to ensure compliance with this condition.

Dust

The site has identified the potential for fugitive dust emissions from the site. A Dust Management Plan (DMP) will therefore be implemented on site as part of the Environmental Management System (reference: *Dust Management Plan: Land Recovery Ltd. 3576-701 v1. 15 December 2016*).

The waste types accepted on site are not inherently dusty. In addition, the site is located within an industrial area with the closest residential receptors located at least 450m away. However the receipt, unloading, tipping, loading and stockpile management of the ballast is likely to result in airborne transmissions. Vehicles on site will include loading shovels and tipper trucks that have the potential to increase dust fugitive emissions. Therefore the DMP aims to ensure dust is managed entirely within the site boundary to reduce likelihood of emissions offsite.

Abatement methods and site procedures that will be implemented on site will include the following:

Dust Source	Noise management / abatement measures
General	• A permanent water supply is available on site to ensure dust suppression systems can function. Any external water pipes will be lagged to prevent frost damage • No screening / crushing is carried out on site
Vehicle movements	• Only one vehicle will be allowed to tip on site at any one time • Vehicle speed on site is restricted to 5 miles per hour, with signs around the site to advise drivers of the speed limit • Exiting vehicles will avoid stockpile areas and be checked before they leave site to ensure no mud or dust will go beyond the site access
Vehicle loads	• All incoming and outgoing loads will be sheeted unless the material they are carrying has been conditioned to ensure no fugitive dust can be emitted
Loading and loading vehicles	• The operator of the loading plant will direct vehicles to a position and location which reduces wind whipping of loads (i.e. the lee side of the loading plant or against the side of a bay wall) • If necessary stockpiles will be dampened prior to or during loading operations

Stockpile management	• During periods of dry or windy weather, stockpiles will be sprayed with water to prevent dust formation if required • Waste will be stored within 3m high concrete panel bays on a concrete yard which will contain dust arising during loading and unloading • Stockpile heights will be a maximum of 4m • Storage bays are located to ensure vehicles using the site do not track through wastes
Roadways	• Any deposit of material on the highway will be treated as an emergency and cleaned immediately either by site operatives or a road sweeper hired in as necessary

In addition the site has a monitoring procedure to continuously monitor dust emissions. In the event that a complaint is received, there is a formal procedure for dealing with these.

We consider that the Dust Management Plan is suitable for the risk and type of operations within the installation and all measures meet Best Available Technique (BAT) for this type of facility.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: • Health and Safety Executive (HSE) • Public Health England (PHE) • Environmental Health (Stoke-on-Trent Borough Council) • Director of Public Health (Stoke-on-Trent) The comments and our responses are summarised in the consultation section.
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN 2 'Defining the scope of the installation'. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our

Aspect considered	Decision
	guidance on site condition reports and baseline reporting under the Industrial Emissions Directive. See the Site Condition Report Evaluation template for more details.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. The site is within 2km of Metallic Tileries, Park House Site of Special Scientific Interest (SSSI) and within 10km of Midland Meres and Mosses 2 Ramsar site. We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. We have sent Natural England an Appendix 11 for information only for the Ramsar site and an Appendix 4 has been completed for our own audit trail for the SSSI assessment. These decisions were taken in accordance with our guidance.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.
Operating techniques	
General operating techniques	We have reviewed the operating techniques proposed by the operator and compared them to the relevant technical guidance; Develop a management system and Sector Guidance Note S5.06 Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste. The site Environmental Management System details operational procedures which cover different aspects of site operations including the following: • Waste pre-acceptance; • Waste acceptance; • Waste storage; • Checking for contamination of source segregated materials; • Emissions from the process; and • Abatement of fugitive emissions. The key measures proposed by the Operator include the following: • All wastes will be stored on impermeable hard standing in a bunded

Aspect considered	Decision
	area. All leachate generated will be collected in a below ground storage tank before being reused on site or tankered offsite; • Operational techniques in place for: pre-acceptance, waste acceptance, storage of all hazardous and non-hazardous wastes accepted on the site. This includes the sampling of hazardous waste; • All material accepted will be batched, stored and treated within different bays. There will be no mixing of any batches of hazardous waste consignments; • The following controls for dust are outlined in the site Dust Management Plan: waste will arrive in covered loads; speed restrictions for vehicles on site; 3m high concrete panel fencing around containment areas; drop heights for loading/unloading will be kept to a minimum; facilities will be available for dust suppression and watering of roads if necessary. We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Permit conditions	
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes for the following reasons: • they are suitable for the proposed activities • the proposed infrastructure is appropriate • the environmental risk assessment is acceptable. We made these decisions with respect to waste types in accordance with Sector Guidance Note S5.06 Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste.
Emission limits	We have decided that emission limits are not required in the permit. There are no emission to air, land or water from the installation.
Reporting	We have specified reporting in the permit for annual production/treatment of hazardous waste. We made these decisions in accordance with Sector Guidance Note S5.06 Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste.
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions. The decision was taken in accordance with the guidance on operator

Aspect considered	Decision
	competence and how to develop a management system for environmental permits.
Technical competence	Technical competence is required for activities permitted. The operator is a member of an agreed scheme. We are satisfied that the operator is technically competent.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit. Paragraph 1.3 of the guidance says: "The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation." We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections. We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England (received 23 March 2017)
Brief summary of issues raised
We recommend that any environmental permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: noise and particulates. PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.
Summary of actions taken or show how this has been covered
Risk assessments for noise and dust have been audited as part of the permit application. The permit contains conditions to ensure there will be no impact from dust (Condition 3.2) and noise (Condition 3.4) from the proposed activities. In addition, the site have implemented a Dust Management Plan as part of their Environmental Management System (EMS). In addition, the site EMS addresses noise management on site. More information on dust and noise can be found in the key issues section above.

No other responses from consultation or web publication were received.