

Permitting decisions

Bespoke permit

We have decided to grant the permit for Neptune Recycling operated by Neptune Contract Services Limited. The permit number is EPR/JP3838QW.

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

Dust

As the activities at the site are potentially dusty and the site is located within an Air Quality Management Area (AQMA) where particulate matter is a particular issue we have asked for a dust emissions management plan (DEMP). The operator produced a dust management plan which was assessed and found to comply with our online guidance on [controlling and monitoring emissions for environmental permits](#). The management plan includes arrangements for carrying out all dusty activities within an enclosed structure. The structure is fitted with dust suppression in the form of water mist sprays with sufficient water supply and coverage across the site. The management plan also contains the requirement for visual monitoring of dust emissions and details procedures for investigating and taking action should dust be detected leaving the site or complaints are received.

We are satisfied that the arrangements in place to prevent, detect and mitigate dust emissions from the site are adequate to ensure no adverse impact is felt by local sensitive receptors. The DEMP is incorporated within the permit via the Operating Techniques table S1.2 meaning the operator must comply with the agreed dust management arrangements.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Public Health England • Environmental Health • Health and Safety Executive • Director of public Health • Local Planning Authority <p>The comments and our responses are summarised in the consultation section.</p>
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	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</p> <p>The extent of the facility defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
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 guidance on site condition reports and baseline reporting under the Industrial

Aspect considered	Decision
	<p>Emissions Directive.</p> <p>The applicant has decided not to collect baseline data at this stage. It was communicated to the application contact in emails on the 19/02/2019 and the 21/03/2019 that as the baseline data has not been submitted we will assume that pollution levels on site are zero and that any pollution detected upon surrender of the permit will be attributed to the operator if they cannot prove otherwise.</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>The site is 25 metres from the River Thames and Tidal Tributaries Local wildlife site (LWS). As there are no point source emissions from the site, the only potential pollutant with a mechanism to impact the conservations sites is dust. We consider that the measures taken as part of the dust emissions management plan are adequate to protect the LWS from any negative impacts. See key issues section for more information on dust emissions.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>
Operating techniques	
General operating techniques	<p>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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Permit conditions	
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> • they are suitable for the proposed activities. • the proposed infrastructure is appropriate. • the environmental risk assessment is acceptable.
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>The application suggests that the drainage arrangements being built on the site are not necessarily final. Therefore we will require the final as built drainage plans once construction is complete.</p>
Emission limits	We have decided that emission limits are not required in the permit.

Aspect considered	Decision
	There are no point source emissions from the site.
Reporting	<p>We have specified reporting in the permit including:</p> <ul style="list-style-type: none"> • Water usage. • Energy usage. • Amount of hazardous aggregate processed.
Operator competence	
Management system	<p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p> <p>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</p>

Aspect considered	Decision
	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
Brief summary of issues raised
<p>We recommend that any Environmental Permit issued for this site should contain conditions to ensure that potential fugitive dust emissions do not impact upon public health.</p> <p>Based solely on the information contained in the application provided, 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.</p>
Summary of actions taken or show how this has been covered
<p>During the determination of this permit we requested a dust emissions management plan (DEMP) from the operator. The submitted DEMP was assessed and found to comply with our guidance on the control of dust emissions from dusty sites. We are satisfied that the measures in this plan will prevent adverse impacts upon local sensitive receptors. The plan will be incorporated into the permit via the operating techniques. See key issues section for more information.</p> <p>The operator has provided information to demonstrate that the site will conform to best available techniques (BAT) for waste treatment sites. This information has been assessed against the relevant guidance including sector guidance note 5.06 and the recently published waste treatment BAT conclusions. We are satisfied that the operator proposals represent BAT.</p>