

## **Environment Agency permitting decisions**

### **Bespoke permit**

We have decided to grant the permit for East Kent Refuse Derived Fuel (RDF) Facility operated by Veolia Environmental Services (UK) PLC.

The permit number is EPR/VP3130WU

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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

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

### **Structure of this document**

- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
<b>Operator</b>		
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 EPR RGN 1 Understanding the meaning of operator.	✓
<b>The facility</b>		
The regulated facility	<p>The extent/nature of the facilities taking place at the site required clarification.</p> <p>The decision on the facility was taken in accordance with RGN 2 ('Understanding the meaning of regulated facility')</p> <p>The regulated facility is an installation which comprises the following activity listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations:</p> <ul style="list-style-type: none"> <li>• S5.4 A1 (a) (ii) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving physico-chemical treatment.</li> </ul> <p>This allows the operator to produce refuse derived fuel (RDF) for combustion facilities that do not meet the R1 energy recovery formula and are therefore considered disposal facilities.</p> <p>We have however also included a waste operation (Activity A6) for the production of RDF by physical treatment. This is because the operator's main intention is to export RDF to combustion plants in Europe that are</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>recovery facilities.</p> <p>The supporting information submitted with the application suggested that the operator might also intend to accept some wastes for transfer only. If this was the case, the regulated facility would also include another waste operation.</p> <p>However, we clarified with the operator that their intention is to accept wastes suitable for RDF production only. To ensure this is the case, in Table S1.1 we have included a limit ('Storage pending Activity A1 only') on Activity A2, the storage of non-hazardous waste prior to treatment.</p>	
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
<b>The site</b>		
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of the following sites:</p> <ul style="list-style-type: none"> <li>• Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar</li> <li>• Tankerton Slopes and Swalecliffe SAC (candidate)</li> <li>• Blean Complex SAC</li> <li>• Thanet Coast SAC</li> <li>• Thanet Coast &amp; Sandwich Bay SPA and Ramsar</li> <li>• East Blean Woods Site of Special Scientific Interest (SSSI)</li> <li>• Stodmarsh SSSI</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<ul style="list-style-type: none"> <li>• Stodmarsh National Nature Reserve</li> <li>• Park Rough/Joiners Wood Ancient Woodland</li> <li>• Joiners Wood Ancient Woodland</li> <li>• Broad Wood Ancient Woodland</li> <li>• Little Babs Oak Wood Ancient Woodland</li> <li>• Clangate Wood Ancient Woodland</li> <li>• Chislet Marshes, Sarre Penn and Preston Marshes Local Wildlife Site</li> <li>• Former Hersden Colliery Local Wildlife Site</li> </ul> <p>A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
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> <p><b>Noise</b></p> <p>We are satisfied with the operator's assessment of the risk of noise from the facility. In addition, we are confident that the facility will not give rise to local noise disturbance because it will be undertaking similar activities to those previously undertaken at the site when a materials recycling facility was in operation. This facility generated similar levels of noise to those expected from the production of RDF, for which no complaints were received.</p> <p><b>Odour</b></p> <p>We are satisfied with the operator's assessment of the risk of odour from the facility and the odour management measures that the operator will have in place.</p> <p>We are satisfied that the wastes types that the operator will accept will have a low odour potential because the</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>operator will ensure that the handling history and storage conditions of waste, prior to receipt on site, are controlled through contractual agreements with waste suppliers.</p> <p>Furthermore the operator has committed to rejecting malodorous waste and processing large amounts of putrescible waste within 24 hours of receipt. The operator has also confirmed (in the fire management plan) that wastes received will have minimal biodegradable content as a result of separate collections of food waste.</p> <p>We are satisfied that all wastes will be treated within 24 hours where possible using a 'first in, first out' approach and that no waste will be held prior to processing for longer than 72 hours.</p> <p>We are satisfied with how the operator plans to operate the building doors to ensure odour release is minimised. The operator will employ a misting system and we expect the operator to specify the way in which this will be utilised in the management system for the site.</p> <p>We are also satisfied that the operator will have in place appropriate measures to regularly clean equipment, mobile plant and operational areas and to undertake twice daily monitoring at sensitive receptors.</p> <p><b>Fire</b></p> <p>We are satisfied with the operator's assessment of the risk of fire from the facility and the fire management measures that the operator will have in place.</p> <p>We are satisfied that the operator's proposals for preventing fires (including stack sizes and separation distances), detecting fires and access arrangements for the fire service. These are in line with our guidance TGN 7.01 'Reducing fire risk at sites storing combustible materials'.</p> <p><b>Pests</b></p> <p>We are satisfied with the operator's assessment of the risk of pests and that there will be appropriate measures in place to ensure pests do not cause pollution, hazard or</p>	

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>annoyance. The operator will not receive large quantities of biodegradable wastes. Any biodegradable waste that is accepted will be shredded, baled and wrapped within 24 hours of receipt to prevent attraction of pests.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.</p>	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The key measures proposed by the operator are in accordance with Sector Guidance Note</p> <p>The key measures proposed by the operator are in line with our guidance:</p> <ul style="list-style-type: none"> <li>• Sector Guidance Note S5.06 'Guidance for the recovery and disposal of hazardous and non hazardous waste';</li> <li>• 'How to comply with your Environmental Permit';</li> <li>• 'H4 Odour Management' ;</li> <li>• Technical Guidance Note TGN7.01 'Reducing the risk at sites storing combustible materials'.</li> </ul> <p>The proposed techniques are in line with those contained in the guidance and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p>	✓
<b>The permit conditions</b>		
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 because they are appropriate wastes to be used as RDF.</p> <p>We have excluded the following wastes for the following reasons. We do not consider metal wastes to be suitable for use as RDF:</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<ul style="list-style-type: none"> <li>• 15 01 04 - Metallic packaging</li> <li>• 20 01 40 - Metals.</li> </ul> <p>In the operator's fire management plan it was confirmed that the operator would accept wastes with minimal biodegradable content as a result of separate collections of food waste. For this reason, we have also not included waste code 20 01 08 ('biodegradable kitchen and canteen waste') or waste code 20 03 02 ('waste from markets').</p> <p>If the operator accepts cardboard or wood packaging waste from markets, we would expect this to be accepted under waste codes 20 01 01 or 20 01 38.</p>	
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>The pre-operational condition requires the operator to confirm to us that they have consulted with the local fire service. Kent Fire and Rescue Service have confirmed to us (see Annex 2 below) that once the premises have been completed a fire safety audit will be made.</p> <p>As the operator has not proposed to install a fire suppression system (although a fire detection system will be fitted), we are keen for the fire service to be consulted for their expert opinion on the appropriate measures for this facility.</p> <p>The fire management plan submitted by the operator did not include contact details for the site manager and emergency coordinator. We have therefore requested these as part of the same pre-operational condition.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Reporting	We have specified reporting in the permit.	✓
<b>Operator Competence</b>		

Aspect considered	Justification / Detail	Criteria met
		Yes
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Technical competence	Technical competency is required for activities permitted.  The operator is a member of an agreed scheme.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.  No relevant convictions were found.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓



## Annex 2: Consultation and web publicising

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Health and Safety Executive (HSE).
Brief summary of issues raised
The HSE did not identify any significant elements of conflict or ambiguity with health and safety at work issues.
Summary of actions taken or show how this has been covered
No actions required.

Response received from
Kent Fire and Rescue Service.
Brief summary of issues raised
Kent Fire and Rescue Service has no comments to make on the environmental permit application.  A fire safety inspector will consult with Canterbury City Council at the planning stage to check that access to the site for fire appliances complies with B5 of Approved Document B.  Kent Fire and Rescue Service will also be consulted by building control or the approved inspector during the construction. Once the premises have been completed a fire safety audit will be made as part of the Kent Fire and Rescue Service risk based inspection programme.
Summary of actions taken or show how this has been covered
We have included a pre-operational condition in the permit requiring the operator to confirm to us that they have consulted the local fire service. This is discussed above.