

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Land at Griffon Road operated by Donald Ward Limited.

The variation number is EPR/DP3793CE/V005.

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
Consultation		
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.	✓
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 EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. The Industrial Emissions Directive which, came into force on 27 February 2013 by amendment of The Environmental Permitting (EP) Regulations, applies to the metal shredding activity (a 'newly prescribed activity') at this site from 7 July 2015. We are satisfied that the operator has applied early to amend the permit to reflect the activity as one now listed under Schedule 1 of the EP Regulations.	✓
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. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary. We are satisfied that the boundary of the installation	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>includes activities which are covered by environmental permit EAWML 43580 and activities which are registered as exempt from environmental permitting.</p> <p>These areas of the site need to be included in this permit because the waste operation under EAWML 43580 shares a building ('Redox building') with the installation, and the exempt activities share a discharge point to sewer ('S1') with it.</p>	
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We have not assessed the site condition report because the European Commission have confirmed that, for newly prescribed activities, a baseline report should be established at the first review after 7 July 2015. This will be when permits are reviewed following the publication of the revised Best Available Techniques (BAT) reference document and publication of the BAT conclusions document which is expected in 2016/17.</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of the following nature conservation sites.</p> <p>Local nature reserves:</p> <ul style="list-style-type: none"> • Stony Clouds • Pioneer Meadows • Trowell Marsh • Nottingham Canal • Stanton Gate, Stanton-By-Dale <p>Local Wildlife Sites</p> <ul style="list-style-type: none"> • Nutbrook Canal, Brook and Wet Woodland • Grange Wood, Trowell • Nottingham Canal (Awworth and Cossall) • Lindridge House Pond, Dale Moor • Bassett Farm Meadow • Rifle Range Pond • Nutbrook Canal & Fields • Kirk Hallam Meadows • Kirk Hallam Fishing Pond • Sowbrook Pond, New Stanton • Stanton Hall Parkland • Erewash Canal, Hallam • Quarry Hill Lagoons 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> • Greenwood Avenue Field and pond • Oakwell Brickworks & the Beauty Spot • Quarry Hill Quarry, Stanton • Ilkeston Road Pond and Nutbrook Canal • Erewash Grassland, Trowell • Trowell Junction Grassland • Nottingham Canal (Trowell to Balloon Wood) • Baguley's Wood, Grassland and Carr • Stony Clouds LNR and adjacent grassland • River Erewash, Cossall • Moorbridge Lane Wet Grassland North • Moorbridge Lane Grasslands South, Stapleford • Furnace Pond, Dale Moor • Kirk Hallam Wood • Motorway Grassland, Trowell <p>Ancient Woodland</p> <ul style="list-style-type: none"> • Thacker Wood • Grange Wood <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>	
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility. This included a flood risk assessment.</p> <p>The operator's risk assessment is satisfactory.</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 measures proposed by the operator are in line with our technical guidance note 'How to comply with your</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>Environmental Permit', the British Metals Recycling Association's (BMRA) 'BREF Style Report' (BREF, dated January 2013) and Sector Guidance Note S5.06: 'Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste'.</p> <p>We consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p> <p>We have included, in Tables S2.2 and S2.3, the maximum annual quantity of waste that the operator can accept for each of the activities A1 to A7 and A8. We have accepted these quantities based on calculations that the operator provided as part of the application. We do however, expect the operator to set out clearly in the management system how the maximum daily quantities of wastes accepted, and the quantities of wastes stored on site at any one time, will be managed to ensure the environment is protected.</p>	
The permit conditions		
Updating permit conditions during consolidation	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit(s).</p> <p>We have included include Condition 3.4.2 in the permit for emissions of noise and vibrations specifically from the metal shredder.</p> <p>We want to ensure that the operator undertakes appropriate measures to prevent audible bangs from the shredder. These bangs are caused by unsuitable wastes entering the shredder.</p> <p>Because the audible bangs are random in occurrence and short lived, it is unlikely that an authorised Environment Agency officer will be in the right location, at the right time, to experience the noise and/or vibration. We have not therefore included the wording 'as perceived by an authorised officer of the Environment Agency' in this condition. We would, however, take into account reports from local witnesses.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We expect the operator to refer to best practise guidance when deciding what the appropriate measures are. This guidance is the British Metals Recycling Association's (BMRA) 'BREF Style Report' (BREF, dated January 2013) and Sector Guidance Note S5.06: 'Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste'</p> <p>The operator has agreed that the new conditions are acceptable.</p>	
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. In Table S2.2, the wastes are appropriate metal wastes to be shredded. Where appropriate we have added qualification to the waste descriptions in this table to ensure the wastes accepted under particular wastes codes are metal wastes that are suitable for shredding.</p> <p>Similarly, we consider the wastes listed in Table S2.3 to be appropriate for the waste operations (Activity A8 in Table S1.1) that the operator intends to carry out.</p> <p>We have included waste codes 16 02 11* ('discarded equipment containing chlorofluorocarbons, HCFC, HFC') and 20 01 23* ('discarded equipment containing chlorofluorocarbons') in Table S2.3 but, because the operator does not have the necessary equipment and operating techniques in place to remove ozone depleting substances from these wastes, we have included limits in Table S1.1 ('There shall be no treatment of fridges (waste codes 16 02 11* and 20 01 23*) other than separation for storage').</p> <p>In Table S1.1 we have also included a limit to ensure the operator does not accept dusty wastes, under Activity A8, unless they are metal dusts with waste codes 12 01 02 or 12 01 04. For these waste codes, we expect the operator to have full details in the management system of the appropriate control measures that are in place to ensure that emissions of dust are prevented during the storage</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>and handling of these wastes.</p> <p>In both Tables S2.2 and S2.3 we have included waste code 17 09 04 but with a specific description ('metal from construction and demolition sites with incidental amounts of other materials'). This is to ensure the operator only accepts wastes under this code that are suitable for the activities carried out on site. We only expect the operator to receive mixed construction and demolition wastes such as metal framed windows which would be a combination of glass, wood, metal and plastic. Similarly, the operator has given computer floors as an example of waste that would be accepted under this waste code. These are largely composed of steel but would be received on site with other construction materials still attached.</p> <p>We have excluded the following wastes for the following reasons.</p> <p>We have excluded 20 03 99 because we consider there are more appropriate waste codes to use for the examples given by the operator, such as:</p> <ul style="list-style-type: none"> • fly tipped wastes – 17 09 04 or 20 03 01 • abandoned vehicles – 16 01 06 • redundant furniture – 20 01 40 or 20 03 07 <p>We have excluded 12 01 01 ('ferrous metal filings and turnings'), 12 01 02 ('ferrous metal dust and particles'), 12 01 03 ('non-ferrous metal filings and turnings'), 12 01 04 ('non-ferrous metal dust and particles') from Table S2.2. We do not consider 12 01 02 or 12 01 04 to be appropriate for shredding as this waste will already be fine material or dust and could block the shredder. We also consider this type of waste to represent a risk of dust pollution. Instead of 12 01 01 and 12 01 03, we have included 12 01 99 ('sheet metal manufacturing scrap only'). We consider this waste code and description to more accurately reflect the waste type that the operator plans to accept.</p>	
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions to ensure that:</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> • the appropriate measures are in place to prevent pollution from emissions to surface water (via the sewer) and air. • the appropriate measures are in place to prevent annoyance from noise and vibration. There have been recent incidents at the site which have resulted in audible bangs. The operator has not, however, provided measures in the submitted noise management plan that we consider acceptable to prevent these noises, and associated vibrations, in the future. The same management plan was submitted to comply with requirements in the existing permit. We did not accept this plan and requested further information from the operator as part of our compliance activities. The operator did not provide a satisfactory response. We have therefore included this improvement condition to secure revision to the noise management plan under the varied permit. ➤ an appropriate management system is in place for the existing waste operations. We have produced a consolidated permit and updated all conditions. As the existing conditions for the waste operations date from 1997, we need the operator to confirm that the waste operations will be undertaken in accordance with a management system that is in line with our current guidance on appropriate measures. 	
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>	✓
Operator Competence		
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.	✓

Annex 2: Consultation and web publicising responses

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
Public Health England, Centre for Radiation, Chemical and Environmental Hazards
Brief summary of issues raised
Based on the information contained in the application supplied to us, Public Health England has no significant concerns regarding the risk to the health of the local population from the installation.
Summary of actions taken or show how this has been covered
No actions required.

Response received from
Local Planning Authority
Brief summary of issues raised
Four complaints have been received in the last three years alleging a noise nuisance.
Summary of actions taken or show how this has been covered
The operator provided a noise management plan as part of the application. We did not accept this plan as satisfactory and have therefore included an improvement condition requiring a revised noise management plan. We have also included an additional condition (3.4.2) for sudden noise and vibrations specifically from the metal shredder.