Environment Agency Permitting decisions

Variation

We have decided to issue the variation for Porthmellon Waste Management Site operated by the Council of the Isles of Scilly.

The variation number is EA/EPR/TP3732SE/V002

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 and Key Issues

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
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 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.	✓
Site condition report	The operator has provided a description of the condition of the site. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).	✓
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 . A full assessment of the application and its potential to affect the site(s) has been carried out as part of the permitting process. We consider that the application will not affect the features of the site. We have formally consulted on the application. Natural England have been provided with an Appendix 11 'For Information'. The decision was taken in accordance with our guidance.	✓

Aspect considered	Justification / Detail	Criteria met Yes
Environmental Risk Assessment and operating techniques		
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. There are no point source emissions associated with the DAA.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The key measures proposed by the operator cover: • Load inspections and waste control • Waste quarantine procedures • Plant and equipment maintenance • Odour, dust and noise management • Pest and litter management The measures are suitably robust to minimise the risk of pollution in relation to the quantities and types of waste being processed by the fragmenter, and are in compliance with the TGN EPR 1 'How to comply with your Environmental Permit' The proposed techniques for priorities for control are in line with the benchmark levels contained in the TGN EPR1 and we consider them to represent appropriate techniques for the facility.	✓
The 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: • The wastes are already accepted on site for incineration. This variation does not change the waste types or annual throughput currently permitted at the site.	✓

Aspect considered	Justification / Detail	Criteria met Yes
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. The operator is required to demonstrate that they have the necessary procedures in place for the operation of fragmenter plant and that staff have received the necessary training.	✓
Incorporating the application	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. These descriptions are specified in the Operating Techniques table in the permit (Table 2.1.1).	✓
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. Improvement Condition 16 has been added to Table 1.4.1 of the permit. The Improvement Condition requires that the Operator shall review and update the Site Protection and Monitoring Programme (generated in compliance with permit condition 4.1.8) and the site environment management to include the new fragmenter operations.	✓
Relevant Convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.	✓
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.	✓

Key Issues of the decision

Overview of Currently Permitted Facility

The permitted installation currently consists of an incinerator listed under Section 5.1 Part A(2)(a) of the Environmental Permitting Regulations (England and Wales) 2010. The installation is permitted to incinerate non-hazardous waste in an incineration plant with a capacity of less than 1 tonne per hour.

The permitted installation is situated within the Porthmellon Waste Management Site, which also includes a waste transfer station and recycling facility, and the council waste collection vehicle depot (all of which are outside of the permit installation boundary and are not affected by the proposed variation).

Variation to Current Permit

This variation permits the inclusion of a fragmenter as a Directly Associated Activity (DAA) to the existing installation. The fragmenter will be located within the confines of the existing Porthmellon Waste Management Site, and the current permit boundary will be extended to incorporate the additional operational area.

Currently, bulky items such as mattresses, furniture, wooden pallets etc, are stockpiled within the waste transfer station area of the site. The purpose of the fragmenter will be to facilitate the size reduction of this stockpiled waste and other bulky waste received at the site, and to enable metals and inert materials to be recovered prior to the incineration of the combustible fraction. The fragmenter will consist of the following plant and equipment:

- an excavator and grab for pre-sorting and feeding of waste into the shredder/crusher;
- a shredder/crusher to reduce the volume of bulky wastes; and
- a ferrous metal removal system to remove metals for recovery.

There are no changes to the operation of the currently permitted incinerator (EA/EPR/TP3732SE); the permitted waste types and the maximum annual throughput of 3,500 tonnes per year remains unchanged. As such, this variation application is concerned only with the addition of the proposed fragmenter.

As the fragmenter will only process suitable bulky wastes, the fragmenter will process significantly less waste than the installation's maximum throughput as only a small proportion of the waste received on site will require size reduction (there will however be a temporarily high fragmenter throughput while the current stockpile is cleared). The scale of the proposed fragmenter operation is therefore considered extremely small.

Site Condition Report

A Site Condition Report (SCR) was included as part of this variation application to illustrate the baseline environmental conditions prior to the proposed extension to the installation boundary. The SCR was prepared

using Environment Agency H5 Guidance V2. The SCR only relates to the condition of the additional area that is the subject to this variation and not in relation to any existing operations at the site. An Envirocheck Landmark Report (November 2010) was used to prepare the SCR.

The area of land to be included within the amended permit boundary will consist of an area of hardstanding. No contamination assessments / site investigation reports are available for the site, therefore, there is no baseline soil or groundwater reference data. However, as the extended permit boundary will consist of hard-standing within the wider Porthmellon Waste Management site, and the DAA presents a very low risk of pollution, baseline data is not essential. The operating techniques and management system for the operation of the fragmenter are both referenced as operating technique in the permit (table 2.1.1), and provided sufficient measures to minimise the potential for pollution.

H1 Environmental Risk Assessment

An environmental risk assessment was provided in support of the variation application using the Environment Agency's H1 methodology, which considered the potential for additional environmental risk from the operation of the fragmenter.

The Isles of Scilly are designated as an Area of Outstanding Natural Beauty (AONB) and as a Special Area of Conservation (SAC) due to the rich and complex diversity of wildlife, flora and fauna present. There are three SSSIs within 1km of the site (with the Lower Moors SSSI sharing a boundary with the Porthmellon Waste Management Site).

There are no point source emissions to surface water, groundwater or air resulting from the variation, and neither will there be any site waste arisings or global warming potential resulting from the proposed changes. Therefore, only the Annexe for 'Amenity and Accidents' is considered to be applicable for the risk assessment of the fragmenter, and includes the consideration of odour, noise and vibration, fugitive emissions (including dust, mud, litter and pests) and accidents in relation to the operation of the proposed fragmenter.

Key technical standards and control measures arising from the H1 environmental risk assessment have been proposed by the operator to further minimise the residual risks, and in summary, these include the following:

- waste acceptance procedures will ensure that only permitted wastes are accepted for processing;
- the site access road will be maintained and kept in a good state of repair;
- wastes will be treated and removed for recycling or disposal as soon as reasonably practicable;
- site plant will be maintained according to the manufacturer's instructions and fitted with silencing equipment where appropriate;
- a suitable speed limit will be imposed on site;
- road sweeping or dampening down of waste, access roads and vehicles will be undertaken as appropriate during prolonged periods of dry weather; and

- waste for fragmenting will be processed on a purpose built area of hardstanding.
- given the low risk nature of the waste types to be fragmented, and the low annual throughputs, surface water will drain via soakaway (Improvement Condition 15 in Table 1.4.1 of the permit variation addresses surface water drainage. The Improvement Condition requires that the Operator shall submit a written proposal to the Agency to install permanent drainage measures to ensure containment of any contaminated surface water generated by the fragmenter operation. For example oily residues on the hardstanding from vehicle movements and the fragmenter plant.
- The shredder will comprise a fully enclosed shredding shelf, and a flanking wall will provide a noise barrier between the shredder and adjacent residential properties.

Due to the low risk nature and extremely small scale of the operation of the proposed fragmenter, the applicants H1 Assessment concludes that the risks to the environment and local amenity are considered to be acceptable. The H1 assessment concludes that subject to the appropriate mitigation strategies described above being followed, any potential hazards from the proposed development and permit variation will be adequately managed and are not likely to be significant. Therefore, the risk management strategies highlighted in the applicants H1 Assessment (discussed above) and the operating techniques stated in the application are incorporated into the permit as operating techniques (Table 2.1.1). Adherence to the operating techniques will adequately manage odour, noise and vibration and fugitive emissions.

Summary of the operator's management system
The activities carried out in relation to the fragmenter at the Porthmellon Waste Management Site will be managed and operated in accordance with the operating techniques and the environmental management system (EMS) highlighted in the variation application. The overview of the management system provided within the application highlights sufficient measures to mitigate the risk of pollution associated with the fragmenter.

Emissions and Monitoring
The fragmenter will be operated so that there shall be no point source emissions to air, surface water, groundwater or land. Given the low risk nature and volumes of the waste types to be fragmented, and the immediate surrounding land use, it is considered appropriate that surface water will drain via soakaway (similar to the method applied at the existing facility).

The site will be operated to prevent fugitive emissions to surface water and groundwater as detailed in the H1 Environmental Risk Assessment, included as Section 5 of the application reference 416.03263.00002/H1.

Habitats and CRoW
An Appendix 4 and an Appendix 11 have been sent to Natural England for information only due to the site's close proximity to numerous SSSI and SPA/SACs.

Technical Competence
The Agency is satisfied that the Permitted Installation shall be supervised by staff who are suitably trained and fully conversant with the requirements of this Permit.

OPRA
This is a Part A2 installation that is regulated as a Tier 2 activity. A standing fee is therefore submitted by the applicant for both the application and subsistence. The addition of the fragmenter as a DAA does not change the Tier 2 status.