

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Enfield Waste Management Facility operated by Powerday PLC.

The variation number is [EPR/AP3391NF/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

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

The variation to the existing permit (EAWML 80328) primarily relates to the addition of a number of permitted activities, including the recovery of wastes in a new enclosed materials recovery facility (MRF), the addition of two Schedule 1, S5.4 A1 (a)(iii) activities for the purposes of refuse derived fuel production, operation of a wood shredding plant (externally), adds waste storage and modernises the permit to modern EPR conditions. Existing waste transfer activities are retained and may still occur as and when necessary. There are no point source emissions to land, air or water. The variation does not increase the permitted annual throughput tonnage or change the types of waste accepted.

Structure of this document

- Key issues
- Annex 1 the decision checklist

Key issues of the decision

Noise

Operational hours are detailed in the application as from 06:00 – 18:00Hrs Monday to Friday and 06:00 – 16:00Hrs Saturdays, Sundays and Bank holidays. The operator has confirmed that wood shredding will not be undertaken on Sundays or Bank holidays.

In view that shredding plant will be located outside and such machines are inherently we asked the applicant to justify the conclusion “low risk” by issuing a schedule 5 notice on 3rd April 2014 to justify the selection of the equipment, commencing operations before 7.00am and to produce a noise management plan.

The applicant responded on the 17th April providing additional information as follows:

- The wood shredder will be a modern item of equipment designed and built for the bespoke purpose of shredding wood.
- Confirmation that shredding plant will not be operated before 07:00Hrs
- That a layout has been adopted at the site which takes best advantage of the available opportunities including for acoustic screening (including using the building and boundary treatment at the site), separation distances and orientation of directional noise sources away from sensitive receptors.

The applicant did not submit a separate noise management plan, as the response to the Schedule 5 request and measures/procedures already described in other parts of the application supports the “low risk “ conclusion that complaints relating to operational noise from the facility are unlikely. The applicant requested that if found to be necessary subsequent to commencement of operations that a noise management plan is submitted if requested by the Environment Agency. Based upon the additional information provided and the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practical minimise noise and vibration and prevent pollution from noise and vibration and

Techniques to control noise have been incorporated under condition 3.3.1 Even though we are satisfied that there is unlikely to be an issue with noise, because the activities on site have the potential to cause noise we have included condition 3.3.2 which will require the operator to submit and implement a noise management plant in the event of there being an issue.

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.	✓
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 Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February. These Regulations transpose the requirements of the Industrial Emissions Directive (IED). This variation implements the requirements of IED.	✓
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 not satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>Article 22(2) of the IED requires the Applicant to provide a baseline report containing at least the information set out in paragraphs (a) and (b) of the Article before starting operation.</p> <p>The Applicant has submitted a site condition report which does not include a report on the baseline conditions as required by Article 22. We have reviewed that report and consider that it does not adequately describe the condition of the soil and groundwater prior to the start of operations. We have therefore set a pre-operational condition (PO1) requiring the Operator to provide this information prior to the commissioning operations.</p> <p>The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the installation and at cessation of activities at the installation.</p>	
<p>Biodiversity, Heritage, Landscape and Nature Conservation</p>	<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>SAC: EPPING FOREST, Designation Reference: UK0012720 SAC: WORMLEY-HODDESDONPARK WOODS, SPA Designation Reference: UK0013696 SPA/RAMSAR: LEE VALLEY, Designation Reference: UK9012111</p> <p>SSSI: CHINGFORD RESERVOIRS, Designation Reference 1000382 SSSI: EPPING FOREST, Designation Reference 1001669</p> <p>LWS: Northfield Marsh LWS: Epping Forest LWS: Sewardstone Road Rough LWS: The Lea Valley LWS: Woodlands Farm Meadow LWS: Prince of Wales Field LWS: Gilwell Park South LWS: Yardley Hill Meadow LWS Site Name: Sewardstone/Osier Marshes Ancient Woodland: EPPING-AMBRESBURY BANKS</p> <p>A full assessment of the application and its potential to affect the site/species/habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the site/species/habitat.</p> <p>There are no point source emissions to air, water or</p>	<p>✓</p>

Aspect considered	Justification / Detail	Criteria met Yes
	<p>groundwater. The application is not relevant for assessment under the Habitats Regulations, CRoW Act or our wider conservation duties as there are no associated risks. No further assessment required.</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.</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 or similar methodology supplied by the operator and reviewed by ourselves, all emissions may be categorised as environmentally insignificant. Please see key issues for noise.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has indicated the use of techniques and standards in line with technical guidance notes IPPC S5.06 (TGN) and EPR 1.00 "How to comply with your Environmental Permit.</p> <p>The Key issues for determining BAT for the installation are described in EPR 5.06 Section 2.1.1, 2.1.3, 2.1.4, 2.2.4, 2.2.5 to 2.2.6, 2.3, 2.4.3 and 2.8 to 2.9 the operator has provided relevant information including a comprehensive site specific BAT conclusion document confirming use of the standards as set out in the TGN.</p> <p>The operator has also supplied a full Fugitive (Dust) emissions and Odour management plan in accordance with Agency Horizontal Guidance H1 and H4.</p> <p>The proposed techniques for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
The permit conditions		
Updating permit conditions during consolidation.	At the request of the Operator we have updated previous permit conditions to those in the new generic permit template as part of permit consolidation.	✓
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: The proposed techniques for control are in line with the benchmark levels contained in the TGN S5.06 and we consider them to represent appropriate techniques for the facility.</p> <p>We made these decisions with respect to waste types in accordance with the List of Wastes (England) regulations 2005, European Waste Catalogue (EWC) 200/532/EC (Amended) and TGN S5.06.</p>	✓
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>Please refer to Site Condition report Section above.</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 S1.2 in the permit.</p>	✓
Reporting	<p>We have specified reporting in the permit.</p> <p>Energy usage is to be reported as a measure of process efficiency.</p> <p>We made these decisions in accordance with TGN S5.06.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
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.	✓
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. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
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.	✓