

Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010.

Consultation on our decision document recording our decision-making process

The Permit Number is: **EPR/DP3435RJ**
The Applicant is: **ANSA Environmental Services Limited**
The Installation is located at: **Environmental Services Hub
Cledford Lane
Middlewich
Cheshire
CW10 0JW**

Consultation commences on: **05 May 2016**
Consultation ends on: **02 June 2016**

Environment Agency permitting decisions

What this document is about

This is a draft decision document, which accompanies a draft permit.

It explains how we have considered the Applicant's Application, and why we have included the specific conditions in the draft permit we are proposing to issue to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the Applicant's proposals.

The document is in draft at this stage, because we have yet to make a final decision. Before we make this decision we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully taking into account any relevant matter raised in the responses we receive. Our mind remains open at this stage: although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any information that is relevant to the issues we have to consider. However, unless we receive information that leads us to alter the

conditions in the draft Permit, or to reject the Application altogether, we will issue the Permit in its current form.

In this document we frequently say “we have decided”. That gives the impression that our mind is already made up; but as we have explained above, we have not yet done so. The language we use enables this document to become the final decision document in due course with no more re-drafting than is absolutely necessary.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future. A lot of technical terms and acronyms are inevitable in a document of this nature: we provide a glossary of acronyms near the front of the document, for ease of reference.

Preliminary information and use of terms

We gave the application the reference number EPR/DP3435RJ/A001. We refer to the application as “the **Application**” in this document in order to be consistent.

The number we propose to give to the permit is EPR/DP3435RJ. We refer to the proposed permit as “the **Permit**” in this document.

The Application was duly made on 23 November 2015.

The Applicant is ANSA Environmental Services Limited. We refer to ANSA Environmental Services Limited as “the **Applicant**” in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call ANSA Environmental Services Limited “the **Operator**”.

The proposed facility is located at Cledford Lane, Middlewich, Cheshire, CW10 0JW. We refer to this as the “**regulated facility**” in this document.

This Application is designated as ‘High Public Interest,’ as such we are consulting on the draft decision.

The Application was consulted on from 09 December 2015 to 13 January 2016. Although comments were accepted and considered up to the point of this draft decision document being issued.

Many of the comments received were in relation to the Planning process, and do not relate directly to issues that the Environment Agency regulate or can consider as part of the determination of the Application.

The comments have all been considered and are addressed in Annex 1 of this document.

We are minded to grant the permit for Cledford Lane Environmental Services Hub operated by ANSA Environmental Services Limited.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection for the environment and human health 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

- Details of the proposal
- Key issues and their control
- Annex 1 the consultation and web publicising responses:
 - 1) Consultation responses from Statutory and Non-Statutory Bodies
 - 2) Consultation responses from Members of the Public and Community Organisations
 - 3) Other matters outside the scope of this permit Application that the public have commented on which may be more relevant to Applications for other permissions

Details of the proposal

This application is for a Waste Transfer Station/Refuse Derived Fuel (RDF) production facility located within a larger environmental services hub for the management of household waste collected from within the Cheshire East authority. The site will operated by ANSA Environmental Services Limited on behalf of Cheshire East Council.

The permitted activities will lie within a larger environmental hub, where other council activities will be located, such as vehicle workshop, fuel storage, vehicle wash facilities and general storage. These facilities sit within the Environmental Services Hub, but outside of the regulated facility boundary. Where we discuss proximity to receptors etc., this is measured from the regulated facility boundary.

The permitted activities will comprise the reception and handling of household waste (green waste, recycling, black bin) within 2 buildings, with some inert waste storage outside in dedicated bays.

The smaller building will accept no more than 100,000 tonnes per year of green waste and mixed dry recyclables from household waste collections. Waste will be sorted, bulked up and stored until it is transported offsite.

Depending on the contract Cheshire East Council will have with a waste management company, the larger building will be used either as:

A Refuse Derived Fuel (RDF) production facility, comprising sorting, shredding and baling of specified waste types to meet a particular specification for use as fuel. This is a listed activity under EPR 2010 section 5.4 A(1) b) ii). The maximum throughput would not exceed 100,000 tonnes per annum.

Or,

An additional waste transfer station for residual black bin waste, with further capacity for green waste and mixed recyclables. Maximum throughput would not exceed 100,000 tonnes per annum.

The Operator has the option to determine which permitted activities will be undertaken as described in table S1.1 or table S1.1a of the permit; the maximum throughput of waste will not exceed 200,000 tonnes per annum overall. The Operator must advise the Environment Agency in writing confirming which activities will be taking place and must not switch activities unless approved in writing by the Environment Agency.

The Applicant has applied for both activities because they do not know which activity they will undertake. We have assessed both and consider that either can be undertaken at this location. We have therefore inserted specific conditions into the permit to allow them to undertake either activity but not both at the same time. Once they have notified us of which activity they are going to undertake they can only change with our written approval.

We consider that our approval is necessary to protect the environment against a possible change of activity from one that is authorised to the other i.e. a change from table S1.1 to S1.1a or vice versa in the future. This is because the Operator may decide to switch activities at any time in the future when the circumstances at the site or surrounding the site may have changed. In these circumstances we wish to retain the ability to review the position at that time because whilst either activity is acceptable at the moment with the passage of time this may not then be the case and the situation may need to be reviewed.

We are satisfied that the regulated facility is able to achieve compliance with permit conditions which are suitable for either of these operations.

Point source emissions

There will be point source emissions to air from the biofilter odour abatement stacks located on each building, shown as A1 and A2 on the site plan. These vents will be

1.5m above roof ridge height (total height 18.5m) on the eastern side of site, furthest away from closest receptors.

There will be no emissions to air of gaseous pollutants.

There will be no direct emissions to surface water.

Clean water (i.e. rainwater) from the external areas is collected and directed to a storage tank which then connects to existing drainage system via an interceptor and into the existing canal overflow which ultimately drains to Sanderson's Brook.

Any liquid waste generated from within the buildings which is potentially contaminated will be collected in sumps and tankered off. Waste stored outside will be on an impermeable surface which links to the drainage system described above. WEEE waste stored outside will be covered to minimise run off from rainfall.

The Operator is required to submit the final detailed design drawing of the drainage plan for our approval in writing (pre-operational condition).

There will be no emissions to land.

Fugitive emissions: there will be limited storage of waste outside the building, other activities such as waste acceptance, handling, shredding and baling will take place inside the buildings.

There are a number of residential receptors located a short distance from the installation boundary, the closest being 90m to the north east on Cledford Lane.

There are no statutory habitats designations within the relevant screening distance. There are 3 Local Wildlife Sites (LWS) nearby, one of which is across the road from the site; Cledford Lane Lime Beds. There will be no emissions from the regulated facility that would impact on the features of the LWS.

The western edge of the site borders Trent and Mersey canal.

The installation and waste activities will be managed in accordance with an Environmental Management System (EMS). This EMS is not accredited but the summary detail is in line with our guidance and the full EMS will be assessed during the initial compliance inspection.

Key issues and their control

The key environmental issues for this site are the potential risk of pollution outside the permitted boundary from fire, odour, noise, dust and pests.

1. Fire Risk

A Fire Prevention Plan (FPP) has been submitted with the application.

The approved FPP has been developed in accordance with our current guidance and includes a detailed site plan identifying locations of combustible materials,

access routes for emergency vehicles and water supply; the preventative measures involve having maximum storage limits, segregating waste, minimising residence time of waste on site, having fire suppression systems and contingency plans.

We have approved the submitted FPP as providing suitable mitigation measures to minimise both the risk of fire occurring and the potential pollution impact should a fire occur.

Whilst we have approved the submitted FPP, this approval is based on our current understanding of the site and the operations that may take place on it. In the unlikely event that we subsequently consider further mitigation measures are appropriate, we will require these to be implemented. The permit contains a condition which provides that the operator shall take all appropriate measures to prevent fires on site and minimise the risk of pollution from them including, but not limited to, those specified in any approved fire prevention plan.

We are satisfied that there is unlikely to be a risk of unacceptable pollution from fire.

2. Human Health

The Applicant has considered the potential impacts on human health from fugitive emissions from the waste transfer and RDF handling operations (dust); and has identified measures to prevent or minimise these emissions, as set out in their risk assessment and as described in further detail below.

Dust has been considered in the air quality assessment, mainly in terms of the construction phase of the site which is outside the remit of this application determination. In relation to dust generation during operations the measures in place will comprise controls on waste acceptance, limiting the amount of waste on site, and managing its condition. For example using water to spray any waste that is liable to generate dust, or covering wastes that may produce dust, whilst being delivered. Most activities will take place within the buildings where fast closing doors will operate; pedestrian doors will also be kept closed. Visual monitoring of dust will be carried out, and remedial action will be implemented as required.

We are satisfied that the control measures and monitoring proposed by the Applicant will minimise the risk of pollution from dust beyond the permitted boundary and that there is unlikely to be a risk of unacceptable pollution.

3. Odour

An Odour Management Plan (OMP) has been submitted with this application which has been produced in line with our guidance for risk assessments including odour management.

The OMP outlines how potential odour sources will be managed to minimise odour in the first instance, and how the biofilters (one for each building) will act as odour

abatement, extracting air from within the buildings which filters through the porous biofilm.

The biofilters will be sized appropriately for the different buildings and the permit will require key parameters to be monitored to ensure the biofilters operate effectively.

The OMP also contains measures to address abnormal scenarios, such as failure of the biofilter, and the contingency arrangements that will be put in place to deal with such scenarios to avoid a breach of permit condition 3.3.

We have approved the submitted OMP as providing suitable mitigation measures to minimise both the risk of pollution from odour.

Whilst we have approved the submitted OMP, this approval is based on our current understanding of the site and the operations that may take place on it. In the unlikely event that we subsequently consider further mitigation measures are appropriate, we will require these to be implemented. The permit contains a condition which provides that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

We are satisfied that there is unlikely to be a risk of unacceptable pollution from odour.

4. Noise

An assessment of noise risk has been submitted as part of the application. We are satisfied that all sources and receptors have been identified, and the proposed mitigation measures will minimise the risk of noise pollution / nuisance outside of the site boundary.

We are satisfied that there is unlikely to be a risk of unacceptable pollution from noise and /or vibration.

5. Pests

A pest condition is added to the permit (3.6) and the Operator must take measures to minimise the presence of pests within the site boundary. Only inert waste will be stored outside; all other wastes will be stored inside the two buildings.

We are satisfied with the measures proposed by the operator for the control of pests and that it is unlikely there will be risk of unacceptable pollution from pests.

Annex 1: Consultation and web publicising responses

Advertising and Consultation on the Application

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Advertising and Consultation on the Application

The Application has been consulted upon in accordance with the Environment Agency's Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our decision is summarised in this Annex. Copies of all consultation responses have been placed on the Environment Agency's public register.

The Application was advertised on the .GOV.UK website from 09 December 2015 to 13 January 2016. Copies of the Application were placed in the Environment Agency Public Register at Richard Fairclough House, Warrington.

The following statutory and non-statutory bodies were consulted:

- Cheshire East Unitary Authority - Planning
- Cheshire East – Environmental Protection
- Health & Safety Executive
- Cheshire Fire & Rescue Service
- Public Health England
- Director Public Health

1) Consultation Responses from Statutory and Non-Statutory Bodies

Response received from
Public Health England (15 January 2016)
Brief summary of issues raised
We recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: odour, particulates and noise. 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. Any additional information obtained by the Environment Agency in relation to these comments should be sent to PHE for consideration. Such information

could affect the comments made in this response.

Summary of actions taken or show how this has been covered

The EA have carefully considered potential impacts from odour, particulates (assessed as fugitive emissions; dust) and noise on public health from the permitted activities.

An Odour Management Plan and a Noise Management Plan have been submitted and approved, and the relevant conditions are included in the permit (condition numbers: 3.3 and 3.4 respectively).

Potential emissions of dust / particulates have been assessed and we are satisfied that preventative measures and monitoring are suitable for minimising pollution outside of the installation boundary.

2) Consultation Responses from Members of the Public and Community Organisations / County / Parish / District Councillors

A total of 68 responses were received from members of the public, community organisations representing local residents, and from local Councillors.

Although the consultation ended on 13 January, any comments that have been received after the close of the consultation and prior to finalising the decision have been taken into account.

We can only consider comments which are relevant to permitted activities carried out within the installation boundary.

The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission. Such comments include: location of the site, whether the land use is appropriate, site access, local traffic issues, and highways infrastructure suitability. We are unable to address these issues. These are outside our remit.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within the scope of the Environmental Permitting Regulations. Planning permission will still be required before the proposals can go ahead.

Summaries of the consultation responses that the Environment Agency can consider, and how we have addressed them are as follows:

1) Human health impacts from: air pollution

How this has been considered: (see key issues section on human health)

There will be no point source emissions of gaseous pollutants to air from this operation which takes place mainly indoors.

We have carefully considered the measures proposed which will be required to be implemented through the permit. These measures together with the permit conditions are considered sufficient to ensure there is unlikely to be a risk of unacceptable air pollution.

2) Fire

How this has been considered: (See the key issues section on Fire risk)

We received no comments in response to the consultation from the Fire & Rescue Service.

The Operator has liaised with the local Fire & Rescue Service to produce a Fire Prevention Plan which complies with our current guidance and which we have approved. We are satisfied that the measures in the FPP together with our permit conditions minimise the risk of pollution from fire. There is unlikely to be a risk of unacceptable risk pollution from fire.

3) Odour

How this has been considered: (See key issues section on Odour)

We have approved the Odour Management Plan (OMP) which is incorporated into the permit so that the operator must adhere to the control measures stated within it.

The mitigation measures for odour minimisation include carrying out the proposed activities, including waste unloading and loading, within the waste transfer station buildings, which will be fitted with roller shutter doors. The buildings will also be fitted with air extraction systems. Each building will have a dedicated extraction unit through a biofilter designed to reduce odour emissions.

Physical control measures such as making sure the pedestrian doors and the roller shutter doors are kept closed will be implemented.

Other measures will include:

- the use of water to dampen stockpiles to suppress odour emissions, if necessary.
- The avoidance of a backlog of wastes pending treatment by ensuring only a manageable volume of waste is accepted.
- If odorous materials are received at the site, or materials become odorous during storage, these will be treated as priority before other materials already stockpiled at the site.
- Wastes which are stored outside of the transfer station will be subject to daily inspections for odour and will be dealt with accordingly, by bringing inside, or processing and removing from site as quickly as practically possible.

The site supervisor will be responsible for the implementation of the Odour Management Plan

The OMP also covers odour monitoring, actions to take during abnormal events, such as failure of biofilter; and includes a complaints procedure.

We are satisfied that the measures in the OMP together with our permit conditions mean that there is unlikely to be a risk of unacceptable pollution from odour.

4) Noise

How this has been considered: (See key issues section on Noise)

We have considered the measures in the noise risk assessment and management plan as being appropriate measures to minimise the impact of noise outside the installation boundary.

Response to specific issues raised:

Operating hours are a planning issue.

Vehicle reverse alarms are a requirement of the Health & Safety Executive.

Modelling has been carried out measuring background and combined noise from the whole site (not just permitted activities) for both daytime and night-time operations, with predicted outcomes modelled to be around 1dB(A). At this rating the noise impacts fall below the Lowest Observed Adverse Effect Level (LOAEL).

Comparisons were made at nearest residential dwellings, to identify what could cause a noise issue, and mitigation measures are described in the environmental risk assessment to include; parking vehicles in such a way to prevent reverse warning alarms being used during night time operations; the use of broadband reverse warning alarms on vehicles, rather than tonal alarms; roller doors to be kept closed (times as stated within the Planning approval); roll on / off skips not used at night; and minimise drop heights within waste bays.

We are satisfied that the appropriate measures submitted, together with our permit conditions mean that there is unlikely to be a risk of unacceptable pollution from noise.

5) Proximity to local residents

How this has been considered:

Land use is a matter for the Local Planning Authority. However, although there is no minimum distance criteria against which a bespoke environmental permit cannot be granted, we have taken the proximity of all sensitive receptors, including local residents in considering the potential risks of pollution and the mitigation measures proposed.

We have carefully considered the risk of pollution from fire, odour, dust, noise and pests and we are satisfied that there is unlikely to be a risk of unacceptable pollution to local residents.

3 Other matters outside the scope of this permit Application that the public have commented on which may be more relevant to Applications for other permissions.

Location of the site and industrialisation of the countryside:

Decisions over land use are matters for the planning system. Cheshire East Council is responsible for determining whether or not the proposed development is appropriate in this location, having regard to relevant policies within the adopted local plan and the National Planning Policy Framework. The location of the site is a relevant consideration for Environmental Permitting, but only in so far as affects the potential for the site to have an adverse environmental impact on communities or sensitive environmental receptors. The environmental impact is assessed as part of the determination process and has been reported upon in the decision document.

Vehicle access to the site and traffic movements (offsite):

These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process where there will be no contribution from pollutants being emitted from any of the permitted activities.

Planning process:

Comments were raised about the process by which Cheshire East Council could award planning permission for their own site. This is a matter for the Planning Authority to address.

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