

## **Environment Agency permitting decisions**

### **Bespoke permit**

We have decided to grant the permit for Alperton Lane Waste Transfer Station operated by O'Donovan (Waste Disposal) Limited.

The permit number is EPR/LP3037WG.

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 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	The 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	The extent/nature of the facilities taking place at the site required clarification.  The decision on the facility was taken in accordance with RGN 2 'Understanding the meaning of regulated facility'.  We are satisfied that the operator does not intend to carry out 'pre-treatment of waste for incineration or co-incineration', the activity listed in Section 5.4 of Part 2 of Schedule 1 to the Environmental Permitting Regulations.  The treatment objective of the facility is to recover construction and demolition waste, by physico-chemical treatment, as a waste operation. However, it is possible that outlets for recovery may be unavailable at times such that waste will need to be sent for disposal. In this case the physico-chemical treatment of the waste will be an activity listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations.  The regulated facility is a waste operation and an	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>installation.</p> <p>The waste operation comprises the following activities:</p> <ul style="list-style-type: none"> <li>• Storage pending treatment; and</li> <li>• Treatment operations limited to physical treatment including manual picking, shredding, screening, segregation, baling, wrapping and storage of waste.</li> </ul> <p>The installation comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities.</p> <ul style="list-style-type: none"> <li>• Section 5.4 Part A(1)(a)(ii) - Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving physico-chemical treatment;</li> <li>• Storage of non-hazardous waste pending treatment;</li> <li>• Water discharges of uncontaminated roof and site surface water from external areas that have not been in contact with waste to sewer; and</li> <li>• Storage of fuel.</li> </ul> <p>In their application the operator included a directly associated activity for the storage and discharge of contaminated surface water to sewer. We do not consider that the site surface water that will be discharged to sewer could be contaminated. We have not therefore included this directly associated activity.</p> <p>This is because site surface water should not come into contact with contaminating substances. All baled RDF that is stored externally will be wrapped at least 6 times. The fuel tank will be bunded. These measures will prevent contamination of site surface water.</p> <p>We are also satisfied that, even in the event of an incident or accident, there will be no emissions of contaminated liquids to sewer from the site. In Table 2 ('Emergency Plan') of the Accident Management Plan, in the event of a spillage of liquid, the applicant has committed to isolating the spill and protecting the drainage system.</p>	
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
<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>The operator has set a baseline for the site based on the 'Geoenvironmental Appraisal of land at Alperton Lane, Wembley' by Lithos Consulting (Report No. 2009/1B, dated December 2014).</p> <p>Section 14.5.1 of the above report by Lithos Consulting recommends that 'piles or vibro stone columns are likely to provide the most appropriate foundation solution for the proposed new buildings'. The operator has followed this advice and constructed the building using vibro stone columns. However we do not recommend this approach in contaminated soils as it may provide a preferential pathway for migration to occur.</p> <p>We are however satisfied that the operator has, in the Site Condition Report (version A.3), acknowledged the stone columns as potential pathways to groundwater. Additionally the operator has, in the Environmental Risk Assessment (version A.3), identified ground infiltration as a pathway to groundwater contamination and provided details of the control measures that are and will be in place to protect this during operations.</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 of nature conservation.</p> <p>Special Area of Conservation:</p> <ul style="list-style-type: none"> <li>Richmond Park</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>Local Wildlife Sites:</p> <ul style="list-style-type: none"> <li>• Central Line and Castle Bar Branch Railsides</li> <li>• River Brent at Hangar Lane</li> <li>• Montpelier Park Wood</li> <li>• Alperton Cemetery and Clifford Road Allotments</li> <li>• Piccadilly line between One Tree Hill and Sudbury Hill</li> <li>• Acton Railsides</li> <li>• Cleveley Crescent Allotments</li> <li>• St Augustine’s Priory</li> <li>• River Brent west of Stonebridge</li> <li>• Perivale Community Centre</li> <li>• Argyle Road Hedge</li> <li>• The Grange Estate Pond</li> <li>• River Brent at Hanger Lane</li> <li>• Harlesden to Wembley Central railsides, including the</li> <li>• Wembley Brook</li> <li>• Gurnell Grove and Castle Bar Park</li> <li>• Hanger Lane Gyrotory</li> <li>• Fox Wood and Hanger Hill Park</li> <li>• Barham Primary School Wildlife Area</li> <li>• Alperton Community School scrub</li> <li>• Brent River Park North: Great Western Railway to Marnham Fields</li> <li>• Brent River Park North: Hanger Lane to the Great Western railway</li> <li>• Hanger Hill Wood</li> <li>• Coronation Gardens</li> <li>• Horsenden Hill</li> <li>• Perivale Wood</li> <li>• Ealing Reservoir</li> <li>• Connell Crescent Allotments</li> <li>• Twyford Abbey Grounds</li> <li>• Diageo Lake</li> <li>• Former Guinness Mounds</li> <li>• Mason’s Green Lane</li> <li>• Heather Park Drive embankment</li> <li>• Piccadilly and District Lines in Ealing</li> </ul>	

Aspect considered	Justification / Detail	Criteria met Yes
	<ul style="list-style-type: none"> <li>• Abbey Estate Wayleave</li> <li>• One Tree Hill, Alperton</li> <li>• Central Line and Castle Bar branch railsides</li> <li>• London's Canals</li> <li>• Ealing Broadway to Hanwell railsides</li> <li>• Beekeepers</li> <li>• Ealing Central Sports Ground</li> </ul> <p>Local Nature Reserves:</p> <ul style="list-style-type: none"> <li>• Perivale Wood</li> <li>• Fox Wood</li> </ul> <p>Ancient Woodland:</p> <ul style="list-style-type: none"> <li>• Perivale Wood</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>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The proposed techniques are in line with 'How to comply with your environmental permit' and with Sector guidance note IPPC S5.06 'Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste' and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p> <p><b>Noise</b></p> <p>We are satisfied with the operator's assessment of the</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>risk of noise from the facility and with the control and mitigation measures set out in the operator's 'Environmental Risk Assessment'. The operator has committed to undertaking a further noise study to predict noise emissions from the proposed operations. We are satisfied that this will make recommendations for control measures to be implemented in order to ensure operations take place with a level of noise that is 10dB less than background.</p> <p><b>Particulates</b></p> <p>We are satisfied with the operator's assessment of the risk of particulate emissions from the facility and the particulate management measures that the operator will have in place.</p> <p>We have imposed two pre-operational measures (POM 2 and POM 3) relating to particulates. These are discussed below.</p> <p>We are satisfied that the operator plans to undertake all waste treatment activities within a closed building fitted with an air extraction unit. We are satisfied that the operator will use water suppression to prevent the generation of particulates. We are also satisfied with how the operator plans to operate the building doors to ensure particulate release is minimised.</p> <p>We are satisfied that the operator's plans to monitor for PM<sub>10</sub> are in line with our Technical Guidance Note M17 'Monitoring Particulate Matter in Ambient Air around Waste Facilities' and with the standards set out in the Mayor of London's Guidance 'The Control of Dust and Emissions during Construction and Demolition'.</p> <p><b>Fire</b></p> <p>We are satisfied with the operator's assessment of the risk of fire from the facility.</p> <p>We are satisfied that the measures proposed by the operator in the Fire Management Plan to prevent, detect, suppress, mitigate and contain fires are in line with our guidance 'Fire prevention plans'. We have, however, included a pre-operational measure (POM 4) to obtain</p>	

Aspect considered	Justification / Detail	Criteria met Yes
	<p>further details on some aspects of the Fire Management Plan.</p> <p>We are satisfied that, inside the building, there will be a heat sensor camera focussed on the waste pile and there will be on site fire fighting equipment consisting of fire extinguishers, a water sprinkler system, fire hoses and water cannons. The operator will hold adequate water supplies in a rainwater harvesting tank on site.</p> <p>We are satisfied that there will only be 80m<sup>3</sup> of baled combustible waste stored outside at any one time. We are satisfied that the operator will store bales in accordance with the maximum pile sizes and minimum separation distances set out in Table 1 of 'Fire prevention plans'.</p> <p>We are satisfied that the operator will store bales for less than 24 hours, under normal operations, and for a maximum of 48 hours only if an issue arises with transport.</p> <p>We are also satisfied that the operator has committed to undertaking an operational fire risk assessment which may identify further specific procedures to mitigate fire risk. We have included an improvement condition (IC 1) to provide the findings of this risk assessment and to implement any further measures that are required as a result of the fire risk assessment.</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 for the following reasons. They are suitable for the proposed physico-chemical treatment activity.</p> <p>We have excluded the following wastes for the following reasons:</p> <p>15 02 03 'Absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 15 02</p>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>02*.</p> <p>These wastes are not suitable for the proposed physico-chemical treatment activity and end-use objectives. We also understand that it is not the operator's intention to knowingly accept these wastes. Rather it is possible that incidental quantities of wastes (such as paint/oil contaminated rags and personal protective equipment) may be found amongst accepted, permitted waste streams.</p> <p>We are satisfied that the operator has appropriate measures in place to segregate such wastes and place them in a dedicated quarantine area in appropriate storage containers for disposal off-site.</p>	
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>POM 1 requires the operator to confirm the integrity of the site surface. Site photographs submitted as part of the 'Geoenvironmental Appraisal of land at Alperton Lane, Wembley' by Lithos Consulting (Report No. 2009/1B, dated December 2014) suggest that the site surface is currently cracked and therefore not impermeable. We have included POM 1 to ensure the operator confirms that the site is fully impermeable before waste is accepted to prevent pollution of the underlying soil and groundwater. We will inspect the site before giving our permission under this condition.</p> <p>POM 2 requires the operator to provide details of the air extraction unit that is proposed in Section 2.2 of the 'Dust and Particulate Emission Management Plan'. No further details have been provided as part of the application because the operator is still seeking quotes for the unit. We have included POM 2 to ensure that the chosen unit is appropriate and effective, to prevent the release of particulates, and that regular maintenance, inspection and monitoring is undertaken.</p> <p>POM 3 requires the operator to confirm that monitoring for PM<sub>10</sub> meets MCERTS. The monitoring equipment that the operator has proposed to use, 'Casella Boundary Guardian', has not been certified as meeting the MCERTS performance standards for indicative ambient</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>particulate monitors. We therefore expect the operator to propose alternative monitoring instrumentation under this condition that meets MCERTS or a similar standard approved by us.</p> <p>POM 4 requires the operator to provide further details on specific aspects of the Fire Management Plan. These relate to the measures that the operator has committed to having in place to suppress any fires that should occur. These additional details will ensure that the Fire Management Plan clearly documents how the standards in our guidance 'Fire prevention plans' will be met.</p> <p>POM 5 requires the operator to provide details of where baled RDF will be sent to. We need to ensure the destination has appropriate measures in place to manage the risk of fire associated with receiving baled RDF.</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 IC 1 to ensure that the outcome of the fire risk assessment that the operator has proposed to undertake, is reflected in the 'Annex 7 Fire Management Plan'. We expect any further measures that are identified as necessary in the fire risk assessment will be implemented by the operator as soon as possible.</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>	✓
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure the operator prevents unacceptable emissions of PM<sub>10</sub>.</p> <p>The site is located within an Air Quality Management Area that has been declared for PM<sub>10</sub>.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The monitoring requirements are set out in Table S3.2 of the permit and refer to inclusion, in the operator's emissions management plan, of an action level at which an alarm will sound. In the 'Dust and Particulate Emission Management Plan' the operator has set the action level at 100µg/m<sup>3</sup>. We are satisfied that this is an appropriate level. We are satisfied with the actions that the operator will take, if the alarm sounds, to establish the cause. We are also satisfied with the actions that the operator will take, if the source of PM<sub>10</sub> is determined to be due to on-site activities, to prevent re-occurrence.</p> <p>Based on the information in the application we are not fully satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate. We have therefore included pre-operational measure, POM 3, as discussed above.</p>	
Reporting	<p>We have specified reporting in the permit.</p> <p>The reporting frequencies specified are in line with the monitoring requirements.</p>	✓
<b>Operator Competence</b>		
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	<p>Technical competency is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p>	✓
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

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

Response received from
Brent Council
Brief summary of issues raised
<p>The Council confirmed that they do not have any records of noise or amenity issues at the site.</p> <p>As the proposed activities for this permit relate to construction/demolition waste, and activities 'will occur on hardstanding within a large shed', the Council do not have concerns to raise.</p> <p>The Council did note however that the applicant chose to state that they do not have information on the ground or groundwater conditions at the site, in their Site Condition Report. This is in fact not the case, as a site investigation was undertaken by the applicant as part of their Planning Application, as required by conditions imposed by the Environment Agency.</p>
Summary of actions taken or show how this has been covered
<p>We asked the applicant to consider the site investigations that were undertaken as part of their Planning Application in their Site Condition Report.</p> <p>We are satisfied that the applicant has now set a baseline for the site based on the results of the site investigation.</p>