

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Greenacres Farm operated by Osmonds Environmental Limited.

The permit number is EPR/LP3739RD/A001.

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.

Description of the main features of the Installation

The main features of the permit are as follows.

The site is located approximately 2 km southeast of the town of Paddock Wood in the Borough of Tunbridge Wells at National Grid Reference TQ 69522 44216. The site is surrounded by agricultural fields on three sides, with industrial premises on the southeast perimeter and a kennels 400m to the east-northeast.

The sites comprises of a building, surrounded by sealed concrete hard standing with sealed drainage. The remainder of the site does not have hard standing, but houses storage bays and crusher for treating the waste, this area is surrounded by a bund.

The site will be used to import waste from an associated business Osmonds Transport and Planings. The waste will consist of construction wastes and planings from road construction and improvement projects. These waste will be:

- i. Concrete (non-hazardous waste),
- ii. Bricks (non-hazardous waste),
- iii. Bituminous mixtures without coal tars (non-hazardous waste), and
- iv. Bituminous mixtures with coal tars (hazardous).

The waste will be stored and treated on site in two areas. Non hazardous waste is being stored in outside bays and treated within the bunded area. The hazardous waste is being stored in bays and treated within the designated building on the site.

The underlying geology below the site consists of Weald Clay Formation and Mudstone, and the aquifer is described as unproductive.

There are no European habitat or wildlife sites within the screening distances of Greenacres Farm.

The permit will comprise on a bespoke permit for the treatment of the hazardous road planings and a standard rules permit (SR2010No12) (EAWML 402811) for the treatment of non-hazardous road planings.

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 application, supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information (Installation and Standard facility)	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information (Installation and Standard facility)	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
Standard rules criteria met (Standard facility)	The application meets the criteria for the standard rules identified in Part B of the application form.	✓
Consultation		
Scope of consultation (Installation facility)	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. For this application we consulted the following bodies: <ul style="list-style-type: none"> • Public Health England • Food Standards Agency • Health and Safety Executive • Local Authority Planning Department • Local Authority Environmental Health Department/ Director of Public Health 	✓
Responses to consultation and web publishing (Installation facility)	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	We are satisfied that the applicant (now the operator) is	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
facility (Installation and Standard facility)	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.	
The facility		
The regulated facility (Installation facility)	<p>The extent/nature of the activities and operations taking place at the site required clarification.</p> <p>The decision on the facility was taken in accordance with Appendix 2 of RGN 2 “Understanding the meaning of regulatory facility”, Appendix 1 of RGN 2 “Interpretation of Schedule 1”, Appendix 2 of RGN 2 “Defining the scope of the installation”</p> <p>The regulated facility is an installation which 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"> • S5.3 A(1)(a)(vi) - Recovery of hazardous waste with a capacity exceeding 10 tonnes per day, involving recycling or reclamation of inorganic materials other than metals or metal compounds (R5 - Recycling or reclamation of inorganic materials other than metals or metal compounds) • S5.6 A(1)(a) - Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes pending any activities listed in Sections 5.1, 5.2 and 5.3 (of EP Regulations) (R13 - Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced) • Surface water management - Collection of surface water run-off from the treatment area • Fuel storage - Storage of fuel for on-site vehicles 	✓
The regulated facility (Standard Rule Permit)	<p>The regulated facility also includes a standard rules waste operation at which the following recovery operations will be undertaken.</p> <ul style="list-style-type: none"> • R13: Storage of wastes pending the operations numbered R3 and R5. • R3: recycling or reclamation of organic substances which are not used as solvents. • R5: Recycling or reclamation of other inorganic 	

Aspect considered	Justification / Detail	Criteria met
		Yes
	materials.	
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 (Installation)	<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>	✓
Extent of the site of the facility (Standard 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 (Installation facility)	<p>The operator has provided a description of the condition of the site.</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 (Installation and Standard facility)	<p>The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .</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 (Installation facility)	<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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.	
Operating techniques (Installation facility)	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. Emissions of noise, dust and odour have been previously screened out as insignificant, and so the Environment Agency agrees that the Applicant's proposed techniques are BAT for the installation.</p> <p>Emission to groundwater or land will emanate from the concreted surface on the site, which will go through 2 catch pits prior to discharge. These catch pits can be shut down in the event of a spillage. This emission will be limited to clean uncontaminated surface water</p> <p>The proposed techniques/ emission levels for priorities 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. The techniques are in line with SGN S5.06 – Guidance for Recovery and Disposal of Hazardous and Non Hazardous Wastes.</p>	✓
The permit conditions		
Raw materials (Installation and Standard facility)	We have specified limits and controls on the use of raw materials and fuels.	✓
Waste types (Installation facility)	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We made these decisions with respect to waste types in accordance with SGN S5.06 - Guidance for Recovery and Disposal of Hazardous and Non Hazardous Wastes and WM3 - Guidance on the classification and assessment of waste.</p>	✓
Incorporating the application (Installation)	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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
facility)	<p>the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	
Emission limits (Installation facility)	We have decided that emission limits should be not set in the permit.	✓
Reporting (Installation facility)	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with SGN S5.06 - Guidance for Recovery and Disposal of Hazardous and Non Hazardous Wastes and WM3 - Guidance on the classification and assessment of waste.</p>	✓
Reporting (Standard facility)	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with How to comply with your environmental 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.	✓
Technical competence (Installation facility)	<p>Technical competency is required for activities permitted.</p> <p>The operator is carrying out “relevant waste operations” i.e. a ‘specified waste management activities’ where a ‘specified waste management activities’ means ‘the recovery of hazardous waste falling within sub-paragraph (i) to v), (viii) or (x) of paragraph (a) of Part A(1) of Section 5.3 of Part 2 of Schedule 1’. Therefore, the operator must demonstrate that they are a member of an agreed scheme to be considered technically competent.</p> <p>The operator has registered with the Chartered</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>Institution of Wastes Management (CIWM). Becoming a member of this agreed scheme means that the operator is able to benefit from a 'grace period'. This allows an operator, who is unable at the time of application for a new permit to demonstrate technical competence, and allows twelve months to gain the necessary qualification so long as they obtain an Environmental Permit Operator Certificate (EPOC) awarded by the CIWM or the relevant 4 QCF units within four weeks from the time at which permitted operations begin.</p> <p>Therefore, operator is a member of an agreed scheme and satisfies the criteria in RGN 5 on Operator Competence.</p>	
Technical Competence (Standard facility)	<p>Technical competency is required for activities permitted in the standard rule set.</p> <p>As above, the operator will benefit from the 'grace period' in order to gain the appropriate qualification. The operator will have, once qualified, the qualification to treat hazardous waste. This would be recognised as the appropriate qualification for activities in the standard facility also.</p> <p>The operator is a member of an agreed scheme and satisfies the criteria in RGN 5 on Operator Competence.</p>	
Relevant convictions (Installation and Standard facility)	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision (Installation and Standard facility)	<p>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.</p>	✓

Annex 2: External 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
Health and Safety Executive
Brief summary of issues raised
No comments were made
Summary of actions taken or show how this has been covered
None

Response received from
Public Health England (PHE)
Brief summary of issues raised
<ul style="list-style-type: none"> • PHE has requested that we ensure that the applicants emergency procedures are adequate and in line with best practise. • PHE has no significant concerns based solely on the information contained in the application provided, 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. • In relation to potential risk to public health, we recommend that the Environment Agency also consult the following relevant organisation(s) in relation to their areas of expertise: <ul style="list-style-type: none"> ▪ the local authority for matters relating to impact upon human health of contaminated land; noise, odour, dust and other nuisance emissions; ▪ the Director of Public Health for matters relating to wider public health impacts.
Summary of actions taken or show how this has been covered
<p>The operator has indicated in the application that all procedures are/will be inline with the Environment Agency's guidance. Additionally, this has been highlighted to the Site Inspector to specifically look at after the permit has been issued.</p> <p>We have requested the operator provides a Environmental Management System to the Environment Agency within a month of the permit being issued,</p>

this should include an detailed emergency/accident plan.

We have consulted with those recommended above.