

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Grateley Waste Facility operated by Bio Depot (Wessex) Limited.

The variation number is EPR/JP3532UL/V003

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 and web publicising 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
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.	✓
Responses to consultation and web publicising	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 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.	✓
The facility		
The regulated facility	<p>The permitted regulated facilities have changed as a result of the variation.</p> <p>The regulated facility is no longer an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations:</p> <ul style="list-style-type: none"> Section 4.1 Part A (1) (a) (ii) – Producing organic chemicals such as organic compounds containing oxygen, such as alcohols, aldehydes, ketones, carboxylic acids, esters, ethers, peroxides, phenols and epoxy resins (The manufacture of biodiesel by transesterification of used and virgin vegetable oils). <p>The regulated facility is now a waste operation at which the following recovery and disposal operations will be undertaken:</p> <ul style="list-style-type: none"> Treatment of tyres; Storage and treatment of non hazardous soils and aggregates; and Storage of non hazardous road planings. 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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	<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>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> <p>Although the operator has applied to remove an activity (the low impact biodiesel manufacturing activity) from the permit, we are satisfied that a partial surrender site condition report does not need to be provided at this stage. This is because the operator is not surrendering any land. Also, the activity has not commenced so we are satisfied it does not represent a risk to the land.</p> <p>We will make an assessment of the state of the site, over the entire lifetime of the permit, when the operator applies to make a full surrender.</p> <p>The operator has confirmed that there is no evidence of any historical pollution events at the site. We are satisfied with the baseline report submitted as part of this application to add waste operations.</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>We are satisfied that the proposed surfacing and drainage of the external parts of the site, where non-</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>hazardous soils and aggregates will be stored, is satisfactory.</p> <p>In particular, we are satisfied that the wastes stored on the concrete slab at the northern end of the site do not represent a risk to the environment. This is because the variation notice (Table S1.1) does not allow the operator to store excavated soil from contaminated sites in this part of the site. Wastes that will be stored in this area will not contain hazardous substances that could enter groundwater beneath the site. In addition, the site is not located on a Source Protection Zone and there are no groundwater abstractions within 500m.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.</p>	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The key measures proposed by the operator are in accordance with 'How to comply with your Environmental Permit'.</p>	✓
The permit conditions		
Updating permit conditions during consolidation.	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit.</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
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 appropriate wastes for the proposed treatment and storage activities.</p> <p>We made these decisions with respect to waste types in accordance with 'How to comply with your Environmental Permit'.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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>	✓
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.	✓
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 and web publicising

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
Test Valley Borough Council - Housing and Environmental Health Service.
Brief summary of issues raised
Test Valley Borough Council are not aware of any current noise or amenity issues concerning this site.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Public Health England (PHE)
Brief summary of issues raised
PHE have examined the potential health implications of the proposed variation. Any concerns would relate to sources of dust and noise. PHE note that dust suppression measures will be in place to minimise the risk of emissions. Provided the applicant employs appropriate measures, as described in the relevant Management Plans, PHE consider that nuisance from dust and noise should be kept to a minimum.
It is assumed by PHE that the site will comply in all respects with the Environmental Permitting (England and Wales) Regulations 2010. Compliance with the legislation, together with good management, should ensure that site will present a low risk to local human receptors. Based on the application, this development does not present PHE with any obvious cause for concern.
Summary of actions taken or show how this has been covered
No action required.