Environment Agency permitting decisions

We have decided to grant the permit for Southampton Docks Soil Washing Facility operated by Hazardous Waste Management Limited.

The permit number is EPR/RP3535WR.

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.

This is a draft decision document, which accompanies a draft variation notice.

It explains how we propose to determine the applicant's application, and why we have included the specific conditions in the draft variation we are considering issuing 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 on the proposed variation. We will make our final decision only after carefully taking into account any relevant matters 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 variation, or to reject the application altogether, we will issue the variation 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.

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

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

Background to the Facility

Hazardous Waste Management Limited have applied for a permit for the purpose of hazardous and non-hazardous soil treatment with the aim of creating an inert aggregate which can be used as a product.

The facility is to be located at the Southampton Docks, situated approximately 2 miles to the south west of Southampton but within 150 m of local residents. The facility will consist of a reception area, a quarantine area, covered storage bays with sealed drainage and the soil washing facility.

The facility will accept up to 200,000 tonnes per year of the following waste types for the purpose of producing a soil product:

- Hazardous soils, dredging spoil and track ballast from construction and demolition sites;
- Hazardous solid wastes from soil and groundwater remediation;
- Non-hazardous gravel, sand, clays and rocks from exploration, mining, quarrying and physical treatment of minerals;
- Non-hazardous bituminous mixtures from construction and demolition wastes;
- Non-hazardous soils, dredging spoil and track ballast from construction and demolition sites;
- Non-hazardous minerals from mechanical treatment of waste;
- Non-hazardous solid wastes from soil and groundwater remediation; and
- Non-hazardous soil and stones from gardens and parks.

The aim of the soil washing process is to create recycled aggregates which are suitable for use within construction projects. A section of the site will be set aside for the storage of the aggregate products pending sale in order to prevent contamination of treated product with waste materials.

The process

The soil treatment and all associated processes will be undertaken within the permit boundary. However, the soil washing facility itself is a self enclosed process. All incoming loads will be directed to the reception area which will accept the waste for the washing process. Upon unloading of the waste, the waste will be inspected for compliance with waste acceptance criteria before

being deposited within the relevant storage bay for hazard identification and for bulking prior to treatment.

The waste will be treated in batches according to the nature of the waste. Waste will be loaded into a hopper via a shovel which will, in turn, load the material onto an enclosed conveyor belt. The conveyor belt will be fitted with an overhead magnet to remove small pieces of scrap metal that are within the waste and will carry the waste to the soil washing facility. Any oversized materials will be removed via a screener before the waste discharges to a log washer where it will be sprayed with water. The sprayed material will then be separated via a gravel screen into two size fractions, 3 mm to 25 mm and 25 mm to 40 mm. Any particles smaller than 3 mm such as sand and silt, or solid organic matter (leaves, sticks etc) will pass over a screen which separates larger organic matter from the sand/clay/silt fraction.

The remaining sand/clay/silt fraction is then pumped into a hydrocyclone which will separate out the sand from the clay/silt. The process water containing the silt and clay is forwarded to the Siltbuster Water Treatment Plant where it undergoes pH adjustment, and coagulants and flocculants are added as required to promote the settlement of solid. The feed rate into the Siltbuster Water Treatment Plant is 200m^3/hr and the treatment plant will be operated for 10 hours per day.

The material within the Siltbuster is then split by a manifold feeding into clarifiers, which facilitate solid/liquid separation via a physical process by settling out the solids and liquids so that the liquid settles to the top. The pumps attached to the clarifiers transfer the sludge (solids) at a slow rate from this process to the sludge holding tank. The sludge holding tank is fitted with mixers to ensure the sludge does not solidify before being pumped to the dewatering plant for further solid/liquid separation. Effluent (water) from the process will discharge to a treated water holding tank. Any oil which settles on top of the water is skimmed off and sent to an appropriate facility for recovery or disposal. The remaining water is returned to the washing process for reuse.

The final dewatering of the sludge is undertaken using a filter press which takes approximately 2 hours and produces approximately 4 to 5 tonnes of filter cake. The process aims to ensure that contaminants within the soils become dissolved within the water fraction before binding to the fines (silts and clays). The contaminants will preferentially bind to the silts and clays which in turn become the filter cake. The filter cake is then tested to determine its chemical composition and then disposed of or recovered at an appropriate facility.

Once the washing process has been completed, the operator will test the soil product to ensure that it has undergone sufficient treatment. Any batch which has not undergone sufficient treatment (so as to be considered inert) will have its wash waters tested and the wash waters may be removed from the site by tanker and fresh water provided for the process. Any processed soils that cannot be considered to be inert, will either be recycled back through the soil

washing process for additional treatment, or will be removed from site to an appropriate facility for recovery or disposal.

Environmental Impacts

The main environmental impacts from this facility are expected to be amenity issues of which noise and dust will be the main fugitive emissions due to the nature of the wastes to be accepted at the facility and the treatment process. These are discussed in greater detail below.

Noise Modelling

The applicant has undertaken a noise impact assessment in response to a schedule 5 notice (request for further information) to determine the likely impact of noise on the nearest sensitive receptors, i.e. the residential properties which are located approximately 150 m from the facility. The noise impact assessment has been placed on the public register for interested parties to view.

We were not satisfied by the noise impact assessment provided by the applicant, as it did not include all sources of noise generated on the site. The noise modelling included a building which is situated between the site and the nearest receptors. We asked the operator to undertake further sensitivity analysis which included all sources of noise at the site and the removal of the building as a mitigation measure as the fate of the building is outside of the operator's control.

The applicant subsequently updated the nose impact assessment to address our concerns. The noise impact assessment was undertaken with and without the building. As we believe that the second scenario represents the highest risk we have audited the second scenario. The applicant used the noise software CadnaA (version 4.5). Noise was modelled from the following sources:

- A screen;
- A tracked excavator;
- A hydroclone;
- Conveyors dropping of scrap metal;
- A wheeled loader; and
- Lorry movements.

The applicant modelled based on an acoustic absorption around the industrial estate of 0 (very reflecting), which is appropriate based on the land use and is considered precautionary. The applicant did not model terrain for the area covering the site, however we have run sensitivity analysis on this. The applicant has also not included a penalty as per BS41424 for the tonality or

impulsivity for the screen (the screen has potential to have noise characteristics that require an additional penalty). However given the nature of the material (soil/gravel) and given the background nature of noise at the site which is dominated by HGV, cranes and traffic, we agree that it is unlikely that any acoustic features requiring penalties will be perceptible at nearby receptors.

We have checked the applicant's assumptions and included in our own analysis:

- The inclusion of 2m resolution terrain data for all receptors;
- Exclusion of the warehouse to the north-west of the model; and
- Sensitivity to different background values.

While we conclude that we do not agree with the absolute numerical predictions in the applicant's model, our own predictions confirms the applicant's conclusions which are that noise levels are predicted to be less than 5dB above the background. This is below the level indicated in BS4142 and therefore will not cause adverse impacts at receptors.

Dust

Given the nature of the material to be brought onto site there is potential for the site to produce dust as a result of the activities. The facility will be operated 7 days a week between the hours of 7am and 6pm. Whilst we agree with the applicant that the soil washing facility should not be a source of dust as it is a fully enclosed system, we consider that dust could be generated from the following activities:

- Vehicles moving around the site;
- Soils being moved from stockpiles and loaded into the hopper;
- Operation of the conveyor belt;
- Loading and unloading of vehicles; and
- Storage of waste materials and products.

It should be noted that any dust generated from movements of vehicles outside of the facility is a matter for the local planning authority as it is not within the scope of the Environmental Permitting Regulations. We are unable to set controls on any activities occurring outside the boundary of the regulated facility.

The applicant has proposed the following control and mitigation measures to ensure dust within the site boundary is controlled and contained within that boundary:

- Vehicles will be keep sheeted when being brought onto site. A strict speed policy will be enforced to avoid dust being kicked up by vehicle movements. A strict schedule of housekeeping to make sure all

concreted areas are kept swept and clean of debris will be employed at the site. All vehicles will be required to make use of the wheel wash provided to ensure that mud is not tracked onto the roads.

- The drop heights for loading the hopper will be minimised to ensure dust generated by this process is minimised. If dust is likely to be produced during the loading of the hopper, the waste will be dampened prior to loading to ensure dust is not generated.
- The conveyor belt which loads the waste into the soil washing process is fully enclosed. The site will ensure that regular housekeeping is undertaken to ensure that dust does not build up on the outsides of or underneath the conveyor.
- Soils will undergo rigorous pre-acceptance and acceptance checks to ensure that the material is suitable for processing within the facility. The checks will identify any hazards associated with the handling of the wastes, including chemical composition and fugitive emissions such as dust. The site has sprinklers in place which can be used to dampen any dusty loads prior to the loads being unloaded into the relevant storage bays. Materials within the storage bays will be kept damped as necessary to ensure dust is controlled.

We consider that the storage of material is the most likely source of dust on site. Therefore, as part of our determination, we have asked the applicant to provide additional controls on the storage bays. As the applicant has applied to store more than 50 tonnes of hazardous and non-hazardous waste soils at any one time at the site, we consider that open storage of this type of material is not acceptable and does not meet the requirements of Best Available Techniques (BAT).

The applicant has since revised their dust controls for the storage of the waste being accepted on the site. The storage bays will be provided with sheeting to ensure that the waste will be kept enclosed at all times to minimise windblown particulates. The sheeting will only be removed from the bays if waste is being added to a particular bay or waste is being removed for treatment. The stockpiles can be treated with water sprinklers as an additional dust suppressant, and the applicant/operator will keep records of how much waste is being brought onto and removed from the site to ensure that waste is only received if there is sufficient capacity to safely store the waste with minimal impact.

We consider the site's dust management plan to be in accordance with BAT for the sector and to represent the best techniques for managing dust at the site. However, given that there are sensitive receptors in close proximity to the site, we have included an additional improvement condition in the permit for the operator to review all dust controls at the site. This is to ensure that dust is adequately controlled and managed and will require the operator to review their waste types to determine if additional controls or exclusions are required.

We have also included pre-operational conditions 1 and 2 which require the operator to identify suitable locations and undertake dust monitoring as per

the application prior to the facility becoming operational in order to establish a background for dust. Once the facility is operational, we will require the operator to continue to undertake this monitoring at the agreed locations on a daily basis. This is to ensure that dust onsite is managed in accordance with the permit and is not generated at levels likely to cause nuisance outside of the permit boundary. We have assessed the operator's proposed limit and consider this to be acceptable to avoid dust complaints at offsite receptors as the limit is consistent with the limit set in Technical Guidance Note M17 – 'monitoring of particulate matter in ambient air around waste facilities'.

Odour

The material to be accepted should be of low odour potential as none of the wastes will contain any biodegradable material. However, some of the contaminants within the waste may contain some level of odour based on the contaminant. For example, track ballast contaminated with hydrocarbons may have an oily smell. The applicant has specified that checks on incoming loads will be made for odorous materials. Any wastes considered to be highly odorous will be rejected by the weighbridge operator. Additionally any wastes which become odorous during storage will be treated preferentially over other wastes held on the site and wastes will be dampened with water to ensure that odour from the site remains low.

We have placed additional controls on the wastes to be accepted at the site (Table S2.2 and Table S2.3) to limit the operator with regards to odorous wastes. We have specified within the permit that loads shall not be accepted if the operator can detect obvious hydrocarbons (including by sight and/or smell). We have required the operator to undertake a full review of the odour management plan and management techniques (table S1.3, reference 1) once the site is operational. We have inserted monitoring and pre-operational conditions into the permit with regards to benzene (as a volatile organic compound (VOC)) to control odour.

Pre-operational conditions 1 and 2 will require the operator to identify suitable locations for monitoring and to undertake benzene monitoring as per the application prior to the facility becoming operational in order to establish a background for benzene (VOC's). Once the facility is operational, we will require that the operator to undertake this monitoring on a daily basis in order to provide protection to local residents as per Table S3.1. We have assessed the operator's proposed benzene limit and consider this to be acceptable as the limit is consistent with the British Standard for benzene. We have set these conditions to ensure that waste to be accepted at the site will not cause odour nuisance at nearby residential receptors and to ensure that overall odour levels remain low.

Pests, vermin and litter

The applicant has undertaken an assessment to determine the likely impact on nearby receptors from pests. The applicant has concluded that the site has a low likelihood of attracting birds and other vermin. We consider that the

material to be brought on site is unlikely to attract vermin or other pests such as scavenging birds as it will not contain biodegradable wastes.

The operator has not addressed litter at the site. However, we consider the potential for the site to produce litter which could cause a nuisance at offsite receptors to be low. The waste types proposed within the application are not the types to produce or contain litter. The site has appropriate waste acceptance procedures in place to ensure that only those wastes which are authorised by the permit are accepted on the site and we therefore agree with the operator's conclusions.

Annex 1: decision checklist

This checklist should be read in conjunction with the Duly Making checklist.

Aspect	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. We received 25 public responses and how we have addressed the matters raised is detailed in Annex 2. 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	The extent/nature of the facilities taking place at the site required clarification. The regulated facility will result in a multi-regime permit as follows: ➢ An installation which will allow for the: • recovery of hazardous wastes under Part 2, section 5.3 A(1)(a)(ii) of Schedule 1 to the Environmental Permitting Regulations; and • temporary storage of hazardous wastes under Part 2, section 5.6 A(1)(a) of Schedule 1 to the Environmental Permitting Regulations. Associated with the listed activities will be the following Directly Associated Activities (DAA's): • processed soil storage; • process water treatment and storage;	✓

Aspect	Justification / Detail	Criteria met Yes
	• bulking of recyclable wastes recovered as an incidental part of the process; and • surface water collection and storage. ➢ A waste facility which will allow for the: • treatment and storage of non-hazardous wastes; • collection and storage of non-hazardous process waters; • bulking and recycling of non-hazardous wastes; and • storage and collection of surface water from the non-hazardous area of the site.	
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	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 satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of sites of nature conservation. The relevant sites are: • Solent and Southampton Water Ramsar Site located approximately 925 m SW of the facility; • Solent and Southampton Water Special Protection Area located approximately 925 m SW of the facility; • Eling and Bury Marshes Site of Special Scientific Interest located approximately 925 m SW of the facility; and	✓

Aspect	Justification / Detail	Criteria met
		Yes
	• Solent Maritime Special Area of Conservation located approximately 925 m to the SW of the facility. A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We have assessed the operator's risk assessments and have determined, as per the 'Key Issues' section of this document, that the main potential impacts from the operation will be limited to noise and dust. We have also assessed the operator's management plans which specify how these potential impacts will be controlled. The operator has submitted a detailed noise impact assessment which demonstrates the likely noise impacts from the facility. We consider, given the distance of the relevant conservation sites from the facility, that the operation of the facility will not adversely impact on the habitats and sites identified above. The noise impact modelling submitted by the operator was based on residential receptors. However these receptors are substantially closer to the site than the habitats. We consider that the conclusions reached by the operator though the noise impact assessment of 'no impact' can be applied to the SPA, SSSI, RAMSAR and SAC. We consider that dust is the most likely emission to potentially impact on the sites above. We have assessed the operator's management plans and infrastructure for dust management and control and consider that the applicant has sufficient management techniques and infrastructure in place to control dust. The dust management plan states that regular housekeeping will be undertaken to keep hard standing and storage areas clean. Regular inspections and cleaning of the outside of the conveyor belt will be undertaken to ensure minimal build up of dusty materials. The use of water sprays within the yard to suppress dust, damping of loads when they are being moved around the site and damping of wastes within the storage bays will be employed to prevent dust. Vehicles will be kept sheeted while onsite and speed limits will be adhered to, to minimise dust. The operator has also stated that the conveyor belt will be enclosed and a wheel wash will be provided and all vehicles will be required to use it. The soil washing system itself is enclosed and all storage bays will be provided with sheeting to prevent windblown emissions. We consider these techniques to be in line with BAT and therefore	

Aspect	Justification / Detail	Criteria met Yes
	acceptable. We consider that dust from the site is unlikely to impact on the interest features of the conservation sites as the operator has adequate controls in place to ensure that dust does not migrate off the facility. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. This is discussed in the 'Key Issues' section above.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The Sector Guidance Note for this sector is TGN S5.06 'Guidance on the Recovery and Disposal of Hazardous and Non Hazardous Waste', to be read alongside the general guidance 'How to comply with your permit'. The key relevant sections of TGN S5.06 which apply to this process are: ➢ Waste pre-acceptance – The composition of the waste will be assessed prior to acceptance at site. The pre-acceptance records will include information about the processes producing the wastes, predicted quantities, the form of the waste, any hazards associated with the wastes and their suitability for treatment or storage prior to acceptance at the facility. ➢ Waste acceptance – On arrival all loads will be weighed at the weighbridge and all documents checked. If loads do not correspond to the written documentation they will be refused entry to the site. Waste will be visually inspected at point of discharge and during the processing of wastes. Any non conforming wastes will be deposited in the quarantine area pending removal to an appropriate facility. The waste acceptance procedures are detailed in the operating techniques table (Table S1.2) in the permit. ➢ Waste storage – All waste will be stored within designated covered (sheeted) bays on an impermeable surface with sealed drainage. Wastes will be stored in accordance with their classification and hazard potential to ensure that hazardous and	✓

Aspect	Justification / Detail	Criteria met
		Yes
	non-hazardous or incompatible wastes will not be mixed. Surface water drainage from the hazardous and non-hazardous areas will be kept separate and will drain to separate sumps before being introduced into the process or removed off site for disposal or treatment if inappropriate for the treatment process. ➢ Point source emissions to air and water – There are no authorised point source emissions to air or water. ➢ Fugitive emissions to air – All wastes will arrive in covered/sheeted vehicles and all vehicles will be required to use the wheel wash. The waste storage bays will remain covered at all times with the exception of when wastes are being added or removed and a sprinkler will be employed as required. The soil treatment activity is enclosed and any soils which are deemed to have dust potential will be dampened to prevent dust during the loading of the hopper and drop heights will be minimised. The conveyor belt which will move the material to the soil washing facility will be fully enclosed and the operator will ensure that the site is kept clean and the hard surfaces swept on a regular basis. ➢ Odour – The material to be accepted should be of low odour potential as none of the wastes are to contain any biodegradable material. However some of the contaminants within the waste may contain some level of odour. The operator has specified that they will not accept any particularly odorous wastes in accordance with waste acceptance procedures. Any wastes which become odorous during storage will be prioritised for treatment to ensure that they are treated and removed from site in a timely manner. ➢ Noise – Good practice measures are proposed to reduce noise and vibration levels at the site. Measures include minimising drop-heights when transferring waste to stockpiles or when loading the hopper. Once within the hopper the waste treatment process will be enclosed. All plant and machinery will be fitted with silencers where possible. The operator will undertake routine maintenance on all plant in accordance with the manufacturers' specifications. All equipment and vehicles will be kept switched off when not in regular use. ➢ Fugitive emissions to surface water and land – the site will have a number of subsurface sumps where	

Aspect	Justification / Detail	Criteria met
		Yes
	surface water will be collected before being pumped to holding tanks for use within the soil washing facility. All tanks will be stored on an impermeable surface with appropriate bunding. All fuels or lubricants will be stored in above ground tanks and within an appropriate bund. Weekly visual inspections will be undertaken. ➢ Raw materials/waste minimisation/water use – Raw materials used on site are limited to fuels and oils for site plant and process equipment as well as flocculants and coagulants. All refuelling will be undertaken on impermeable surfacing with sealed drainage and spill kits will be available on the site at all times. The opportunities for waste minimisation are limited given the nature of the installation. Water use is limited to use in the wheel wash, wash water, stock dampening and fire water. Wash water and surface water will be re-used where possible. ➢ Waste recovery/disposal – The purpose of the facility is to recover waste soils for use within construction projects. Any aggregate which has been treated but does not meet the required standards will be recycled back through the treatment process or removed from site to a suitably licensed facility for treatment or disposal. The filter cake produced by the activity will be tested and sent for disposal or recovery as deemed appropriate. All surface water will be collected for use within the facility and all wash water will be reused within the facility until the point where it ceases to be treatable, at which time the spent wash water will be tankered offsite for onward disposal or recovery. ➢ Accidents – an Accident Management Plan has been submitted which identifies the hazards, the associated risks and the measures required to reduce risks at the facility. The Accident Management Plan identifies risks to surroundings from fire or failure to contain firewater. The site will ensure that all incompatible materials or combustible materials will be kept separate, fire-fighting equipment will be kept on site and staff will be trained in how to use the equipment. The site will have a strict no smoking policy. Any fire-fighting water will flow to the site's sumps where it will be pumped out and disposed of to a suitable facility. The storage capacity for surface water is consistent with the requirements to meet a 1 in 100 year flood so	

Aspect	Justification / Detail	Criteria met Yes
	as to prevent discharge of contaminated water to the docks.	
The permit conditions		
Raw materials	We have specified limits and controls on the use of raw materials and fuels.	
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. We have imposed pre-operational condition 1 to require the operator to confirm the monitoring locations for ambient air monitoring of benzene and dust. This is to be assessed and agreed by us prior to background concentrations being taken to ensure the operator is taking samples from the most suitable locations. Pre-operational condition 2 requires the operator to undertake background monitoring of benzene and dust in accordance with the operator's own proposals.	
Waste types	We have specified the permitted waste types, descriptions and quantities which can be accepted at the regulated facility. We have worked with the operator to reduce the hazardous and non-hazardous waste types to be accepted on the site to those waste types which are suitable for treatment by the techniques to be employed on site. We have inserted the waste codes to be accepted at the site into Tables S2.2 and S2.3 of the permit.	
Improvement conditions	Based on the information on the application, we consider that we need to impose improvement conditions. ➢ We have required the operator to undertake a review of their odour management plan and management techniques. The operator has stated that odour should not cause any issues off site. However given the proximity of receptors to the facility, we consider that the operator should undertake a review of odour management techniques at the site to ensure that they are fit for purposes once the site is operating. As part of this condition we will require the operator to reassess their waste types and acceptance procedures and determine if the storage areas and treatment areas would benefit from either a redesign	✓

Aspect	Justification / Detail	Criteria met Yes
	of the facility or the introduction of abatement equipment. ➢ We have required the operator to assess their operating techniques for dust control and suppression. The operator has demonstrated through the application that they will have controls in place to control fugitive dust from the facility, sufficiently for us to grant them a permit. However, given that there are residential receptors within 150 m of the site, we consider that once the site is operational and has been operating under normal conditions, the operator should review the dust controls that will be in place to ensure that the assumptions made in the application are correct. The operator will be required to: • provide a written assessment of the effectiveness of the dust controls; and • determine if additional controls are required to control fugitive dust emissions; and • if so, provide a timescale for any works to be implemented. We consider that this will be sufficient to ensure that the dust will be controlled and retained onsite and will not cause any pollution or nuisance issues at nearby receptors.	
Incorporating the application	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. These are specified in the Operating Techniques table in the permit (Table S1.2).	✓
Emission limits	We have decided that emission limits should be set for the parameters listed in the permit (Table S3.1). We have included the applicant's proposed limits in the permit as we consider these limits to be acceptable. The benzene limit proposed by the operator is in line with health guidance for onsite workers and therefore	✓

Aspect	Justification / Detail	Criteria met Yes
	appropriate for offsite receptors. The dust level proposed by the operator is consistent with limits set out in our guidance note M17 to prevent dust emissions that may cause nuisance at offsite receptors.	
Monitoring	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. The applicant has proposed to undertake six months of monitoring for dust and VOC's (benzene). We consider that, given the proximity of the facility to residential receptors, this monitoring should be a condition of the permit being granted and should be undertaken for the lifetime of the permit. We have therefore not agreed to the applicant's proposals that they review the monitoring with us after six months of operation. If the applicant wishes to reduce or review the monitoring set out in Table S3.1, they will have to apply for a variation to change these parameters and provide evidence that they may be reduced.	✓
Reporting	We have specified reporting in the permit.	✓
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.	✓

Aspect	Justification / Detail	Criteria met
		Yes
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 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.)

We received a total of 25 responses.

Response received from
Public Response
Brief summary of issues raised
1. Distance to residential properties is around 150 m, rather than 440m 2. The plant is within Southampton Air Quality Management Area (AQMA) 5, which suffers from high levels of PM_{10} and NO_2 pollution 3. Plant will add to existing noise, dust and odour problems 4. Annual throughput of 200,000 tonnes will cause further congestion and pollution 5. The facility is not an essential dockside activity as the soils are delivered by road not by sea 6. The facility is in a location identified in a recent air quality report by Ricardo-Aea as suffering from pollution. The plant will add to pollution 7. The facility will be approximately 300 m from a recreational ground used by local football clubs and a nearby children's play area 8. The facility will be close to the existing bulk material handling operations. Noise from the existing operations causes nuisance and frequent complaints from nearby residents. The placing of the plant in this position will concentrate the sound in one area, raising the overall level to an intolerable degree
Summary of actions taken or show how this has been covered
1. The operator has amended the application to reference that there are residential properties within 150 m of the site. All risk assessments have been reassessed by the operator and ourselves and updated accordingly. *2. The grid reference for the site indicates that the site is not within an air quality management zone (Defra website http://uk-air.defra.gov.uk/aqma/maps), however it is approximately 500 m from AQMA 7. However, given its proximity to the AQMA, we have required the operator to install additional infrastructure to minimise particulates. We have also included an improvement condition in the permit which requires the operator to assess the effectiveness of dust abatement techniques with a view to continuous improvement. We have also required daily dust monitoring at the site to ensure that offsite receptors are protected.* *3. As part of this application we have asked the applicant to undertake a detailed noise assessment. We have assessed the noise impact assessment (detailed under the 'Key Issues' section), and consider that the site will not cause additional noise to nearby residents. We have required the operator to provide additional dust controls and to undertake dust monitoring on the site to ensure fugitive emissions are adequately*

controlled and that operating techniques are in line with BAT. We have included an improvement condition in the permit to ensure that the proposed techniques are adequate. If fugitive dust is evident outside of the site boundary, we will require the operator to undertake additional works to adequately control dust, including but not limited to the design of the site, additional abatement measures and the need for storage and treatment to be undertaken within a building. The operator has proposed monitoring which we have included as a condition within the permit. VOC monitoring is to be undertaken on a daily basis for the lifetime of the permit. While the operator has put in place operating techniques for dealing with odorous loads or waste that becomes odorous during its storage, we have put additional controls within Tables S2.2 and S2.3 to require that waste loads are not accepted by the weighbridge operator if they contain a noticeable smell of hydrocarbon fumes (including petrol and/or oil).

4. *We are satisfied that the operator has appropriate controls in place to minimise pollution from this activity. Additional traffic on the roads which cause congestion and additional pollution is outside of the remit of the Environmental Permitting Regulations and is a matter for the planning authority.*
5. *We are unable to provide comment on whether this is an essential dockside activity as this is outside of our remit. The Environment Agency determines if the environmental risks from a facility are acceptable and considers if the controls to be put in place will adequately contain/control emissions. The location of where the activity is to be undertaken is a planning matter.*
6. *The Ricardo-Aea report outlines which areas in Southampton are considered to be air quality management zones due to air quality issues. The area where the site is to be situated is 500 m outside of AQMA 7 (which has been merged with AQMA 5). While there are no point source emissions on site, we have, through the permit determination, required the operator to substantially tighten mitigation measures for dust (see 'Key Issues' section). We are satisfied that the site has sufficient operational techniques in place to control dust and PM_{10}'s. We do not expect NO_x to be produced as part of the process. As the Ricardo-Aea report states, a majority of the issues within the port are caused by traffic pollution. However, traffic is not within the remit of the Environmental Permitting Regulations and is a matter for the planning authority. We are unable to consider pollution or congestion caused by traffic outside the site.*
7. *We are satisfied that the facility has sufficient controls in place to ensure it will not impact on the recreational football grounds or the children's playground. As discussed within the 'Key Issues' section above, the operator has put in place measures to control dust, odour, pests and vermin. The operator has demonstrated to our satisfaction through the noise assessment, that noise will not adversely impact on receptors offsite and the site will operate from 7am to 6.30pm Monday to Saturday.*
8. *The operator has assessed noise from the activities at the site and we agree with their conclusions that the site will not adversely impact on nearby receptors. For further information, please see the 'Key Issues' section above. We have inserted conditions into the permit which relate to noise and require that the operator takes appropriate measures to avoid*

causing nuisance with regards to noise outside of the permit boundary.

Response received from
Public Response
Brief summary of issues raised
1. The facility will add to the already high levels of noise generated from Port operations. Noise will be generated by vehicles both depositing material for the plant and vehicles removing completed material. Various items of Plant with in the facility will generate noise, for example: conveyor belts, hopper feeder and constant noise from the aggregate being moved within the process. This is a quarry type process which is known to generate noise. Material will be held within 'bays' which will have concrete bases which will be scraped against when picking up material for processing and on completion of process. It is not good enough to say 'there is already a high level of background' noise, this will only add to it. 2. The roads in this area are already saturated with HGVs. The air quality within the local area is already quite poor. The additional exhaust fumes generated by vehicles feeding the facility will do nothing for air quality, what are the expected numbers of vehicles per day required to make this facility a viable proposition for its owners. 3. The applicant states that stockpiles 'may be dampened, dust suppression may be installed'. The air quality will suffer as we already have a fine constant dust discharge from the CHP Power Station directly across the river which settles on everything. Some positive remedy should be installed within the plant for it to receive any form of approval and it would be appropriate to examine the common wind direction for this facility in relation to the residential area which is very close at hand. 4. The area is already subject to 24 hours of noise a day due to container operations and a facility of this type should be restricted to the normal 40 to 50 hours a week with no night or weekend operations other than end of week maintenance so that local residents get to have some reduction in noise levels. 5. The location is within a major sea port but has nothing to do with port operations or port trade and is purely a landlord importing another business onto his land. It would increase the HGV traffic in the area which is already overburdened and in turn will bring an increase in poor air quality for the adjacent residents and will add to the increase in noise from both vehicles and operational activities. I would ask that you look at the map of the local residential area in relation to the proposed facility as well as the records relating to 'general wind directions' and the likelihood of 'sound' and 'dust' discharge directions.
Summary of actions taken or show how this has been covered
1. As part of the determination process we asked the applicant to undertake a detailed noise assessment to determine the likely impact of noise at nearby receptors. We have assessed the noise impact assessment (see 'Key Issues' section') and consider that the site will not cause additional noise to nearby residents.

2. *Vehicles on the roads are outside of our remit and are a matter for the planning authority.*
3. *As part of the application the applicant has provided information regarding wind speeds and directions which we have verified and have considered as part of our determination of the risks from the facility. As the prevailing wind direction is towards residents, we have required the operator to review the site's infrastructure and management plants for controlling dust. We are now satisfied that the site has sufficient infrastructure and controls in place to adequately manage dust as specified in the 'Key Issues' section above.*
4. *We do not set conditions with respect to operational hours in environmental permits as this is a matter for the local planning authority. However, we have asked the operator to confirm their operating hours as part of the determination of the noise impact assessment and they have stated that they will be operational between the hours of 7am to 6.30pm Monday to Saturday.*
5. *The location of this activity and the land use are matters for the planning authority. We are satisfied that the operator has adequate measures in place to control noise and dust (see 'Key Issues' section above) and that the location of receptors and prevailing winds have been taken into account in the assessment of the impact of emissions from the site.*

Response received from
Public Response
Brief summary of issues raised
1. Concerns about the fire in the scrap metal location which took days to put out. Location of a hazardous waste facility in this area is an alarming idea as hazardous waste and fire are a bad mix. 2. The environmental risk assessment states that 'receptors are unlikely to experience an increase in noise levels', how can the operator state this when the operator has not specified the opening and closing hours and no indication of the volume of vehicles expected to come into the site each day.
Summary of actions taken or show how this has been covered
1. The operator has addressed the possibility of fire and other risks within the H1 risk assessment. We are satisfied that the operator has sufficient controls in place to ensure that risk from fire is minimal. The operator has pre-acceptance and acceptance criteria in place which will identify where the waste has come from, the tonnages of each load and the hazards associated with handling the waste. The waste types to be accepted will be have low flammable properties. *2. We have assessed the applicant's noise modelling and are satisfied that the facility will not cause nuisance at offsite receptors, see 'Key Issues' for further details. Regarding the environmental risk assessment, please see our response to point 4 in the discussion of the public response immediately above.*

Response received from
Public Response
Brief summary of issues raised
1. Concerns about the proximity of the facility to residential houses which are only 150 m away. Concerns about hazardous material and whatever chemicals it contains being washed into the Solent as is done by the other two operations, where the discharge was not caught by filters. 2. Several other points to raise, i.e. where will they move the existing woodchip to accommodate for the new site and also smell, pollution, transport, poor road conditions.
Summary of actions taken or show how this has been covered
1. Since this application was first submitted, the operator has updated the application to include the proximity of the residential houses and the risk assessments have also been updated accordingly. Additional infrastructure has been put in place to control dust within the storage bays and we are satisfied with the management plans provided by the applicant on how fugitive emissions will be controlled. The site has been designed to withstand a 1 in 100 year flood event to ensure containment of surface water. The operator is not authorised to discharge to the Solent as all surface water and process waster is collected and used in the process so there is no discharge of water from the site. Any spent wash water that is not suitable for re-use within the process will be tankered off-site to an appropriate facility for disposal or onward treatment. *2. The facility will be a standalone facility and will not be associated with the Solent Stevedores site. We have assessed the applicant's odour assessment and management plans and conclude that there are sufficient controls in place to adequately control odour. We have included conditions within the permit which require the operator to undertake dust and VOC monitoring and we have the ability to review any aspects of the operator's management plans, if required, through permit conditions. Transport and road conditions are not within our remit and are matters for the planning authority.*

Response received from
Public Response
Brief summary of issues raised
1. Port related activities are permitted within the port, the facility is not a port related activity so how can it be considered a port activity. 2. The website for the applicant indicates that they are already carrying out this activity at the Southampton Docks, how are they able to operate without a permit. 3. How can the applicant claim that 'receptors are unlikely to experience an increase in noise levels as there is an existing high level of background noise due to...'. Where is the fact based evidence to support this claim?

Summary of actions taken or show how this has been covered
1. Land use is a matter for the planning authority. *2. We have checked the website and it does state that this activity is already being undertaken at the Southampton Docks. However, we are aware from having visited the site that the activity has not yet commenced at this site, although we understand that the infrastructure may be already being set up. If the operator undertakes the activities without a permit being granted, we could carry out enforcement in accordance with our enforcement policy.* 3. *We disagreed with the applicant's initial assessment that the facility will not cause noise, however we are not satisfied that the facility will not cause adverse noise at offsite receptors. This is covered under the 'Key Issues' section above.*

Response received from
Public Response
Brief summary of issues raised
1. Residential property is approximately 150 m from the site, rather than 440 m quoted in the application. 2. The applicant did not enclose a site map showing the properties in question. 3. Because the studies have been undertaken based on 440 m to the nearest residents, the whole application is wrong and misleading and the operator has not considered impacts of more than 500 m. 4. The occupants of my house are ill and a factor could be the processing of alleged hazardous contaminated wood next to their home where the dust is evident inside the house. It has been suggested that my occupants keep their windows closed to prevent pollution entering the house, which is ridiculous as air needs to enter the house and air pollution comes though the ventilation system in any case. 5. The application is for processing contaminated soils, the soil cannot be left in its previous location because of the hazards to health, the soil will contain some very nasty chemicals. 6. Testing of samples is complex and unless you know what you're testing for, it is not possible to identify the hazard. The operators will rely on tests previously done on samples that are not for the actual load being delivered. It is possible for the loads to be contaminated with unidentified hazardous as well as the identified hazards that will pose a risk to the occupants of the house. 7. The proposal to process this product next to the house is not acceptable and the applicants would not be happy if the plant was next to their home. This operation would never be put next to the Prime Minister's residence. Why does anyone consider it acceptable to put this operation next to a property where the occupant does not have the same status. 8. The processing of soil produces dust at many stages of the operation and this dust will release into the atmosphere and will be deposited in side my house as well as properties further inland. 9. The suggestion of manually sprinkling the whole site as necessary with water to prevent dust is unrealistic as this would need to be carried out 24/7. In summer the water would evaporate very fast. 10. Presume that the wood processing plant is also supposed to suppress

dust with water. Of course this does not really happen and the idea is a joke.

11. The applicants have not ruled out that where will be significant odour emissions, i.e. volatile organic compounds will be released from the process into the atmosphere which can smell and be hazardous.
12. Because my home is so close to the proposed site, it will be impossible for my home not to become contaminated by the proposed site if operational.
13. I have enclosed part of the "Corby Judgement" which states that a distance of 4 km is still dangerous. There is no hope for my home if the proposal goes ahead.
14. Air quality in Southampton Docks and neighbouring areas is one of the worst areas in the country for air pollution. Southampton is also an area where asthma is more prevalent. There used to be air monitoring but it is my understanding that most of this monitoring has stopped so this problem could be out of control.
15. It is about time something was done about the pollution so matters are improved in Southampton and not made worse.
16. The permit effectively allows 1000 tonnes a day for the working week i.e. at least 20 lorry loads which equates to 50 lorries bring hazardous waste in and 50 lorries removing product, this is a significant amount of vehicle movements.
17. The noise will be an issue due to the large number of extra vehicle movements and extra plant and machinery running.
18. The vehicles are to have low volume bleepers. Reversing bleepers are required by law and low volume bleepers are not suitable for a noisy environment where the operators may wear ear protection. Low volume reversing bleepers is also a ridiculous idea as wheeled loaders do run over people. in addition there will be thousands of trucks using the facility and they cannot all have low volume reversing bleepers. The noise will be an issue as it is right next to my home.
19. I urge the Environment Agency not to grant this permit to what is an unsuitable site.

Wood Processing permit

21 – 28 haven not been repeated here as they are not considered to be consultation responses and / or repeat matters raised elsewhere in the response.

29. A permit has already been granted to Solent Stevedores based on the wrong distance criteria i.e. no residents within 400 m. The occupants of my house now suffer the dangerous dust and fumes carried into their home by prevailing wind by the alleged processing particle board worktops laminated in plastic, treated wood etc that is taking place just a few metres away.
30. The products being treated on site are not covered by the Permit however nobody is able to stop the unauthorised activity as the operators blame the public for contaminating the wood before it arrives.
31. The Agency should be aware of the dangers of products that cannot be described as 'pure natural wood' where the List of Waste classify some of

the alleged product as Absolutely Hazardous.

32. It should not be necessary to go into details of chemicals in the alleged products that are being processed and how dangerous they are.
33. Even MDF releases Formaldehyde which is a serious health hazard when wet or is openly burnt. The products of MDF are known to be carcinogenic and cause serious medical problems.
34. The managing director of Solent Stevedores said, as a result of the recent fire, 'There are no known or harmful or noxious substances contained within the affected product'. It is clear that the managing director cannot describe the product as wood and assume that he means that while there are no known harmful or noxious substances, there may be.
35. The Agency should be aware that ABP have approached me to buy my property and its clear to me that the waste operations are reducing the sale value of my property. I must ask the question, are the waste operations part of the plan to reduce the value of my property.
36. The facility does not have a permit to process MDF, particle board, particle board worktops laminated in plastic, treated wood etc. The occupant has complained many times to the EA. I wish to start a formal complaint procedure because non wood product is allegedly produced without an environmental permit for non wood product and because the operation is too close to my house and I understand the Agency was mislead with regards to the proximity of the site to my house.
37. I request that the Agency withdraw the permit immediately.

Additional comments received on the 16/03/15

A) Understand that there is no permit in place to process MDF, particle board, laminated worktops, treated wood etc.

B) Occupant has complained may times regarding the dust and noise from the wood plant,

C) The permit for this facility should be withdrawn.

D) The facility is a hazardous toxic waste plant and having experienced problems with the present plant, believe the new plant will be much worse, my house is simply too close to the proposed site, the proposed site is simply not suitable.

E) The Corby Judgement identified Toxic hazardous waste dust travels at least 4km at least, endangering many occupants of Southampton.

F) The whole system has to be considered from delivery of vehicles entering the site. There will be significant emissions to air and further assessment is required.

G) Dust will be released during the loading of the hopper and it is impossible to dampen the Toxic hazardous waste so there are not any dry samples at any time releasing dust to air.

H) It is impossible to dampen stockpiled wastes 24/7 using water sprinklers.

I) Sheets on trucks are not air tight or sealed and do not prevent air blowing under the sheet. Dust is therefore released to the atmosphere. When loads are tipped it is not possible to wet the whole load to prevent dust. Unloaded trucks will still contain Toxic hazardous waste which will be released to the atmosphere.

J) The waste plant is very close to my house and the noise generated will not be screened by the building. The port activities generating noise are much further away. Presumably the washing plant will be running outside normal working hours as the system will be automated. The noise from these systems can be detrimental to one's health when so close. Would the MD of Hazardous Waste Management Ltd agree to such a plant 170m from his home.

K) There will be odour emissions of Toxic hazardous waste to consider.

L) There will be VOC's emissions of Toxic hazardous waste to consider.

M) Hazardous Waste Management Limited have agreed there will be emissions to air and this will have "increased risk," therefore a detrimental impact on the local occupants. The proposed site is not suitable.

Summary of actions taken or show how this has been covered

1. *The applicant has amended the application to update the distances to the nearest residential houses.*
2. *We have reviewed our own maps to determine the location of the houses in question, note that these will not appear on the site plan for the draft permit as this will show the installation boundary only.*
3. *The application has been updated with the new distances, the risk assessments reviewed and the operator has considered the impacts on the nearest receptors as per our guidance.*
4. *This matter is not relevant to our consideration of the applicant's application and therefore we are unable to consider it as part of our determination. We are not able to comment on residents being told to keep their doors or windows closed as we did not give this advice.*
5. *The soils will contain some hazardous substances, however we have, through the permit determination process, restricted the operator to being able to take only four types of hazardous soils which will come from four different types of land remediation. We are unable to provide comment on why the soils are being removed from their locations as this will be due to planning and land remediation matters. We will require the operator to maintain records which we will inspect which will show where the soils have come from. The restrictions we have set in the permit will ensure that the waste can only come from certain types of projects.*
6. *The operator will know, through the pre-acceptance procedures, where the wastes have come from (it is the producer's responsibility to provide this information) and what the contaminants or hazardous properties of this waste will be. The treatment technology will only be suitable for*

particular types of waste and these are the wastes we have included in schedule 2 of the permit. The operator has procedures in place to deal with unsuitable wastes in the event that they receive wastes which are not permitted or are not suitable for the treatment. The operator is required to keep records of the waste that is received on site and the wastes which are rejected and we will inspect the records to determine that the operator does not accept wastes which cannot be processed through the facility and, if these wastes are received, that they have been quarantined and removed from site as per the operational techniques. It is in the operator's best interests to only accept wastes which they know can be treated as their aim for this process is to create a product that will be suitable for onward use. Any wastes which have been accepted at the site but which cannot be treated will have to be removed from the site at the operator's own expense.

7. *The location of the facility is a matter for the local planning authority to determine so we are not considering this matter further.*
8. *The soil washing process itself is fully enclosed, therefore any dust at the site will be associated with activities around the storage areas and site movements. We have specified monitoring for dust within the permit based on our M17 guidance, and the operator has put in place management techniques and infrastructure to contain and control dust including speed restrictions. All vehicles which will bring onto or remove material from the site will be sheeted. The conveyor belt which delivers materials to the soil washer will be enclosed. The bays which hold raw, finished and quarantined material will be covered, a wheel wash will be provided to ensure mud does not track off site and cause dust. The operator will ensure minimisation of drop-heights when moving material around the site, sprinklers will be employed to dampen surfaces, the storage bays and material when it is being moved around the site. Regular housekeeping will be employed to ensure that surfaces are kept swept clean and any spilt material is dealt with as soon as is practicable.*
9. *We agree that manual sprinklers will only work while site personnel are present to ensure that the dust is managed. It should be noted, however, that outside of operating hours the facility will not be in use and so the activities that would cause dust releases will not be occurring. We consider the stockpiles to be the main likely source of dust outside of operating hours. We have required the operator to place covers over the storage bays to ensure that while the site is not operational all stockpiles are contained and sheltered from wind and the operator will be required to ensure good housekeeping is undertaken to ensure that the site is clean at the end of each day.*
10. *This matter is not relevant to our consideration of the applicant's application and therefore we are unable to consider it as part of our determination.*
11. *We have set provisions within Tables S2.2 and S2.3 of the permit which restrict the operator to take low odorous loads only as is stated within the operator's application. The operator has stated in the application that highly odorous loads will be rejected or moved to the quarantine area for removal off site and any loads that become odorous during the storage and bulking phase will be processed as a priority. We have inserted*

conditions within the permit which require the operator to operate in such a way so as to minimise odour and if odours do occur, we can require the operator to update their operational techniques to add additional abatement techniques to contain odour or change the permit to further restrict particular types of wastes.

12. *We are satisfied that the operator has sufficient infrastructure and management techniques in place to adequately contain fugitive emissions. We do not consider that this facility will cause contamination at offsite receptors.*
13. *The judgment in the Corby group litigation is specific to the facts of that case, which concerned a remediation project of a steel works facility that dealt with toxic waste rather than a soil washing facility. While the components of the soils will have hazardous properties due to the concentrations of the contaminants within the soils, they are not toxic and will not have toxic properties. While we are unable to control traffic outside of the facility as this is a matter for the planning authority, the applicant has stated that all lorries which deliver to the site will be sheeted so as to prevent fugitive emissions. In the Corby case, it was stated the area of risk was 4miles from the demolition site, but the area for exposure will vary depending on the circumstances of each case and that proper risk management is key. We have assessed the risk from the facility and assessed the operator's dust management techniques at the site as stated above, and consider them to be sufficient to control dust in accordance with BAT.*
14. *The facility is not within any of the AQMAs although it is within close proximity of them. We have assessed the operator's techniques for controlling aspects of the facility that, if not managed properly, could contribute to air quality pollution, specifically dust. We consider that the operator has the appropriate infrastructure and management techniques in place to manage all aspects of the facility. Given the sensitivity of the location, we have specified dust monitoring and limits within the permit. We have required the operator to review their dust management plans within six months of operation to ensure that the techniques they proposed in the application are working as expected and to determine if any additional abatement equipment is required to prevent dust impacting on nearby residents. We will inspect the facility to ensure that it is operating in accordance with the permit and to ensure that all infrastructure is in place and is fit for purpose. If the site is being operated outside of the bounds of the permit we will review our enforcement options and act accordingly. We are unable to comment on the cessation of the air quality monitoring as this is a matter for the local authority.*
15. *We regulate all facilities within the Southampton Docks that hold an environmental permit. Our records show that the facilities we regulate are generally compliant with their permits. Other causes of pollution at the docks are outside of our jurisdiction and are a matter for other authorities.*
16. *We have specified in the permit that no more than 1000 tonnes per day of waste can be treated. The operator is limited to the amount of waste that can be accepted, stored and treated due to the site's infrastructure capacity. The number of vehicle movements on the roads is a matter for the local planning authority.*

17. *Noise due to vehicle movements outside of the site is a matter for the local planning authority and we are unable to comment further on this matter. We have required the operator to undertake detailed noise modelling for the facility and after auditing the noise modelling, we agree with the operator's assessment that the facility will not cause any additional noise impacts (see 'Key Issues' section above).*
18. *The operator has management plans in place to ensure noise is kept within acceptable limits, i.e. moving loads through quickly to prevent a backup of lorries, the requirement to switch off vehicle engines when the vehicles are not in use and the low volume reversing bleepers and muffling on other machinery to contain noise. We consider the low volume bleepers to be an acceptable operating technique to mitigate noise at the site and its suitability with regards to safety to personnel and visitors to the site is a matter for the Health and Safety Executive.*
19. *We cannot refuse to grant a permit based on the location of the facility, save on the basis of environmental impacts. We consider that this application meets the requirements as set out in the Environmental Permitting Regulations and that the operator has appropriate management and infrastructure in place to ensure that the facility will not adversely impact upon the environment. The location of this activity is a matter for the planning authority.*

Wood Processing Plant

20 to 28 – these have not been addressed separately. Where matters duplicate those under other numbered points, these are addressed in response to those points.

29. *The content of the permit application for Solent Stevedores is not relevant to our consideration of the applicant's application. We are satisfied that the information contained within this application is correct and accurate. We are satisfied that the applicant has sufficient management techniques and infrastructure in place to minimise impacts on offsite receptors. The permit conditions contained within the draft permit are designed to ensure that the activity does not result in pollution. We do not have any reason or evidence to suggest that the applicant will not comply with the conditions of the permit and will take action against the permit holder if noncompliance does occur.*

30 to 34 - these matters concern another operator and are not relevant to our consideration of the applicant's application and therefore we are unable to consider them as part of our determination.

35. *The Hazardous Waste Soil Washing Facility has been determined purely on its merits and the suggested abatement and management techniques. If these techniques meet the required standard and the operator can demonstrate that they can operate the facility in such a way so as to avoid pollution and impacts on local residents and in accordance with the Environmental Permitting Regulations, then we do not have reasonable grounds to refuse a permit application.*
36. *This consultation response has been treated as a formal complaint and has been sent to the local area officer in accordance with our complaints procedures.*

37. We have passed this request to the local area officer in accordance with our complaints procedures.

Additional comments received on the 16/03/15

A – C these are not relevant to our consideration of the applicant's application and therefore we are unable to consider them as part of our determination.

D) This matter has been addressed under point 12 above.

E) This matter has been addressed under point 13 above.

F) The system has been considered in its entirety, see 'Key Issues' and Operating Techniques in Annex 1.

G) This matter has been considered as part of the determination process, please see 'Key Issues'.

H) This matter has been considered as part of the determination process, please see 'Key Issues'.

I) HGV movements outside of the permit boundary are not within our remit and are a matter for the planning authority. All vehicles that arrive on the site must be appropriately sheeted and this is included in the operating techniques for the site (Table S1.2 of the draft permit). With respect to on-site matters, the applicant's operating techniques include measures to control dust emissions as outlined in the 'Key Issues' section.

J) We have asked the applicant to undertake modelling without the building, please see 'Key Issues'. Operating hours are outside of our remit and are a matter for the planning authority, however, our audit of the noise assessment takes into account operating hours.

K) Odour has been considered as part of the determination process, please see 'Key Issues'.

L) VOC's have been considered as part of the determination process, please see 'Key Issues'.

M) We have included emission limits and monitoring requirements in the permit for dust and VOC's (as benzene). The permit and waste acceptance criteria sets limits on odour.

Response received from
Environmental Health
Brief summary of issues raised
1. There are two properties within 170 m of the facility rather than 400 m 2. Odour risk and management plan identifies the nearest receptors as over

440 m when the nearest is 170 m, would like to know how water will help with odour control and sheeting has not been assessed. For the treatment to be non-odorous it would have to be fully enclosed and fugitive emissions considered but this has not been proposed.

3. Noise and vibration plan is subjective as it has not identified the nearest receptors and the operator has not justified the claim that receptors would not be impacted by noise. Without an existing acoustic report this is unjustified.
4. There is potential for dust to be deposited in and around houses with the delivery of vehicles, this has not been discussed properly.
5. Wastes that have been stored and treated may have the potential to release VOC's, this has not been considered.
6. Emissions monitoring plan – Dust, VOC's and odour, six months is too short a time to ensure no impact, no standard odour trigger level and discretion is given to the operator as to what course of action to take, should this decision not be communicated to the EA if odour is detected. How long is weather data etc to be maintained on the site?

Summary of actions taken or show how this has been covered

1. *The applicant has updated the application with the correct distances to receptors.*
2. *Water is a common technique to treat odour, the water binds to the particles that cause odour and stop them rising into the atmosphere and travelling off site. The treatment system itself is fully enclosed and we have considered all aspects of fugitive emissions as noted within the 'Key Issues' sections.*
3. *We have required the applicant to undertake noise modelling in support of the application as we were not satisfied with the assumptions within the application. We have audited the applicant's noise modelling and agree with the conclusions reached by the applicant that the facility will not adversely impact on local residents and other sensitive receptors.*
4. *All vehicles that arrive on-site will be sheeted. We are satisfied that we have sufficient controls in place to control and monitor dust within the site boundary so as to protect offsite receptors.*
5. *We have required VOC monitoring within the permit. Further we have included conditions (in Tables S2.1 and S2.2) to ensure that loads which are obviously contaminated by hydrocarbons are not to be accepted at the site.*
6. *We agree that six months of monitoring is too short and consider that monitoring should be undertaken for the lifetime of the permit and we have specified this in the permit. We are unable to set odour levels within the permit as these are subjective and will be heavily influenced by other activities occurring within the dock. We prefer to ensure the site is managed in accordance with the requirements of the environmental permit and that the waste acceptance criteria are adhered to. The site will be required to mange odour in accordance with permit conditions and we will review the permit and consider enforcement action if we consider that the facility is causing odour offsite. The applicant has stated that they will keep records of weather and wind direction, this has been written into the permit via the operating techniques and it will be up to the applicant to determine how this will be achieved. Condition 4.1.1 of the permit requires that*

records that are required to be made are kept for a minimum of six years.

Response received from
Public Health England
Brief summary of issues raised
1 Nearest residential property is 440 m from the site. Potential health concerns would relate to fugitive emissions to air from odours, dust and volatile organic compounds. Provided the applicant employs appropriate measures emissions to air should be kept to a minimum. Compliance with the legislation together with good management should ensure that the site will present low risk to local human receptors. Based on the application, the development does not present any obvious cause for concerns.
Summary of actions taken or show how this has been covered
1. As the receptors are closer than first indicated, we have required further controls at the site to manage fugitive emissions. The applicant has stated that they will employ additional dust control measures including providing stockpiles, the quarantine area and the finished products with sheeting to prevent dust emissions, we have required monitoring of VOC's (benzene) and dust as per Table S3.1 and have substantially limited the waste types to those we consider suitable for the treatment proposed at this facility and have limited the operator to take low VOC content material only to prevent odours. We have also required the operator to undertake a full review of the odour management plan as part of the permit requirements. *2. We have contacted the officer from Public Health England who made the original consultation responses as these responses were based on a distance of 440m and have forwarded the updated information regarding additional infrastructure and management plans. The officer from Public Health England has confirmed that their original response is still valid, based on the additional infrastructure.*

Response received from
Cllr Jeremy Moulton
Brief summary of issues raised
1. Concern about the lorry movements that the facility would generate, concerns that the soil would come in by road rather than by sea. Concerns that it is not clear that the operating hours are intended to be and would this be a matter that is determined under the Environmental Permit Application, or would this be a matter for a subsequent planning application?
Summary of actions taken or show how this has been covered
1. These issues are matters for the planning authority as the Environment Agency does not have legal powers to regulate traffic, control business hours or to control how the waste is to be brought to the site.

Response received from

Cllr Steven Galton
Brief summary of issues raised
1. The receptors within Table 2, Section 2 of the application have not included all the receptors that I would expect to see. There are a number of cafes, takeaways, gambling establishments, garages, and retail stores on Millbrook Road West and these are not accounted for in the application. There are a number of commercial and industrial units off Third Avenue, just the other side of the docks, which includes a City Council Depot Site. Most importantly there is a 5 aside centre Millbrook Recreation site which is 300 m from the application, the leagues run 7 days a week and there is a licensed bar premises on the site. As people are partaking in strenuous physical exercise, air quality and emissions is a major concern here. 2. The site is designated an AQMA and detailed odour and sound pollution modelling should be submitted with the application to see how pollution would be adequately mitigated for residents, workers and surrounding businesses. The process system itself seems to be fully enclosed, however the storage and even rejected loads do not seem to have this level of protection, is it advisable to fully enclose and contain material within the site? 3. The application seems to indicate that they will monitor the site for 6 months and then react to any issues, it is critical that we are proactive and ensure that there are no issues from day 1 if a permit is granted. 4. This particular area of the docks has seen two large scale fires, how much risk is there from embers from nearby large scale fires? This risk hasn't been considered or explained at all. 5. The whole area is reclaimed land and as such at a higher risk of flooding. The wastewater site and the King George docks are deemed a high risk for flooding but this has been ignored within the application. 6. Fail to see how this is a dock related development, one of the conditions required to have a facility within this area. 7. The residential properties are around 150 m from the site rather than the 440 m quoted for Millbrook Road West. As such the application measures for mitigating risks should take this closer distance into account for any permit determination.
Summary of actions taken or show how this has been covered
1 The operator has updated the application to include the closest receptors, including residential receptors, commercial and industrial receptors, habitats and recreational areas (Table 2 – Location of potential receptors in relation to waste operations). Our location criteria within our Operational Risk Assessment (OPRA for Installations), states that the operator must assess the impacts on the closest of the receptors, which the operator has done. *2 We have set conditions on the operation of the site in the permit requiring the operator to control all fugitive emissions, including dust. While we have determined that the facility is not within an AQMA, we are aware that the facility is in close proximity to the AQMA and so have required the operator to provide covering for the stockpiles, quarantine area and storage area for finished product to prevent fugitive emissions of dust. We have included monitoring within Table S3.1 of the permit for dust and benzene and have*

added an improvement condition within the permit which requires the operator to review the dust management plan to determine if there are any additional measures that need to be taken to ensure dust does not adversely impact offsite. It should be noted that we have conditions within the permit which allow us to direct the operator to undertake any additional works or review management plans as we consider necessary to control emissions. We will be inspecting the site regularly and would encourage any members of the public to contact us if the site does cause dust so that we can deal with the matter in a timely manner and to ensure the operator complies with the environmental permit.

3 *We have required the operator to monitor for VOC's (benzene) and dust (PM_{10}), within schedule 3 of the permit to ensure protection of residents and the environment. We agree that six months of monitoring is too short and consider that monitoring should be undertaken for the lifetime of the permit and we have specified this in the permit.*

4 *The applicant has provided a fire risk assessment which demonstrates that they will have a fire safety plan in place, which will include ensuring incompatible loads are kept separate and sufficient fire fighting equipment and training is provided to ensure that a fire can be adequately managed should one arise. While fires from other sites are always a risk at any premise, we are satisfied with the provisions in place at this facility to prevent and control the risk from fire.*

5 *We asked the operator to demonstrate that the site has capacity to deal with a 1 in 100 year flood which we consider to be appropriate and they have done so to our satisfaction. This is to ensure that the site has the capacity to contain any flood water, fire fighting water or surface water so as to prevent unauthorised discharges from the site and to protect the environment.*

6. *Whether this facility can be situated within the dock is a matter for the planning authority and should be addressed through the planning process.*

7. *The operator has updated the application documents to reflect that there are residential receptors closer to the site than initially indicated within the application.*