

Permitting decisions

Variation

We have decided to grant the variation for Western Power Distribution operated by Western Power Distribution (East Midlands) Plc.

The variation number is EPR/CB3906SL/V002.

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 provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account.

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination;
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account;
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

This variation introduces the following changes:

- the amount of waste insulation oil stored on site at any one time will increase from less than 50 tonnes to a maximum of 65 tonnes becoming a Schedule 5.6 A(1)(a) activity.
- the installation boundary will also be extended to include an additional storage area and workshop.
- the activity of de-oiling/draining transformers/equipment. This will take place in the workshop and in the area where the equipment will be stored both are within buildings with impermeable floors without drainage, so providing an area of containment. The draining and de-oiling will take place on bunded pallets. The transformers hold up to 61 litres of oil and the bunded pallets can hold 200 litres and one transformer is used per bund. The oil is removed by a motorised pump into a waste oil drum which is then transferred and stored in the Rhino bund.

The rest of the site will remain unchanged.

The waste oil will be stored in drums within two self-bundled 'Rhino Stores' on a concrete (impermeable) base. The capacity of each bund is greater than 25% of its storage capacity.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>The consultation opened on the 6 November and closed on the 4 December 2017.</p> <p>We consulted the following organisations:</p> <p>The Food Standards Agency;</p> <p>Public Health England and the Director of Public Health;</p> <p>Local Authority Environmental Protection;</p> <p>Health and Safety Executive.</p> <p>The comments and our responses are summarised in the consultation section.</p>
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. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>There is 1 Local Nature Reserve, 39 Local Wildlife Sites and 3 Ancient Woodlands within 2 km of the Installation.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or</p>

Aspect considered	Decision
	<p>habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Permit conditions	
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:</p> <ul style="list-style-type: none"> • they are suitable for the proposed activities; • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable. <p>We made these decisions with respect to waste types in accordance with SGN 5.06</p>
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and

Aspect considered	Decision
	<p>the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
H.S.E
Brief summary of issues raised
No comments on the application.
Summary of actions taken or show how this has been covered
No actions.

Response received from
Public Health England
Brief summary of issues raised
There are no emissions of potential concern, however ask that the Environment Agency takes account of the following: <ul style="list-style-type: none">- lack of detail regarding the decanting process- insufficient detail regarding containment in areas where the decanting will take place- omission of a site incident management /fire management plans
Summary of actions taken or show how this has been covered
The applicant provided further information by email dated 06/12/17 ,12/12/17 and 19/12/17. <ul style="list-style-type: none">- The decanting processes will take place on bunded pallets , the transformers hold up to 61 litres of oil and the bunds hold over 200 litres of oil , only one transformer is used per bund. This decanting will take place in the workshop and in the area where the equipment will be stored both are within buildings with impermeable floors without drainage, so providing an area of containment.- The oil will be removed by a motorised pump into a waste oil drum which is then transferred and stored in the rhino bund. The pump is a dual sealed pump to allow the oil to be transferred from container to container with low risk of spillage or contamination.- A general fire risk assessment for the site has been provided along with the emergency plan and preparedness. There is no requirement for this site to have a fire prevention plan as the fire prevention guidance does not apply to waste which is hazardous (excluding waste electrical and electronic equipment (WEEE), but including hazardous waste batteries accepted as a separate waste stream, covered by Sector Guidance Note 5.06) or liquid.

No other response from other consultees or the public were received.