

Permitting decisions

Variation

We have decided to grant the variation for Sims Avonmouth operated by Sims Group UK Limited.

The variation number is EPR/PP3099FM/V004

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:

- 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
- summarises the engagement carried out because this is a site of high public interest
- 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

1 Our decision

We have issued a Variation, which will allow the Operator to operate their facility as an Installation, subject to the conditions in the varied Permit.

This Variation does several different things:

- **First**, it gives effect to our decisions following the identification of the Operator as undertaking a “newly prescribed activity” (NPA) under the Industrial Emissions Directive (IED);
- **Second**, it takes the opportunity to bring earlier variations into an up-to-date, consolidated Permit. The consolidated Permit should be easier to understand and use; and

- **Third**, it modernises the entire Permit to reflect our current template. The template reflects our modern regulatory permitting philosophy and was introduced because of a change in the governing legislation. This took place when the Pollution Prevention and Control (England and Wales) Regulations 2000 (“PPC”) were replaced in 2008 by a new statutory regime under the Environmental Permitting Regulations 2007 (now the 2016 version).

The introduction of new template conditions makes the Permit consistent with our current general approach and philosophy. Although the wording of some conditions has changed, while others have disappeared because of the new regulatory approach, it does not affect the level of environmental protection achieved by the Permit in any way.

We consider that, in reaching our decision, we have taken into account all relevant considerations and legal requirements and that the Permit will continue to ensure a high level of protection is provided for the environment and human health.

The original Permit, issued on 17th December 1993, ensured that the facility would be operated in a manner which would ensure the protection of the environment specified in the existing Guidance at the time. To the extent that we have substantively altered the Permit as a result of this variation, the new requirements will deliver a higher level of protection to that which was previously achieved.

As we explained above, we do not address changes to the Permit in this document, to the extent that they give effect to either the consolidation of earlier variations, or introduce new template conditions.

2 The legal framework

The original Permit was granted on 17th December 1993 as a Waste Disposal License under the Control of Pollution Act 1974, which was superseded by the Environmental Protection Act 1990.

The Installation will be subject to the requirements of the Industrial Emissions Directive (IED) 2010/75/EU and regulated under the Environmental Permitting (England and Wales) Regulations 2016 (SI 2010 No 1154). The IED was transposed in England and Wales by the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 on 27 February 2013.

The IED seeks to achieve a high level of protection for the environment taken as a whole from harmful effects of industrial activities. It does so by requiring each of the industrial installations to have a permit from the competent authority (in England, the Environment Agency, or for smaller Installations, the relevant Local Authority). The IED has increased the number of activities that require an Installations permit. These are predominantly regulated as “waste operations” and include (when exceeding specific thresholds described in IED):

- hazardous waste treatment for recovery;
- hazardous waste storage;
- biowaste treatment – recovery and/or disposal;
- treatment of slags and ashes;
- metals shredding;
- pre-treatment of waste for incineration/co-incineration;
- biological production of chemicals; and
- independently operated wastewater treatment works serving only industrial activities subject to the Directive

Article 11 of the IED requires the relevant authority (the Environment Agency in this case) to ensure that the Installation is operated in such a way that all the appropriate preventative measures are taken against pollution, in particular through the application of Best Available Techniques (BAT). Under Article 15(2), the Permit must contain emission limit values (ELVs) (or equivalent parameters or technical measures) for any pollutants likely to be emitted from the Installation in significant quantities. These ELVs are to be based on BAT, but also on local factors and EU Environmental Quality Standards. The overarching requirement is to ensure a high level of protection for the environment and human health.

We are required by Article 13 of the IED to keep abreast of developments in BAT. In addition, Article 13 requires us to carry out a periodic review of the permit's conditions, and to update them if necessary.

The IED also requires the European Commission to organise an exchange of information between EU Member States so that what are known as BAT reference documents (or BREF notes) can be published, creating a level playing field across the EU, providing a consistent set of standards for new plant, to which regulatory authorities in the Member States can then have reference. These BREF notes are the basis for our own national sector technical guidance. The Commission is also required to update BREF notes on a regular basis. The waste treatment BREF notes are currently being reviewed and a final issue date is anticipated in 2016. Under the IED, all permits will be subject to review within four years of the publication of revised BREF notes. This means that we will need to do a further review against any new standards in the BREF notes at some time in the future.

The IED is to be implemented over several years commencing from 7 January 2013. For existing installations operating "newly prescribed activities", the relevant date for implementation is 7 July 2015.

3 How we reached our decision

It is the Operators responsibility to ensure they are correctly regulated for the activities they are carrying out. Following adoption of the IED, the Environment Agency has engaged in a range of briefings and communications with the waste industry sector to raise awareness of the implications of the Directive and the need to ensure their facilities are correctly regulated (particularly after the implementation date of 7 July 2015 for newly prescribed activities).

Early in 2014, the Environment Agency provided further briefings to industry trade bodies and wrote to operators we believed may be implicated by these changes. We provided detailed information sheets that described the implications and the process operators should follow if they decided to have their activities permitted as Installations.

We confirmed that most facilities fell into one of two groups:

- Facilities permitted from April 2007

When these facilities were permitted, a thorough assessment would have been carried out to confirm whether the proposed activities were using "appropriate measures" as a standard to protect the environment.

This standard of protection is the same standards that would have been assessed against had the facilities applied as an Installation activity (i.e. BAT). The permit would have also been issued with modern conditions that ensured protection of the environment.

We consider that these facilities are effectively 'IED-compliant' in terms of the technical standard of the facility with the exception of the "newly prescribed activity". For these facilities, we consider that, in general, no further technical assessment is required, so administrative variations are an appropriate mechanism to show the activities as Installation activities. The administrative variation is a necessary route for the Operator to formally ask for this activity to be included in their permit and for us to advertise that request on our Public Register.

It is understood that the Environment Agency granted permits for new waste activities under the Waste Management Licensing Regulations 1994 beyond April 2007. Where a facility falls into this group, the Environment Agency shall determine whether or not the application was assessed using "appropriate measures". Where it is determined that the application was assessed using "appropriate measures", the application will be designated as an "administrative variation".

- Facilities permitted before April 2007

For these facilities, a "normal" or "substantial" variation is appropriate because a detailed technical assessment is required on aspects of the Application [ecological impact assessment, waste types, secondary containment etc.] in addition to the administrative changes.

Substantial variations will only be relevant where the newly prescribed activity is being added to an existing installation permit.

This Variation

The original Permit was granted on 17th December 1993 and subsequently varied on 9th May 2002, 7th November 2008 and 19th March 2013. We have reviewed the documentation submitted in support of the original permit and subsequent variation application(s) in this determination. We are not satisfied that the standard of protection was assessed using appropriate measures. Initially we were determining this application as a normal variation which will not have any negative effects on the environment, it is not a substantial variation and so did not require consulting on. However, part way through our determination the site was classified as a site of high public interest (HPI) and so we subsequently consulted on the application and the draft documents. A site will be classified as a HPI site when it is generating a lot of public interest, or has the potential to generate high public interest.

4 Key issues in the determination

The site at Royal Edward dock receives, processes and recovers ferrous and non ferrous metals from scrap and acts primarily as a source of ferrous feedstock for the steel manufacturing industry in the UK and abroad. A fragmentiser is installed at the facility which produces fragmented steel and a number of other products. In addition, ferrous metals are treated by sorting, grading and hot and cold cutting.

The site is permitted to undertake a range of waste management activities including;

- Storage and treatment of ferrous and non ferrous metals;
- Storage and treatment of general mixed scrap metal;
- Storage and treatment of Waste Electrical and Electronic Equipment (WEEE);
- Storage and treatment of depolluted ELV and storage only of polluted ELVs; and
- Storage of tyres

The storage of tyres is not currently undertaken at the site, a pre-operational measure has therefore been included requiring the operational plans and procedure to be updated and agreed before this activity commences.

The facility undertakes the recovery of non hazardous waste with a capacity exceeding 75 tonnes per day involving the treatment via shredding of metal waste and has the capacity to store more than 50 tonnes of hazardous waste, therefore the following IED activities are permitted:

- S5.4 A(1) (b) (iv) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components: and
- Section 5.6 A(1)(a) Temporary storage of hazardous waste in a facility with a total capacity exceeding 50 tonnes pending any of the activities listed in Section 5.1, 5.2 and 5.3.

The other operations at the site remain as waste activities.

The site located in a largely industrial area in Avonmouth and comprises a shredder yard and storage area (Q Berth). The two parts of the site are separated by a dock access road and connected by an overhead conveyor. Generally all material produced or stored at the site is exported via bulk carrier shipping at Q berth. Site drainage is via oil interceptors to surface water sewer.

1. Operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes –

- IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste;
- BRMA BAT recommendation document;
- Quick guide 384_12 – Storing and treating incinerator bottom ash;
- H3 – Noise assessment and control;
- H4 – Odour Management

Improvement conditions are included to ensure the site management system, noise management plan, monitoring plan and risk assessment are updated within 6 months of the issue of the permit.

2. Waste types

The original permit does not define the waste codes in detail, the Agency and Operator have agreed the waste codes that cover the current site operations and operating techniques and these are included in the permit.

3. Pre-operational conditions

Two pre-operational conditions have been included for the operator to submit revised operating techniques, fire prevention plan and risk assessment prior to accepting:

- end of life tyres for storage
- any of the hazardous wastes listed in Table 2.3.

4. Improvement conditions

An improvement condition has been added to the permit to submit a written procedure for the use of Best Available Techniques to trace and inspect baled wastes delivered to the site to include detailed monitoring and management of bale suppliers and processing.

Two improvement conditions have been added to the permit to submit a written management system to ensure that Activities (referenced in table S1.1 (A1 to A8)) are undertaken in accordance with Best Available Techniques and specifically to submit revised written procedures for approval to meet all the relevant BAT requirements for the receipt, storage and treatment of waste detailed in Sector Guidance Note IPPC S5.06 – Guidance for the Treatment of Hazardous and Non Hazardous Waste.

To address dust issues at site an improvement condition has been added for the Operator to submit proposals demonstrate they are preventing, or where that is not practicable, minimising emissions of dust and particulates by the movement and handling of materials by conveyor belt.

Two improvement conditions have been added to the permit for the Operator to carry out monitoring of the surface water discharged from point(s) A2, A3 and A4 and to submit a written report to the Environment Agency for approval that includes the results of an assessment of the impact of the emissions of surface water from the site using the Environment Agency's 'H1 Environmental Risk Assessment' tool and proposals for appropriate measures to mitigate the impact of any emissions where the assessment determines they have the potential to be significant, including dates for implementation of individual measures.

For their emissions to air, an improvement condition is included to undertake representative monitoring of the air discharged from point A1 and the ambient air and to submit a report which includes the results of an assessment of the impact of the emission to air from the site using the Environment Agency's 'H1 Environmental Risk Assessment' tool, proposals for appropriate measures to mitigate the impact of the emission where the assessment determines they are significant and details of appropriate measures for the operation and maintenance of the abatement system to ensure that where emission limits are proposed they are met or, where emission limits are not required, emissions remain insignificant.

An improvement condition has been added to the permit for the Operator to carry out tests and produce a report on the results to determine the size distribution of the particulate matter in the exhaust gas

emissions to air from emission point A1, identifying the fractions within the PM10, and PM2.5 ranges. The proposal shall include a timetable for approval by the Environment Agency to carry out such tests.

The site currently has a noise management plan (NMP). The plan requires revising to take into account the appropriate measures for noise control specified in section 2.9 of Sector Guidance Note IPPC S5.06 – Guidance for the Treatment of Hazardous and Non Hazardous Waste and all the required detailed information as specified in the Environment Agency's Horizontal Guidance H3 part 2 – Noise assessment and control. An improvement condition has been added to the permit for one to be submitted in line with the appropriate guidance.

A Fire Prevention Plan has been requested through an improvement condition in which the Operator outlines what measures have been designed to minimise the likelihood of a fire happening, minimise the length of time taken to extinguished the fire and minimise the spread of fire within the site and to neighbouring area.

5. Ecological impact assessment

The site is within close proximity to Severn Estuary SAC/SPA/RAMSAR which has many features and the Avon Gorge Woodlands SAC which has dry grassland/mixed woodland. However, as the variation is purely regulatory and does not impact on the habitat in any way, a consultation has not been sought.

Decision checklist

Aspect considered	Decision
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>We consider this application to be of high public interest.</p> <p>The application was advertised in Bristol Evening Post on 28/07/17.</p> <p>We consulted the following organisations:</p> <p>Bristol County Council, Health and Safety Executive, Public Health England, Director of Public Health.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</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.
Biodiversity, heritage, landscape and nature conservation	We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.
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>

Aspect considered	Decision
Operating techniques	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes –</p> <ul style="list-style-type: none"> • IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste; • BRMA BAT recommendation document; • Quick guide 384_12 – Storing and treating incinerator bottom ash; • H3 – Noise assessment and control; • H4 – Odour Management <p>The noise management plan has not been approved by the agency so we have therefore included an improvement condition in the notice which requires a review of the noise management plan within 6 months.</p>
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	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</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.
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>These are covered in key issues.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme these are explained in key issues.</p>
Emission limits	<p>ELVs and/or equivalent parameters or technical measures [based on BAT] have been added for the following substance:</p> <ul style="list-style-type: none"> • Total suspended particulates <p>Other limits may be agreed after improvement conditions are complete.</p>

Aspect considered	Decision
Monitoring	<p>We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:</p> <ul style="list-style-type: none"> • Total suspended particulates <p>Other limits may be agreed after improvement conditions are complete</p>
Reporting	<p>We have added reporting in the permit for the following parameters:</p> <ul style="list-style-type: none"> • Emissions to Air from point source A1 • Ambient Air monitoring • Emissions to water • production/treatment • water/energy/raw material usage <p>We made these decisions in accordance with the requirements for metal shredding facilities.</p>
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>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>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 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</p>

Aspect considered	Decision
	<p>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, newspaper advertising, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
<ul style="list-style-type: none"> • Appropriate measure for dealing with spillages • Fire management plans • Levels of dust emitted <ul style="list-style-type: none"> - How point source limit is derived - Fugitive dust sources monitoring appears to be on a one off basis - Query whether the conditions allow a future reduction in emissions - Proposal to consider an agreed scheme of assessment, monitoring and agreed thresholds or limits <ul style="list-style-type: none"> • Levels of noise – opportunity to restrict/control noise, particularly at night
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none"> • Improvement condition, IC3, has been included in the Notice which requires review of the Operators management system against Best Available Techniques which includes requirements for spillages and other accident management provisions. • The requirement for a Fire Prevention Plan has been included after consultation as an improvement condition, IC10. • The point source limit is derived from consultation with industry bodies in lieu of any formal guidance and set at a level which is considered a challenge for many operators but not more restrictive as the forthcoming BREF limit is likely to be. When the BREF is published there will be a 4 year programme to update existing permits. <p>The improvement condition for dust, IC7, requires the Operator to propose a regime for monitoring and that we will review. It does not conclude it is a one off event as the assessment is required first which will help to make informed decisions. The requirements for future assessment will be driven by these results. If at this point discussion with the Local Authority is required, this is the stage that this will occur. There is a standard condition in the permit at 3.2 not to cause pollution from emissions not controlled by limits and to take appropriate measures. This is re-enforced with the improvement condition requiring a dust management plan.</p> <ul style="list-style-type: none"> • Improvement condition IC9 requires a review of existing noise management plan however the site's operating hours is a consideration for the local planning authority.

Response received from
Bristol County Council - Pollution Control Team
Brief summary of issues raised
<ul style="list-style-type: none"> • The improved control a new permit will afford is welcome as would on-going consultation with regards to the improvement conditions particularly for noise and dust. • The application states that the treatment takes place on impermeable surface with sealed drainage and Bristol City Council would like to see further evidence to demonstrate this is correct. • Concern that more can be done to control dust/mud/debris mitigation measures and acknowledgement of the existing improvement condition. • Concern that improvement plans and environmental plans referenced are not included in the application.

- The suggestion that although the ship loading activity is outside the permit boundary that it would be sensible to include control of noise and ship loading operations in the improvement documents.
- Concerns over dust particularly from vehicle movements on unmade ground and hot cutting emissions again outside the boundary

Summary of actions taken or show how this has been covered

- There is a condition in the permit at 2.3.3 which requires that all activities shall take place on impermeable surface with sealed drainage. The site is an existing site and therefore any deficiencies would be dealt with through compliance at site.
- With regards to concerns over environmental and improvement plans not included in the application, there is an improvement condition, IC 3, requires review of the Operators management system against Best Available Techniques.
- The ship loading activity (which fall under the jurisdiction of the Local Authority) and the vehicle movements are outside the scope of the permit and cannot be included under these regulations.

Response received from

Health and Safety Executive

Brief summary of issues raised

No response received

Summary of actions taken or show how this has been covered

Response received from

Director of Public Health

Brief summary of issues raised

No response received

Summary of actions taken or show how this has been covered

Representations from local MP, councillors and parish/town community councils

Response received from

Bristol County Council

Brief summary of issues raised

- The plant needs the strictest monitoring regime in terms of noise and dust

Summary of actions taken or show how this has been covered

- There are improvement conditions included for both noise, IC9, dust management plan and a requirement to implement dust monitoring IC7 and IC8. An additional improvement condition IC3 requires a review of the Operator's management systems against Best Available Techniques. These require the Environment Agency to assess and agree their management plans and arrangements.

Representations from individual members of the public.

A total of 3 responses were received from individual members of the public.

Brief summary of issues raised
<ul style="list-style-type: none">Concern regarding reporting and how the local community is informed of problems/issues etc. A recommendation was suggested that there would be a point of contact and regular briefings given.
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none">Information about the site is available on our public register which can be accessed at the area office, Rivers House, East Quay, Bridgwater, TA6 4YS or requested by email to enquiries@environment-agency.gov.ukThe Environment Agency will respond to queries regarding the operation of the facility and issues can be reported on 0800 807060.Our guidance for Odour Management Plans, H4, requires the Operator to engage with their communities.

Brief summary of issues raised
<ul style="list-style-type: none">Concern regarding a lot of noise and regular explosions
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none">An improvement condition, IC 9, has been included which requires the Operator to submit a revised noise management plan to the Environment Agency for written approval. The plan shall take into account the appropriate measures for noise control specified in our Guidance.The Environment Agency are aware of the history of the site with respect to explosions and have been investigating the cause and source of these incidents. Action has been taken by both ourselves and the Operator to reduce the frequency of these events identifying the source of the materials. Visual checks can be carried out on whole vehicles before shredding but it is more difficult to identify gas bottles in pre-crushed vehicles and they cannot be seen before passing through the shredder. Many gas bottles are, however, intercepted by the site staff during their checks. Where such sources can be identified, action is being taken against these sites and this is ongoing.

Brief summary of issues raised
<ul style="list-style-type: none">Concerns regarding dust
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none">As described above, improvement conditions IC7 and IC8 are included to gather the evidence to determine the level of dust and particulates emitted from site.

Brief summary of issues raised
<ul style="list-style-type: none">Concern over storage of tyres and hazardous waste
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none">The storage of both tyres and hazardous waste are subject to a pre-operational condition where the operator is required to provide information including revised operating techniques, fire prevention plan and risk assessment for approval by the Environment Agency prior to accepting these wastes at site.