

Permitting decisions

Variation

We have decided to grant the variation for Albert Dock operated by Harding Cargo Handling Limited.

The variation number is EPR/AB3808CF/V003.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document 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 in to 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

Fire Prevention Plan

We are not satisfied that the fire prevention plan (FPP) meets all the measures and objectives set out in the Fire Prevention Plan guidance in all areas (where applicable) so have required the operator to undertake additional work. We consider that the current detection system needs improvement and requires to be covered by an appropriate [UKAS-accredited](#) third party certification scheme as outlined in the guidance "*Fire prevention plans: environmental permits*". Therefore we have imposed two improvement conditions (IC 04 and IC 05) to require the operator to submit proposals to install a new detection system, revise the fire prevention plan and submit it to the Environment Agency.

Also, the firewater will be drain to the sewer system. The operator has agreement from the sewer company.

Waste Types

The operator has withdrawn two waste codes, as they were identified as being a high fire risk, and restricted the wood imported to site to railway sleepers only. Please see details in the Waste Types section below.

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 not have 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>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Fire Authority • Planning Authority • Local Authority Environmental Health Department • Director of Public Health • Public Health England • Food Standards Agency • Harbour Authority • Yorkshire Water <p>The comments and our responses are summarised in the consultation section.</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'.</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	
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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p>

Aspect considered	Decision
	<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> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</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 except that the flood risk assessment requires updating to include the increased amount of waste stored on the site and the fact that flood defences have been updated in the area. Therefore, we have required the operator to revise the current food risk assessment and submit it to the Environment Agency via an improvement condition (IC 03).</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>
Odour management	<p>We have reviewed the odour management plan (OMP) in accordance with our guidance on odour management.</p> <p>We have not approved the OMP because we consider it to be deficient.</p> <p>We consider that the operator needs to review and put in place additional measures to deal with potential odour by ensuring the site is cleaned and to deal with odour during an accident or emergency situation.</p> <p>Please refer to Improvement Conditions section below.</p>
Fire prevention plan	<p>We have reviewed the fire prevention plan (FPP) in accordance with our guidance.</p> <p>We have assessed the fire prevention plan and are not satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.</p> <p>We have not approved the FPP and have set out in the key issues section areas where we consider it deficient and what we have done to address these.</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 permits.</p>
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p>

Aspect considered	Decision						
	<p>We have required the operator to use low sulphur diesel for onsite vehicles to minimise the pollution to air and this is in line with the Environment Agency's guidance, Sector Guidance SGN 5.06 – Guidance for Recovery and Disposal of Hazardous and Non Hazardous Wastes.</p>						
<p>Waste types</p>	<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>Due to the increased fire risk the operator has withdrawn two main waste codes from the permit (please see below) and restricted the wood accepted onto site to railway sleepers only.</p> <table border="1" data-bbox="558 793 1398 930"> <thead> <tr> <th colspan="2" data-bbox="558 793 1398 840">Waste types removed from the permit</th> </tr> </thead> <tbody> <tr> <td data-bbox="558 840 740 884">16 01 03</td> <td data-bbox="740 840 1398 884">end-of-life tyres</td> </tr> <tr> <td data-bbox="558 884 740 930">19 12 04</td> <td data-bbox="740 884 1398 930">plastic and rubber</td> </tr> </tbody> </table> <p>We made these decisions with respect to waste types in accordance with:-</p> <ul style="list-style-type: none"> • Sector guidance SGN 5.06 – Guidance for Recovery and Disposal of Hazardous and Non Hazardous Wastes • Classify Waste types web guidance (https://www.gov.uk/how-to-classify-different-types-of-waste). 	Waste types removed from the permit		16 01 03	end-of-life tyres	19 12 04	plastic and rubber
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<p>Pre-operational conditions</p>	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>We consider that additional measures are required to minimise fugitive emissions from the storage of ashes and slags that may impact upon receptors beyond the site boundary. Pre-operational measure POM 01 of the permit requires the operator to develop and implement a revised dust management and monitoring plan, having regard to the relevant guidance.</p>						
<p>Improvement programme</p>	<p>Based on the information in the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to address the following:</p> <ul style="list-style-type: none"> • The operator provides a housekeeping plan to keep the site clean and clear to minimised odours and dust, and also prevent drainage channels being blocked and restricting flow of surface water or firewater. Therefore, we have required the operator to submit a housekeeping plan and revised OMP via Improvement Condition IC 01. • We consider that there is insufficient detail in the OMP regarding how odour would be controlled during an accident or emergency situation, therefore we have required a revised OMP to be submitted via Improvement Condition IC 02. 						

Aspect considered	Decision
	<ul style="list-style-type: none"> The flood risk assessment requires updating to include the increased amount of waste on the site and the fact that flood defences have been updated in the area. Therefore, we require the operator to revise the current flood risk assessment and submit it to the Environment Agency via an Improvement Condition (IC 03). We consider that the current fire detection system needs improvement and requires to be covered by an appropriate UKAS-accredited third party certification scheme. Therefore, we have imposed two improvement conditions (IC 04 and IC 05) to require the operator to submit proposals to install a new detection system and submit a revised Fire Prevention Plan.
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	<p>We have decided that monitoring should be added to the permit for particulate matter, using the methods detailed and to the frequencies specified.</p> <p>This monitoring requirement is linked to the Pre-operation condition (POM 01) in order to demonstrate that the measures that the operator puts in place are effective.</p> <p>We made these decisions in accordance with:</p> <ul style="list-style-type: none"> Sector guidance SGN 5.06 – Guidance for Recovery and Disposal of Hazardous and Non Hazardous Wastes and Control and monitor emissions for your environmental permit (https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit).
Reporting	<p>We have added reporting in the permit for the following parameters:</p> <ul style="list-style-type: none"> Particulate Matter Water Usage Energy Usage Raw Material – fuel usage <p>We made these decisions in accordance with Control and monitor emissions for your environmental permit (https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit).</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>

Aspect considered	Decision
Relevant convictions	<p>The Case Management System been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
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 vary 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
Public Health England (PHE)
Brief summary of issues raised
The response to the consultation raised: <ul style="list-style-type: none">• odour issues• impacts associated with fire• clarification of the amount of waste stored on the site• fire prevention plan
Summary of actions taken or show how this has been covered
To ensure that the operator minimises potential odours and the impact of fire, conditions of the permit will ensure the operator will implement appropriate measures on-site for: <ul style="list-style-type: none">• pre-acceptance and acceptance procedures – monitoring for hot loads• housekeeping (see Improvement Conditions)• odour management (see Improvement Conditions) and• dust control.

Representations from individual members of the public.

Brief summary of issues raised
A member of the public raised the issue of lorry movements and pollution that may be emitted from them. Also, that new housing and waste sites are not compatible.
Summary of actions taken or show how this has been covered
The above issues regarding off-site lorry movements and the location of housing and wastes sites are outside the remit of the Environment Agency and are controlled by the planning authority. However, we have imposed the requirement for onsite vehicles to use low sulphur fuel. We have also ensured that the operator will minimise potential pollution and excess lorry movements, by making sure that the operator will implement appropriate measures on-site for: <ul style="list-style-type: none">• pre-acceptance and acceptance procedures• housekeeping• odour management and• dust control.