

# Permitting decisions

## Variation

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We have decided to grant the variation to the permit for Aylesford Recycling Facility operated by London Mining Associates Limited.

The variation number is EPR/DB3104KP/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.

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- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account

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.

# Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>Consultation/Engagement</b>	
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>No responses were received.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 1 of RGN2 'Interpretation of Schedule 1' and Appendix 2 of RGN2 'Defining the scope of the installation'.</p> <p>The operator applied to increase the capacity of metal shredding, treatment of slags and ashes, treatment of hazardous waste (metal shredding residues) and storage of hazardous waste above the thresholds specified in schedule 1 to the EP Regulations. Therefore, these activities are installation activities and are subject to the Industrial Emissions Directive. The other activities permitted at the site remain as waste operations.</p> <p>The extent of the facilities are defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
<b>The site</b>	
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 and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of nature conservation.</p> <p>We have not assessed the application and its potential to affect all known sites of nature conservation identified in the nature conservation screening</p>

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	report as the nature of the activities at the site are not changing and there are no new emissions from the activities.
<b>Environmental risk assessment</b>	
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>
<b>Operating techniques</b>	
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>
Noise management	<p>We consider that the activities carried out at the site have the potential to cause noise and/or vibration that might cause pollution outside the site.</p> <p>The operator submitted a noise impact assessment that predicted that installing noise abatement around the metal shredder and not operating this at the same time as the trammel would result in noise levels that would be unlikely to cause an unacceptable impact at the noise receptors.</p> <p>We have included an improvement condition requiring the operator to submit a Noise Management Plan that includes these measures (IP2) and to re-run the noise monitoring exercise to determine if the noise abatement measures result in noise levels as predicted (IP3), and to provide additional abatement measures where the results of the monitoring show levels of noise higher than those predicted.</p>
Fire prevention plan	We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.
<b>Permit conditions</b>	
Updating permit conditions during consolidation	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).
Raw materials	We have specified limits and controls on the use of raw materials and fuels.
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"> <li>• they are suitable for the proposed activities</li> <li>• the proposed infrastructure is appropriate; and</li> <li>• the environmental risk assessment is acceptable.</li> </ul>

Aspect considered	Decision
	<p>Although not subject of this variation, we have removed the waste codes from the permit that end in “99”. This is because no additional description of the wastes that were proposed to be accepted under these codes has been provided. The operator confirmed that they have not accepted any waste under these codes and agreed that they could be removed from the permit.</p> <p>We made these decisions with respect to waste types in accordance with our guidance EPR S5.06.</p>
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>As part of this variation the operator has also applied to add a new activity for the washing of aggregates and plastics in a closed system. Not all required details of the washing process have been submitted so we have included a pre-operational condition requiring the operator to submit the specified information prior to the commencement of the washing activity.</p>
Improvement programme	<p>Although the existing improvement requirement (IP1) in the permit to submit a revised written Environmental Management System was not complied with as the information required by the condition was not submitted, it has been satisfied through the information submitted with this application. Therefore, the improvement programme requirement has been marked as “complete”.</p> <p>We have included two additional improvement requirements (IP2 and IP3) regarding noise management. These are discussed in detail in the noise management section above.</p>
Emission limits	<p>We have included emission limit values for particulates in the emissions from the dust extraction systems on the shredder and fixed lines in accordance with BAT.</p>
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"> <li>• total suspended particulates from point source emissions;</li> <li>• total suspended particulates in ambient air; and</li> <li>• radioactive substances.</li> </ul> <p>These monitoring requirements have been imposed in order to:</p> <ul style="list-style-type: none"> <li>• demonstrate that the dust management measures are appropriate and represent BAT for the site; and</li> <li>• identify waste that may contain radioactive substances so that it can be handled and disposed of appropriately so as to prevent harm to human health and pollution of the environment.</li> </ul> <p>We made these decisions in accordance with the sector guidance note EPR S5.06 and our Regulatory Position Statement 155_15.</p>
Reporting	<p>We have added reporting in the permit for the following parameters:</p> <ul style="list-style-type: none"> <li>• total suspended particulates from point source emissions; and</li> <li>• total suspended particulates in ambient air.</li> </ul>

Aspect considered	Decision
	We made these decisions in accordance with sector guidance note EPR S5.06.
<b>Operator competence</b>	
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>
Relevant convictions	<p>The Case Management System and National Enforcement Database have 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	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth duty</b>	
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 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>