

Permitting decisions

Variation

We have decided to grant the variation for Sutton Courtenay Materials Recycling Facility operated by FCC Environmental limited.

The variation number is EPR/NP3890VV/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 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
- 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.

This Variation application was to permit the operation of a Section 5.4 Part A(1)(b)(ii) activity and allow outside storage of wrapped and baled Refuse Derived Fuel (RDF) and processed segregated metals. In addition we decided to update the conditions in the permit to reflect those in the current permit template for this sector.

The Section 5.4 Part A (1)(b)(ii) relates specifically to the pre-treatment of waste for incineration or co-incineration, the site proposes to produce RDF via treatment of waste through the Materials Recycling Facility.

The activities falling under Section 5.4 Part A (1)(b)(ii) are 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. 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).

The permit also includes a waste transfer activity and a clinical waste transfer activity, these activities remain in the permit as does the waste treatment activity covering the operation of the MRF that do not result in waste for incineration and co-incineration.

Outside storage of the RDF is permitted subject to completion of a pre operational condition that has been included in the permit. Further details of this condition and the determination process are detailed below.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	<p>A claim for commercial or industrial confidentiality has not been made.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p>
Identifying confidential information	<p>We have not identified information provided as part of the application that we consider to be confidential.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p>
Consultation/Engagement	
<p>Consultation</p> <p>substantial change installations or mining waste</p>	<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. We also consulted with the following organisations/bodies:</p> <p>Planning Department - Vale of White Horse District Council</p> <p>Food standards agency</p> <p>Public Health England</p> <p>Health and Safety Executive</p> <p>Director of Public Health - Oxfordshire</p> <p>Oxford County Council</p> <p>The comments and our responses are summarised in the consultation section.</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of nature conservation, and protected species or habitat. These are:</p> <p>Protected Species: European Eel</p> <p>An Area of Deciduous Woodland</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation and protected species or 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 and 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> <p>The Operator submitted an Environment Risk Assessment and we are satisfied the assessment adequately covers the risks associated with the</p>

Aspect considered	Decision
	site and we are also satisfied the proposed control measures are appropriate.
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. The Operator provided a BAT assessment of their key operating techniques on site and we are satisfied that they represent BAT for this process. The techniques were compared against those set out in our guidance, including:</p> <ul style="list-style-type: none"> • IPPC S5.06 – Guidance for the Treatment of Hazardous and Non-Hazardous Waste; • H4 – Odour Management. • H5 – Noise Management <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>The Operator submitted an updated OMP as part of the application. Initially following our assessment the OMP was found to be inadequate and we were required to request additional information from the Operator via a Schedule 5 notice (issued 30/03/2017). The response to the schedule 5 notice provided the additional information required for us to approve the plan. The plan was assessed against our H4 guidance and we are satisfied that the plan will ensure appropriate measures are in place for the management of odour on site.</p>
Pest Management	<p>Due to the proposal to store RDF outside we reviewed the Operator's proposals for Pest Management on site, in particular their proposals for the management of flies. We asked for more information on this in the Schedule 5 Notice (issued 30/03/2017). The notice asked the Operator to produce a pest management plan. The Operator responded to this, however they did not produce a plan, but instead produced an updated operating procedure that included more detailed procedures for the management of flies on site. We compared the proposed techniques against Environment Agency Fly Management Guidance (V3 Dec2016). The techniques proposed some of the best practice detailed in the guidance. We are therefore satisfied that flies are likely to be managed effectively on site, however as the Operator has not submitted a management plan we have included the following condition in the permit:</p> <p>3.6.2 The operator shall:</p> <ul style="list-style-type: none"> (a) <i>if notified by the Environment Agency, submit to the Environment Agency for approval within the period specified, a pests management plan which identifies and minimises risks of pollution from pests;</i> (b) <i>implement the pests management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.</i>

Aspect considered	Decision
	The inclusion of this condition means we can request a full pest management plan in the future if deemed necessary.
Fire prevention plan	<p>We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan (FPP) guidance (Fire Prevention Plans: environmental permits (Nov 2016) – found on the .gov.uk website).</p> <p>The Fire plan submitted with the application was assessed and initially found to be inadequate, we therefore issued a Schedule 5 notice requesting further information (issued 30/03/2017). There were 2 main issues with the plan:</p> <ul style="list-style-type: none"> • The maximum pile size exceeded the threshold in the FPP guidance. Additional information was required to address this and the Operator proposed a number of additional measures to address this which were assessed and deemed appropriate. It was also taken into consideration that the maximum pile size would only occur in exceptional circumstances and for a short period of time; and under normal operations the maximum pile size would not exceed the threshold in the guidance. • It was unclear whether there was a sufficient accessible water supply available on site. The main proposal was to access water from a lagoon, however it was unclear how this would be accessed and where the lagoon was located. Additional information was sought. The Operator provided additional information on the location and accessibility of the lagoon. They also highlighted that the main storage area within the main MRF building had a UKAS accredited deluge/sprinkler system with a separate water supply; and a fire hydrant was located at the entrance site. Following consideration of the proposals we were satisfied that an appropriate water supply was in place. <p>Following submission of the additional information we re-assessed the Operator's proposals against the FPP guidance and we subsequently approved the plan. Our full assessment of the FPP is available on EDRM.</p>
Permit conditions	
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.
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. The waste have not been varied and remain unchanged.</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.

Aspect considered	Decision
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose a pre-operational condition for future development.</p> <p>Pre operational condition 1 in table S1.3 of the permit has been included as part of this variation. The Operator has applied to store baled and wrapped RDF and processed segregated metals (in a skip) outside. The application stated that the control measure for the management of contaminated surface water run-off from the proposed storage area was for the runoff to go to sewer where it would be treated at a nearby waste water treatment works. A discharge consent has been obtained for this, however there is currently no connection to sewer. For this reason we have decided that the storage of RDF waste outside is not allowed until the sewer connection is place or an appropriate sealed drainage system is proposed that ensures groundwater and surface water from the site is not polluted by contaminated run off due to the outside storage of RDF and processed segregated metals. The condition requires that written approval is obtained from the Environment Agency before this activity can take place.</p>
Emission limits	As it stands no emission limits have been added, amended or deleted as a result of this variation. However this may change depending on the completion of pre operational condition 1.
Monitoring	As it stands no monitoring is required by the permit, however this may change depending on the completion of pre operational condition 1.
Reporting	<p>We have added reporting in the permit for the following parameters:</p> <p>Performance parameters: Annual tonnage of Refuse derived fuel recovered, ferrous metal recovered from RDF and other fractions recovered from RDF.</p> <p>We have also include a requirement to report monitoring of emissions to sewer, however as it stands there is no discharge to sewer however this may change subject to pre operation condition 1 in table S1.3.</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	We are satisfied that the operator is technically competent.
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.
Growth Duty	

Aspect considered	Decision
<p>Section 108 Deregulation Act 2015 – Growth duty</p>	<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>

Consultation

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

We had no responses from members of the public.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
<p>We note that the site is in a predominately rural location. The nearest residential properties are approximately 980m East north east of the site. We have examined the potential health implications of the proposed application and any concerns would relate to litter, pests and fugitive emissions to air, including odours resulting from the waste. However all of these potential health implications have been considered in the documentation. Also as the site is currently operational it may be useful for the Environment Agency as the regulator to ensure that there have been no previous complaints from local residents about odour etc. from the site.</p> <p>It is assumed by Public Health England that the site will comply in all respects with the Environmental Permitting (England and Wales) Regulations 2010. Compliance with the legislation, together with good management, should ensure that site will present a low risk to local human receptors.</p>
Summary of actions taken or show how this has been covered
As discussed in this document we have made a full assessment of the proposals.

Response received from
Director of Public Health – Oxfordshire County Council
Brief summary of issues raised
<p>I have had sight of a letter from Public Health England dated 1st March from Dr Louise Uffindell to Simon Hunt.</p> <p>We would like to echo the points raised in the letter and in particular would recommend that as the regulator the EA should ensure that there have been no previous complaints from local residents about odour or other issues from the site in question. If there have been previous complaints which have validity the EA should give closer scrutiny as to how the site operator has mitigated for similar future complaints from local residents.</p>
Summary of actions taken or show how this has been covered
As discussed in this document we have made a full assessment of the proposals. This installation has no history of complaints.

Response received from
Local Planning Authority Vale of White Horse District Council
Brief summary of issues raised
In accordance with the consultation document, the local planning authority can confirm that according to available council records there has been no enforcement action on the site in question. The local planning authority is not aware of any noise or amenity issues at the site, but requests that due consideration is given to the amenities of nearby residential properties.
Summary of actions taken or show how this has been covered
None required.

Response received from
Local Authority Environmental Protection Department.
Brief summary of issues raised
No objection*
Summary of actions taken or show how this has been covered
None required.

*Please note the original response from this consultee wrongly assumed the application was for a new incineration activity. They were later contacted to explain to them the correct activity applied for. They subsequently submitted an amended response which is the one detailed above.