

Permitting decisions

Refusal

We have decided to refuse the Bespoke Permit A16 – Non-hazardous waste physical treatment facility application for the proposed facility at Horn Lane Goods Yard.

The proposed facility location is Horn Lane Goods Yard, Horn Lane, Acton, Ealing, London, W3 0JN.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

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

- highlights key issues in the determination
- gives reasons for refusal
- shows 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 refusal notice.

Summary of decision

We have decided to refuse the Bespoke Permit A16 – Non-hazardous waste physical treatment facility application for the proposed facility at Horn Lane Goods Yard, Horn Lane, Acton, London applied for by S.Walsh & Son Limited (the Applicant).

The Application is refused as based on the information that has been provided we are not satisfied that the activities can be undertaken without an unacceptable risk of significant pollution of the environment and harm to human health due to dust and noise. The proposed measures to reduce fugitive emissions of Particulate Matter are not satisfactory for a site in an Air Quality Management Area (AQMA). In addition the proposed measures to reduce noise emissions are also not satisfactory for a site in such close proximity to sensitive receptors.

This is in accordance with paragraph 7.7 of the Environmental Permitting Guidance core guidance for the Environmental Permitting (England and Wales) Regulations 2010 (last revised March 2013) (the Core Guidance) which states “The regulator may also decide to refuse an application in certain circumstances” where “the environmental impact would be unacceptable. For instance, an operator might propose siting a new facility close to an extremely sensitive environment, but with no means of providing adequate control”.

How we made our decision

We gave the Application the reference number EPR/EB3409XX/A001. We refer to the Application as ‘the **Application**’ in this document in order to be consistent. The Applicant is S. Walsh & Son Limited, we refer to S. Walsh & Son Limited as “the **Applicant**”. We refer to the Site at Horn Lane Goods Yard, Horn Lane, Acton, London as “the **Site**” in this document.

The Application was received by the Environment Agency (EA) on 10th August 2016. The application was classed as a High Public Interest application therefore required additional advertising. Following additional payment for advertising and further information received, the Application was duly made on 24th October 2016.

The Applicant made no claim for commercial confidentiality. We have not received any information in relation to the Application that appears to be confidential in relation to any party.

Below is a chronology of the consultation undertaken:

10 November 2016	We notified; <ul style="list-style-type: none">• Dr Rupa Huq the local Member of Parliament• the Greater London Authority and• the London Borough of Ealing Regulatory Services Department
11 November 2016	Public consultation starts. We notified members of the Horn Lane Goods Yard Liaison Committee that a public consultation will be taking place. This included representatives from: <ul style="list-style-type: none">• 4 other companies operating in the Goods Yard,• Ealing Council,• Network Rail,• Certain individual local residents,• West Acton Resident’s Association (WARA), and• Churchfield Community Association. We also informed: <ul style="list-style-type: none">• Councillor Julian Bell,• Councillor Kate Crawford and• Councillor Abdullah Gulaid.

	<p>We contacted the following statutory consultees seeking their views on the application;</p> <ul style="list-style-type: none"> • London Borough of Ealing Planning Department, • London Borough of Ealing Environmental Health Department and • Public Health England. • Director of Public Health
	We placed an advert in the Ealing and Acton Gazette as this is the local free newspaper with the highest circulation figure.
	We placed an advert on www.gov.uk website.
	We placed the application and consultation portal placed on Citizen Space website.
1 December 2016	2 Environment Agency officers attend the Horn Lane Goods Yard Liaison Committee Meeting to answer questions from the community representatives, individuals, businesses and councillors about the consultation process. Officers offer to make a CD copy of the application available free of charge to assist the collation of consultation comments.
9 December 2016	Public consultation closes.
	A total of 358 responses have been received. 1 petition.

Below is a chronology of Schedule 5 responses:

9 th February 2017	First Schedule 5 response received confirming the site is on hardstanding and the permitted boundary. This was extended as not all the questions were answered.
31 st March 2017	<p>First schedule 5 extension response and second schedule 5 response received confirming proposed details of site surfacing, surface water management.</p> <p>The applicant was also asked to provide details of dust and noise management on the proposed site which they provided. The applicant also confirmed that they wish to remove crushing and screening from the permit application.</p>
22 nd May 2017	The second schedule 5 was extended as there was still outstanding information required on noise and vibrations and emissions and abatement controls. This was sent and the applicant supplied a Noise Management Plan and a Dust Assessment Management Plan.
18 th September 2017	A third Schedule 5 was sent on the 25 th July 2017 to request a Noise and a Dust Management Plan.. The response received provided a final Noise Management Plan, Noise Assessment Report and a (PM) Particulate Matter assessment.
3 rd November 2017	A fourth Schedule 5 was sent to the applicant to request the original Air modelling files and the original noise assessment. We received a response

	including daytime noise calculation, daytime calculations with mitigation and night time noise calculation with and without mitigation. Air Quality Modelling files were also supplied.
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Description of the facility and general issues

General Description

The proposed permit area for the Site at Horn Lane Goods Yard is roughly rectangular in shape bounded on the southern boundary with railway lines, and residences of Churchill Road. There is currently no infrastructure on the Site and the Site surface is covered with railway track ballast.

The surrounding land use is predominantly residential. In addition within the residential properties are the West Acton Primary School, West Acton Playgroup, West Acton Youth and Community Centre, and the Society of Afghan Residents to the north. To the south is also The Japanese School and to the west the Ellen Wilkinson School for Girls. In addition to the east of the proposed site are a number of industrial properties including a concrete batching plant regulated by the London Borough of Ealing under a Part B Environmental Permit, a small exempt scrap metal site, a large aggregate supply operation and a waste transfer station, and these are regulated by the Environment Agency under bespoke Environmental Permits.

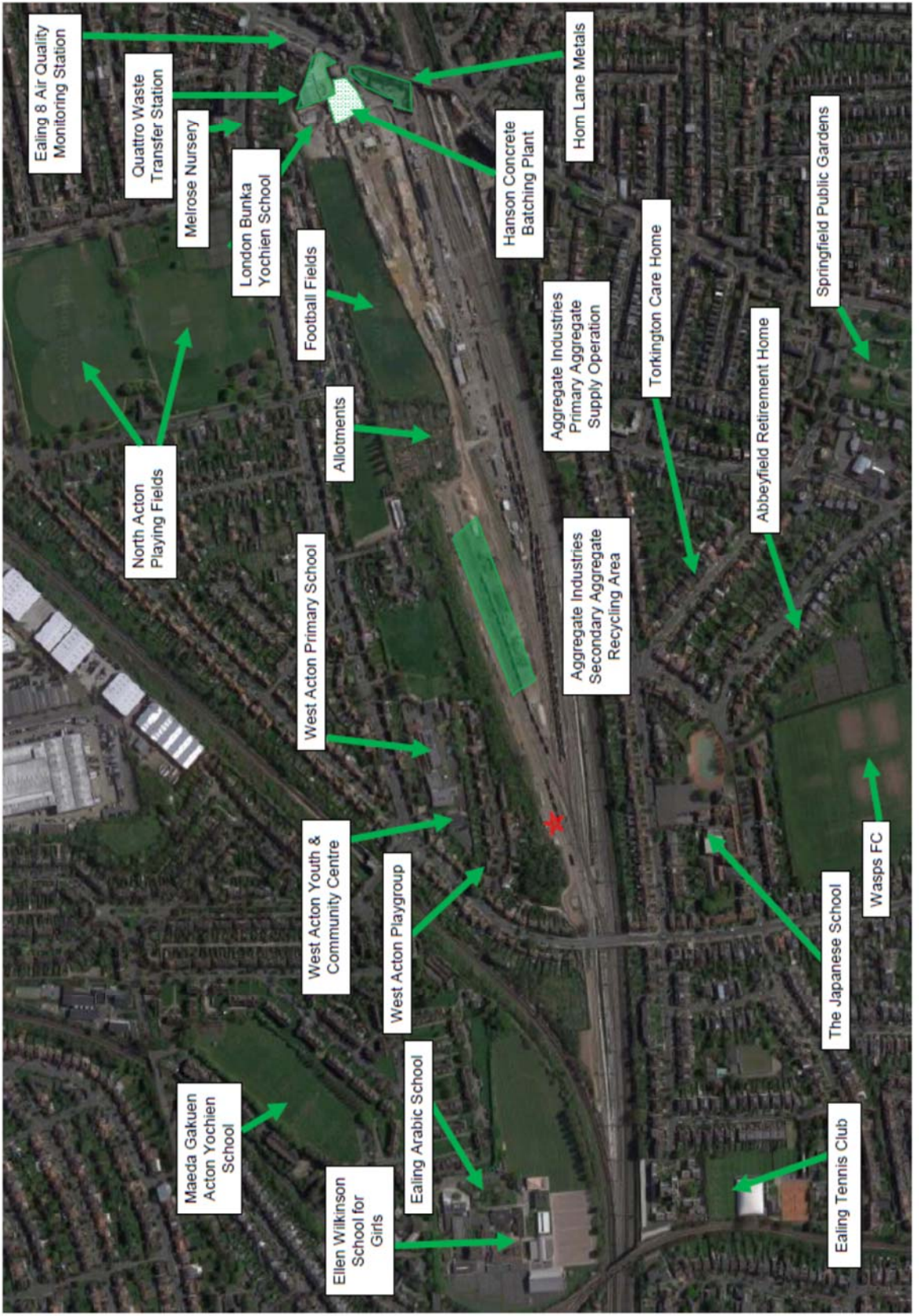
Horn Lane road itself is a busy highway, used frequently as a short cut between the North Circular (A406) and the Western Avenue (A40).

To the south of the Site and in addition to the railway sidings mentioned above, is the main railway line into London Paddington from the West Country.

In a 750m radius from the proposed site are:

- 1001 Residential Properties
- 237 Non Residential Properties
- 15 Items of Infrastructure (such as schools, railways, train stations, doctors surgeries and dentists)

The image below identifies the location of the receptors relevant to the site.



What the Application is for

The Applicant has applied for a bespoke permit for a non-hazardous waste physical treatment facility for the Site at Horn Lane Goods Yard.

The wastes applied for under this bespoke permit were concrete, bricks, tiles, ceramics, mixtures of glass, bituminous mixtures, soil and stones, and track ballast. During the determination the Applicant requested to vary the application confirming that they only intend to accept waste clays and railway track ballast and there will be no mechanical crushing activities. This varied application was subsequently assessed.

The total quantity of waste that the applicant applied for was up to 250,000 tonnes a year. Wastes would have been bulked up for disposal or recovery elsewhere and manually sorted or separated for recovery. The permit would not have authorised waste treatment activities such as mechanical screening and crushing.

The proposed activities at the Site included the manual sorting, loading and unloading of road and rail freight, the storage, the road haulage to and from site. These activities and movements around the site have the potential to give rise to emissions of particulate matter 10 micrometers or less in diameter (PM₁₀), particulate matter 2.5 micrometers or less in diameter (PM_{2.5}) which in this particular location will pose a risk of pollution to the environment and harm to human health, if not adequately addressed by proposed mitigation measures. Even with restrictions on the treatment activities and minimal waste codes being authorised by any permit, from our experience, and confirmed by the applicant's own modelling the activities will still give rise to particulate matter. The abatement and infrastructure proposed under this application of 6 meter high pushfit walls and mist cannons do not adequately mitigate these risks.

There are waste types applied for in the Application that have the potential to generate particulate matter, including one of the two identified by the Applicant. If these activities were to be authorised at the Site we would expect either a four sided roofed structure over the waste activity as an appropriate mitigation measure against fugitive emissions or alternative measures to be agreed with the Environment Agency that can demonstrate equal or greater levels of reductions in fugitive emissions of PM₁₀ and PM_{2.5}. As the proposed alternative measures are not deemed suitable to demonstrate adequate fugitive emissions controls, this application could not be approved.

Background

The Site consists of an area of land that is not currently used for any activity. The land itself is made up of flat unused railway sidings covered in railway track ballast and unmade ground. There is an earth bund to the north of the Site, which the Applicant would remove as part of the Site preparation works to maximise use of any permitted area. This would effectively remove a potential noise and PM₁₀ abatement measure from the Site in doing so. Just beyond this earth bund, some 5m north of the proposed site perimeter is the nearest residential boundary. There is no vehicular access to the proposed Site from the West, and access would be gained from the East utilising the Horn Lane entrance and a private haul road which is approximately 600 meter in length. This proposal will give rise to increased emissions from the site. In addition vehicle movements and operations on site will cause the re-suspension of particulates that otherwise would remain undisturbed in the location adding to the overall level of particulates in the vicinity of the site. Given the particularly high background levels of particulate matter in this area the impact of these additional emissions again justifies suitable mitigation measures to demonstrate reduced fugitive emissions.

Particulate Pollution

Fine particulate pollution has a significant impact on health and is thus a major public health issue in London. It is estimated that poor air quality, including particulate pollution contribute to an impact on mortality equivalent to around 9,500 deaths in London per year. In response to this the London Air Quality Network measures air quality against UK standards but Defra run a similar European Union (EU) reporting network (called AURN). The results of this monitoring network is freely available and gives alerts to local residents when poor air quality is expected so they can modify their behaviour to reduce the impact of the poor air quality.

At Horn Lane the London Borough of Ealing installed an air quality monitoring station in 2006 called 'Ealing 8' which is part of the London Air Quality Network. This is located less than 100 yards from the entrance to the waste transfer station at 307 Horn Lane. Since it began operation in 2006 the 'Ealing 8' monitor has consistently failed to meet the Air Quality Objectives for PM₁₀ daily average. As a result the London Borough of Ealing has declared an Air Quality Management Area for PM₁₀ and Nitrogen Dioxide (NO₂). They have also put in place an action plan in an attempt to improve the local air quality. Only over the last two years has the monitor finally come into compliance with Air Quality objectives. The National Air Quality Standards (NAQS) objective allows a daily mean PM₁₀ concentration of 50 micrograms per cubic metre (ug m⁻³) on not more than 35 days per year. 'Ealing 8' has recorded an exceedance on 16 occasions in 2017. As for the hourly levels of toxic nitrogen dioxide - it must not be more than 200 micrograms per cubic metre (µg/m³) more than 18 times in a whole year. In 2017 'Ealing 8' recorded 2 exceedances.

Various studies have identified the industrial sites in the area, which include a waste transfer station currently in operation at 307 Horn Lane and the Horn Lane Goods Yard (which includes the applicant's site) as sources of PM₁₀ particulate pollution.

In late 2014 Defra placed a further monitor, directly adjacent to the 'Ealing 8' monitoring site which would form part of the national Automatic Urban and Rural Network (AURN) which would report compliance with EU wide air quality limits. The data collected by the monitor is shared with the EU by Defra. If the AURN monitor records exceedance of the limits then the UK will be taken to have breached the limits set out in the EU air quality directives and may face infraction proceedings.

To understand the air quality at this location we have considered a study into the local ambient air quality that was carried out at the end of 2013 and early 2014. This shows that when comparing the collected data from the monitoring at the 'Ealing 8' monitoring site for 2013 with the AQS objectives, the monitoring location was subject to concentrations of PM₁₀ that did not meet the PM₁₀ daily average AQS objective. It did however meet the annual average marginally, with a value of 37.5µg/m³ being recorded against the limit of 40µg/m³.

Air Pollution in Ealing

The Site is located in a densely populated area with adjacent industrial sites. On the 14th December 2000 the London Borough of Ealing declared the whole borough an Air Quality Management Area due to levels of PM₁₀ and NO₂ not meeting air quality objectives in many parts of the borough.

In the UK, air quality is maintained and improved through the air quality objectives and with the assistance of the Air Quality Strategy 2007 (AQS). The AQS sets out various objectives for the purpose of local air quality management.

For PM₁₀ the limits are:

24 hour mean of 50µg/m³ not to be exceeded more than 35 times a year,
annual mean of 40µg/m³.

In order to assess compliance with the air quality objectives the local authority use a number of strategically placed monitors across the borough which collect data. As explained above, one of these monitors has been in place at Horn Lane since 2005 and data shows it had consistently failed to meet the 24 hour mean PM₁₀ limits set out in the UK air quality standards.

In addition to this network Defra have a similar network which is used to report on air quality to the European Union. These are known as AURN monitors. An AURN monitor has been monitoring air quality at Horn Lane since 1st January 2015.

Horn Lane has been, since 2005, exhibiting extremely high levels of PM₁₀ pollution (~270µg/m³, where the limit is 50µg/m³). A combination of sources is thought to be responsible but monitoring by the LB Ealing, Kings College London and the EA suggested, with a high degree of confidence, that this monitoring site "is strongly affected by emissions from a mixed industrial area to the south west, comprising of a waste transfer station, aggregates handling, a cement batching plant and miscellaneous operations" (*Analysis of PM₁₀ concentrations at Horn Lane, Acton* – May 2008, Ben Barratt and Gary Fuller, Environmental Research Group - Kings College London) and "the [former] Gowing & Pursey Site along with the entrance to the Sites are contributing to elevated levels of PM₁₀" (*Analysis of Particulate Concentrations at Horn Lane, Acton 7 April 2010 to 7 November 2010 – December 2010, Ambient Air Monitoring Team, Environment Agency*). As a result it is commonly accepted by the above organisations that the Horn Lane Goods Yard area that includes the Applicant's Site has "significantly contributed to failures of the local air quality objective".

As a result the London Borough of Ealing have also put in place an action plan in an attempt to improve the local air quality and a Low Emission Zone.

We have also undertaken many rounds of ambient air quality monitoring in the area. The first round of monitoring showed that the PM₁₀ levels were far in excess of the UK Air Quality Standards with the 24 hour average exceeding the 50µg/m³ level on 206 days compared to the permitted number of just 35 days. Concerted effort by the Environment Agency in partnership with the London Borough of Ealing, Transport for London, the Greater London Authority have dramatically reduced levels of PM₁₀ in the area.

These efforts included improving the management systems in place at EA and Local Authority regulated sites but also carrying out EA led permit variations to reduce the scale and intensity of the activities likely to cause dust or other fugitive emissions in the area.

It must be noted that these EA led variations only took place after previous operators admitted having exhausted all appropriate abatement techniques to control dust and the emissions still continued despite their considerable efforts.

The most recent set of monitoring data from the 'Ealing 8' monitor showed that during 2016 the 24 hour average for PM₁₀ met the air quality standards for the first time since 2006 with only 20 days recording over the 50µg/m³ limit. The data from Horn Lane AURN indicates that annual average background levels of PM₁₀ are around 28.4µg/m³. This was in part due to the temporary closure of the waste transfer station for part of that time but also the improvements made in the area.

When examining provisional data for 2017 to date, the 24 hour average for PM₁₀ has recorded 16 days where the 50µg/m³ has been exceeded. If dust levels continue at current rates in the area it is likely that it will once again meet the air quality standards for the monitoring location. This means that for the first time in 10 years the people who live, work and commute through this area of London can finally breathe air that is classified as non-polluting and should not be detrimental to their health. We cannot allow any sites that we regulate to make the environment significantly worse.

Any additional sources of dust in the area have the potential to contribute negatively and cause further daily exceedances which may cause a breach of air quality standards. Therefore their impact needs to be carefully assessed in detail and suitable abatement measures beyond those required in less sensitive locations will need to be agreed.

The Applicant's submission indicated that for PM₁₀, the greatest predicted impacts at a sensitive receptor were a process concentration (PC) to 24 hour average concentrations of 21.59% and a PC to annual average concentrations of 14.27% using the maximum or worst case values of the particulate matter emission factors for the proposed activities and operation conditions. For PM_{2.5}, the greatest predicted impact was a PC to annual average concentrations of 22.14% using the maximum or worst case values of the particulate matter emission factors for the proposed activities and operation conditions.

Our assessment indicated that greater impacts at sensitive receptors than those predicted by are possible. We have audited the operator's modelling using London Heathrow meteorological data resulted in predicted concentrations at the most impacted human receptors of around 70% higher than the consultant's maximum predictions for annual average PM₁₀, and more than twice the consultant's maximum predictions for 24 hour average PM₁₀.

These contributions are significant and in this location we consider them unacceptable as given the considerable effort that has gone into improving the local situation any new proposals should seek to minimise emissions and not risk reversing improvements and giving rise to further breaches. The proposed controls by the Applicant for the outside storage of the mixed aggregates is pushfit walls which in themselves will not prevent air movement around the waste stockpiles and mobilisation of dust particulates. The use of mist cannons which potentially will provide some dust control but not complete mitigation and potentially need to operate 24 hours during adverse weather conditions. The air movement and wind can get to the stockpiles and lead to dust either being carried over the top of the walls and/or out of the open side of the bay and hence off site. Generally we would expect such activities to be carried out in a building in a location such as this as the addition of a roof/4th side will make a significant difference to the level of dust.

NOISE POLLUTION

A report was produced by The Walker Beak Mason Partnership (WBM) and submitted to the EA by PDE Consulting on behalf of the Applicant which we assessed as part of a schedule 5 response.

We have conducted check calculations and sensitivity analysis to WBM's assumptions. We have identified two issues with the daytime BS 4142¹ assessment that resulted in us being unable to agree that there is unlikely to be adverse or significant adverse impacts:

- they have not considered first floor receptors during the day,
- while mitigation of some impact and tonal noise has been proposed, rating corrections from other sources and for other acoustic features such as intermittency or other sound characteristics have not been considered. This means that the impact experienced by a receptor would be greater than predicted by the Applicant. Therefore significant adverse impacts cannot be ruled out.

Where the difference in noise levels is +10 dB or more between the background levels and the predicted noise from the operation then complaints are likely, between 5-10 dB above background is considered as being of marginal significance. For this operation the difference could be above +10 dB, based on there being less screening at first floor receptors (4 m height) and all rating corrections (impulsivity, tonality, intermittency and other readily distinct sound characteristics) from all sources and activities not being fully considered. We do not agree with WBM's daytime rating assessment that excess rating levels over background indicate differences below adverse impacts. We are therefore not satisfied that there will not be significant adverse impacts at some sensitive receptors along Churchill Garden.

STATUTORY AND REGULATORY FRAMEWORK

The Legal Framework

The Waste Framework Directive 2008/98/EC – Article 13 sets out certain objectives that need to be met. Waste must be recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular:

- without risk to water, air, soil, plants and animals,
- without causing a nuisance through noise or odours,
- without adversely affecting the countryside or places of special interest.

This is delivered through paragraph 3 of part 1 of schedule 9 of the Environmental Permitting (England and Wales) Regulations 2016 (the Regulations).

Under Regulation 13(1) of the Regulations we may grant an environmental permit and equally we have a discretion to refuse to grant a permit and in some specified circumstances (not relevant here) we must refuse to do so.

The underlying principle of the Environmental Permitting Regime is to protect the environment, and without further mitigation measures we are unable to determine whether the proposed activity fulfils the above relevant objectives in terms of the risk it poses to the surrounding environment.

EU Air Quality Limits

EU Framework Directive 96/62/EC on ambient air quality assessment and management came into force in November 1996 and had to be implemented by member states by May 1998. This directive aimed to protect

¹ BS 4142:2014 Methods for rating and assessing industrial and commercial sound, October 2014 (British Standards Institution)

human health and the environment by avoiding, reducing, or preventing harmful concentrations of air pollutants. As a framework directive, it requires the European Commission to propose 'daughter' directives which set air quality limit and target values, alert thresholds and guidance on monitoring and measurement for individual pollutants. Council Directive 1999/30/EC (the first daughter directive) included limit values for particulate matter in ambient air.

Directive 2008/50/EC on ambient air quality and cleaner air for Europe was adopted in May 2008. This directive replaces Directive 96/62/EC and the first three existing daughter directives with a single directive on air quality. It also sets new standards and target dates for reducing concentrations of fine particles.

Central government has overall responsibility for ensuring that the UK meets the various limit values that have been set by the EU Air Quality Directives and Daughter Directives. The EA has an obligation under the Regulations to ensure that the facilities it regulates do not contribute significantly to a breach of a limit value.

UK Air quality objectives

The UK Air Quality Standards Regulations 2010 came into force in June 2010. They implement the EU Directive on ambient air quality.

The Environment Act 1995 requires the UK Government to produce a national 'Air Quality Strategy' (AQS). The AQS establishes the UK framework for air quality improvements. Measures agreed at a national and international level are the foundations on which the strategy is based. The first AQS was adopted in 1997 and replaced by the AQS for the UK published in January 2000. The 2000 Strategy has subsequently been replaced by the AQS for the UK 2007.

The air quality objectives in the AQS are a statement of policy intention or policy targets. As such, there is no legal requirement to meet those objectives except in as far as they mirror any equivalent legally binding limit values in EU Directives and English regulations.

The Environment Act 1995 requires that the EA has regard to the AQS in exercising its pollution control functions (Section 81 of the 1995 Act). Local Authorities are also required to work towards the Strategy's objectives prescribed in regulations for that purpose.

Broadly, the AQS requires that for waste operations, the EA should base environmental permit conditions on the application of appropriate measures or higher standards if national objectives are likely to be breached.

EA Remit with Respect to Air Quality

The EA has a number of duties related to air quality as follows:

- to ensure that facilities it regulates comply with EU obligations on the UK such as Air Quality Limit Values;
- to ensure that the facilities it regulates do not contribute significantly to breaches of AQS objectives; and
- to support local authorities in improving local air quality.

The EA is committed to ensuring that appropriate measures are used to deliver the maximum improvements to air quality where UK exposure reduction objectives or EU air quality target values are being, or are likely to be, exceeded.

The proposed abatement measures detailed by the applicant in the schedule 5 response received on 31st March 2017 are insufficient to mitigate the risk. The report submitted by the Applicant has predicted that as a result of the proposed activities the process contribution (PC) of particulate matter at some sensitive human receptors will not be insignificant. This is the case under either operating scenario either using the maximum or worst case values of the particulate matter emission factors for the proposed activities and operation conditions or using the typical or average values of the particulate matter emission factors for the proposed activities and operation conditions. Our modelling check indicated that there could be significantly greater impacts at sensitive receptors than those predicted in the Application.

EA Remit with Respect to Noise Pollution

Pursuant to Schedule 9, Part 1, paragraph 3(1)(b) of the Regulations the Environment Agency is required to exercise its relevant functions for the purpose of implementing Article 13 of the revised Waste Framework Directive 2008/98/EC. Article 13 of the Directive states as follows:

Protection of human health and the environment

The Environment Agency has the requirement to take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:

- (a) without risk to water, air, soil, plants or animals;*
- (b) without causing a nuisance through noise or odours; and*
- (c) without adversely affecting the countryside or places of special interest.*

Under Regulation 13(1) of the Regulations we may grant a new environmental permit. However, in this case we have taken the view that it is necessary to refuse the new application as granting the application applied for would pose an unacceptable risk of noise.

EA remit with respect to Section 108 Deregulation Act 2015 – Growth duty

We 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.

Paragraph 1.3 of the guidance says:

“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.” 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. We consider our decision is appropriate to ensure the necessary protections.

Consultation

A total of 358 responses were received, of which 2 responses were made by Non Governmental Organisations comprising of the Great Western Allotment Association and West Acton Residents Association. 3 responses were from public bodies comprising of Ealing Council, Public Health England and the Greater London Authority and we received a response from the local Member of Parliament.

Although the consultation ended on 9th December 2016, any comments that have been received after the close of the consultation and prior to issue of our minded to position were taken into consideration as part of our determination process.

Summaries of the consultation responses and how we have addressed them are as follows:

Responses from organisations listed in the consultation section

Response received from
Ealing Council
Brief summary of issues raised
<p>Ealing Council raised a number of concerns in relation to this application:</p> <ul style="list-style-type: none">• The site is within close proximity to sensitive receptors and as such there is concerns about the health risks associated with this activity.• There is concern relating to the noise generated by the tipping, crushing and screening activity which would generate dust and noise.• The mitigation measures are insufficient.• The increased traffic in the area as well as increased number of vehicles entering and leaving the site.• Exhaust emissions, not only from the vehicles but also, from Non Road Mobile Machinery on site.• Risks to the AQMA and the air quality objectives for PM₁₀.
Summary of actions taken or show how this has been covered
<p>The operator was required to submit a bespoke permit application for this activity due to the fact that the site is in an Air Quality Monitoring Area (AQMA). We also required the Applicant to either build a four sided structure to contain the waste activity or provide alternative but equally effective measures to reduce fugitive emissions of PM₁₀ and PM_{2.5}. The Applicant supplied an alternative measure consisting of 6 meter high push fit walls and mist cannons which we determined did not mitigate these risks and therefore we refused this Application. This is explained in more detail above.</p> <p>We did require evidence of enhanced measures to control NO_x emissions from the non-road going mobile machinery that will be used on site should the permit have been granted. This was not considered further as we considered dust/particulates the more significant emission and we are refusing due to this.</p> <p>A noise assessment that the applicant supplied was technically assessed and our view is that it has not been demonstrated that the noise impacts are acceptable.</p>

Greater London Authority
Brief summary of issues raised
The Greater London Authority raised the following objections in respect of this application: <ul style="list-style-type: none"> Concerns over the impact of health of the surrounding residents. Concerns over the mitigation measures proposed by the applicant being insufficient to mitigate for the risks of particulate matter. Also the Greater London Authority is concerned that this facility may detrimentally impact our ability to achieve our air quality targets.
Summary of actions taken or show how this has been covered
As explained in the Key Issues in this document due to the health impacts and pollution we are refusing this Application.

Response received from
Public Health England
Brief summary of issues raised
Public Health England have stated that the information contained within the application indicates that there is the potential for risk to public health from the proposed activity, due to particulate matter and NO ₂ emissions, as these do not appear to have been adequately assessed within the application.
Summary of actions taken or show how this has been covered
As explained in the Key Issues in this document due to the risks we are refusing this Application.

Representations from local MP

Response received from
Dr Rupa Huq Member of Parliament (Ealing Central and Acton)
Brief summary of issues raised
Rupa Huq MP has raised a number of issues on behalf of her constituents. The issues raised are listed below: <ul style="list-style-type: none"> A rise in air pollution not only from the site but also the increased traffic. Increased traffic in the area. Health concerns relating to this site. Potential noise pollution. House prices
Summary of actions taken or show how this has been covered
Firstly with regard to the issues relating to traffic, Schedule 9, Part 1, paragraph 3(1)(b) of the Regulations limits our remit to the impact of traffic on the Site however we did require evidence of enhanced measures to control NO _x emissions from the non-road going mobile machinery that will be used on site should the permit have been granted. The Applicant requested to remove crushing and screening from the permit application and mitigation measures were supplied as part of the applicants Dust Assessment Management Plan. This was not considered further as we considered dust/particulates the more significant emission and we are refusing due to this.

With regards to health concerns and the concerns surrounding air pollution from the proposed site as explained above we have decided to refuse the Application.

A noise assessment that the applicant supplied was technically assessed and our view is that it has not been demonstrated that the noise impacts are acceptable. Any negative impact of property values in the local area is not relevant to the determination for environmental permit applications.

Representations from community and other organisations

Response received from
Great Western Allotment Association
Brief summary of issues raised
The association made up of over 50 members have raised objections on the following grounds. <ul style="list-style-type: none">• The risk of increasing concentrations of PM₁₀.• Increased traffic.• Noise generated from the site.
Summary of actions taken or show how this has been covered
<p>As explained in Key Issues in this document we have assessed the health and pollution risks and decided to refuse the Application.</p> <p>With regard to the issues relating to traffic, Schedule 9, Part 1, paragraph 3(1)(b) of the Regulations limits our remit to the impact of traffic on the Site however we did require evidence of enhanced measures to control NO_x emissions from the non-road going mobile machinery that will be used on site should the permit have been granted. The Applicant requested to remove crushing and screening from the permit application and mitigation measures were supplied as part of the applicants Noise Management Plan and Dust Assessment Management Plan. This was not considered further as we considered dust/particulates the more significant emission and we are refusing due to this.</p> <p>A noise assessment that the applicant supplied was technically assessed and our view is that it has not been demonstrated that the noise impacts are acceptable.</p>

Response received from
West Acton Residents Association
Brief summary of issues raised
The association's members have raised objections on the following grounds. <ul style="list-style-type: none">• The risk of increasing concentrations of PM₁₀.• Increased traffic• Noise generated from the site.• Air quality issues.
Summary of actions taken or show how this has been covered
<p>As explained in Key Issues in this document we have assessed the health and pollution risks and decided to refuse the Application.</p> <p>With regard to the issues relating to traffic, Schedule 9, Part 1, paragraph 3(1)(b) of the Regulations limits our remit to the impact of traffic on the Site however we did require evidence of enhanced measures to control NO_x emissions from the non-road going mobile machinery that will be used on site should the permit have been granted. The Applicant requested to remove crushing and screening from the permit application and mitigation measures were supplied as part of the applicants Noise Management Plan and Dust Assessment Management Plan. This was not considered further as we considered dust/particulates the more significant emission and we are refusing due to this.</p> <p>A noise assessment that the applicant supplied was technically assessed and our view is that it has not been demonstrated that the noise impacts are acceptable.</p>

Representations from individual members of the public.

We have received 358 written responses by post, email and the online consultation portal in response to this application and they have raised the following objections.

Brief summary of issues raised
Concerns were raised about the impact of increased traffic in the area that would occur if the permit was granted.
Summary of actions taken or show how this has been covered
With regard to the issues relating to traffic, Schedule 9, Part 1, paragraph 3(1)(b) of the Regulations limits our remit to the impact of traffic on the Site however we did require evidence of enhanced measures to control NO _x emissions from the non-road going mobile machinery that will be used on site should the permit have been granted. The Applicant requested to remove crushing and screening from the permit application and mitigation measures were supplied as part of the applicants Noise Management Plan and Dust Assessment Management Plan. This was not considered further as we considered dust/particulates the more significant emission and we are refusing due to this.

Brief summary of issues raised
A number of responses raised the issue of air quality dust and dirt being generated by these site and some referenced the fact that the site would be in an AQMA and concerns around mitigation measures.
Summary of actions taken or show how this has been covered
We considered this as part of our permit determination and we determined that this permit should be refused as the measures proposed by the operator did not adequately mitigate this risk and satisfy our concerns. The operator was required to submit a bespoke permit application for this activity due to the fact that the site is in an Air Quality Management Area (AQMA). We also required the Applicant to either build a four sided structure over the waste activity or provide alternative equivalent measures to reduce fugitive emissions of PM ₁₀ and PM _{2.5} . The Applicant supplied an alternative measure which we determined did not adequately mitigate these risks and therefore we refused this Application.

Brief summary of issues raised
Some of the responses raised concerns over the affect this permit would have on property values in the area.
Summary of actions taken or show how this has been covered
Any negative impact of property values in the local area is not relevant to the determination for environmental permit applications.

Brief summary of issues raised
Some of the responses raised concerns over the affect this permit would have on the health of the public if this permit was to be granted.
Summary of actions taken or show how this has been covered
As explained in Key Issues in this document we have assessed the health and pollution risks and decided to refuse the Application.

Brief summary of issues raised
We received a number of responses from people concerned about hazardous wastes to be accepted on the site.
Summary of actions taken or show how this has been covered
Had a permit been issued it would have restricted the waste types to non-hazardous wastes only.

Brief summary of issues raised
We received a number of responses concerned with noise that would be generated as a result of this proposed activity.
Summary of actions taken or show how this has been covered
Some of the issues raised in relation to noise were centred around increased traffic to and from the site and we have explained the position in relation to traffic above. However others raised noise in relation to the activities themselves. A noise assessment that the Applicant supplied was technically assessed and our view is that it has not been demonstrated that the noise impacts are acceptable.

Brief summary of issues raised
We received a number of responses concerned with flies, rats, rodents and pests.
Summary of actions taken or show how this has been covered
The wastes the operator proposed to accept should not hold any organic or food matter that is likely to attract flies rodents or pests.

Brief summary of issues raised
We received a number of responses concerning the competence of the operator to hold an environmental permit.
Summary of actions taken or show how this has been covered
As with any permit application we consider operator competence and their ability to hold a permit as part of our determination. Compliance Assessment Report forms and complaints records were reviewed for another S. Walsh and Son Limited site on Ferry Lane, Rainham. These showed that there have been complaints about particulate pollution impacting on adjacent business. Compliance Assessment Report form completed upon a site visit details the local EA officer making requests for the activities on site to improve their infrastructure and management techniques to prevent fugitive emissions of particulate pollution escaping the site.

Brief summary of issues raised
A number of responses have been submitted concerning odour as a result of this permit activity.
Summary of actions taken or show how this has been covered
None of the wastes that the Applicant applied for are considered to be odorous.

Brief summary of issues raised
We received a number of responses concerning the risks of this application to biodiversity in the local area.
Summary of actions taken or show how this has been covered
The application was screened for any sensitive sites near the proposed site. There is no SSSI (Site of Special Scientific Interest), SAC (Special Area of Conservation), SPA (Source Protection Area) or Ramsar situated within 500 meters of the proposed site. The area is designated a local wildlife site. We assessed the application on the basis of risk to the local environment. The local wildlife site has not been considered as part of this assessment as the mitigation measures proposed for particulates and noise were deemed insufficient we have decided to refuse this application.

Brief summary of issues raised
A number of responses were raised concerning risk of vibrations at the site from the proposed activity.
Summary of actions taken or show how this has been covered
Due to the location of The Site we have not consider impacts from vibration to be significant in relation to this assessment.