

Permitting decisions

Bespoke permit

We have decided to grant the permit for Micheldever Recycling Facility operated by Hampshire County Council.

The permit number is BP3732WB.

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 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. The introductory note summarises what the permit covers.

Description of the main features of the installation

Hazardous waste operations are limited to the recovery of waste coal tar bound road planings for reuse in road construction. The hazardous waste (bituminous waste containing coal tar) arises from road maintenance works.

Asphalt Wastes Containing Coal Tar (AWCCT) will be stockpiled prior to crushing and grading. The material will then be further processed in a "mobile batching plant" designed for the manufacture of Hydraulically Bound Materials (HBM).

The HBM is produced using aggregate (inert material and the AWCCT), pulverised fuel ash, lime (quicklime and water). The feedstock materials are stored in hoppers or silos and mixed to a design ratio necessary to achieve a specific compaction strength. The equipment is designed to contain the feedstock materials. PFA and lime will be stored in the barn on pallets and in bags. Water will be sourced from the attenuation tanks and stored in bowsers.

The permit also includes a waste operation for the treatment and transfer of non-hazardous and inert wastes including concrete, soil and stones and track ballast. These wastes will be crushed, screened and stored prior to use on construction schemes.

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 have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: <ul style="list-style-type: none"> • Local Authority Environmental Protection Department • Public Health England The comments and our responses are summarised in the consultation section .
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN 2 'Defining the scope of the installation'. 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. Installation The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations: <ul style="list-style-type: none"> • 5.3 Part A (1) (a) (iii) Recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving blending or mixing. • 5.3 Part A (1) (a) (vi) Recovery of hazardous waste with a capacity exceeding 10 tonnes per day, by recycling or reclamation of inorganic materials other than metals or metal compounds. • 5.6 Part A (1) (a) Temporary storage of hazardous waste with a total

Aspect considered	Decision
	<p>capacity exceeding 50 tonnes.</p> <p>Waste Operation</p> <p>The Associated waste operations consist of the storage and treatment of non-hazardous and inert waste with the following recovery and disposal codes:</p> <ul style="list-style-type: none"> • R3: Recycling/reclamation of organic substances which are not used as solvents • R5: Recycling/reclamation of other inorganic materials • R13: Storage of waste pending any of the operations R1 to R12
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility The plan is included in the permit.
Site condition report	<p>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.</p> <p>The site has been historically been used as a highways depot and for the manufacture of highway materials including asphalt.</p> <p>A ground investigation report dated March 2016 was submitted as part of the application. This concluded that minor low level contamination in one borehole and is considered a suitable baseline from which to describe conditions at the site.</p> <p>The site lies over a principal chalk aquifer and Source Protection Zone 3.</p> <p>The site drainage infrastructure has been a key consideration in the determination of the permit. The operator has confirmed the depot infrastructure will be updated to have a concrete or asphalt impermeable surface with surface water fully intercepted. A final attenuation tank will contain all drainage water prior to tankering off site. There is no discharge to surface water from within the installation boundary.</p> <p>A soakaway structure remains on site and from which the operator considers discharges of clean water in the future may be considered appropriate. This is not authorised under this application and the operator has been advised any such discharge will require a permit variation and discharge consent.</p>
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> <p>Micheldever Spoil Heaps SSSI lies 90m to the south of the site. This however is separated from the facility by a major road and mature trees.</p> <p>There are also a number of Local Wildlife sites in the vicinity, the nearest being Micheldever Oil terminal 95m to the east of the site boundary.</p>

Aspect considered	Decision
	<p>Dust deposition is considered a risk with waste handling and crushing and screening activities. We have considered the following mitigation measures proposed by the operator:</p> <ul style="list-style-type: none"> • Locate finer aggregates under cover, either within the existing barn or under tarpaulin • Limit vehicle speeds to 10mph • Minimise drop heights and advise drivers to tip slowly and carefully • Avoid high risk activities on warm, dry, windy days • Use of a road sweeper <p>The River Itchen SAC is 9.3km to the south east of the site. This area will not be impacted.</p> <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.</p> <p>As detailed above the site lies within 50m of a major road with the nearest residential receptors lying over 550m to the south east. Noise emissions are not considered a concern and dust mitigation is described above. There are no point source emissions to air or ground.</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> <p>The operator has submitted a Best Available Techniques (BAT) assessment of the records, storage and treatment of waste confirming compliance with the principles of our Sector Guidance Note S5.06: Guidance for Recovery and Disposal of Hazardous and Non Hazardous Waste.</p> <p>The operator has submitted waste acceptance and waste flow diagrams for the acceptance and treatment of wastes which we consider appropriate.</p>
Permit conditions	
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</p>

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	<p>reasons:</p> <ul style="list-style-type: none"> • they are suitable for the proposed activities • the proposed infrastructure is appropriate • the environmental risk assessment is acceptable. <p>We have restricted the following wastes for the following reasons</p> <p>19 12 12 - Waste soil and stones that have been screened to remove aggregate material suitable for reuse.</p> <p>Some of the waste received at Micheldever will be non-hazardous soil and stones received from treatment and transfer stations. The code has been restricted to ensure only soil and stones from mechanical treatment are received.</p> <p>We made these decisions with respect to waste types in accordance with sector guidance note S5.06 and our guidance “control and monitor emissions from your environmental permit”</p>
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>We have imposed a pre-operational condition to make sure that wastes are stored and treated on impermeable ground with sealed drainage. This will ensure the site meets the requirements identified within Sector Guidance Note S5.06: Guidance for Recovery and Disposal of Hazardous and Non-Hazardous Waste. Resurfacing and construction details have been provided in the Schedule 5 response dated 27/03/2018</p> <p>We have agreed the proposed drainage layout is appropriate for the setting however works on site cannot commence until all the necessary infrastructure has been put in place.</p> <p>PO1 will prevent wastes being accepted until the sealed drainage system has been installed as per the approved proposals as detailed above and agreement has been given to the applicant in writing from the Environment Agency.</p>
Emission limits	We have decided that emission limits are not required in the permit.
Reporting	We have specified reporting in the permit
Operator competence	
Management system	<p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>Andy Ward holds WAMITAB 4TMH Managing Treatment hazardous Waste and appropriate Continuing Competence (Checked direct on WAMITAB</p>

Aspect considered	Decision
	<p>database)</p> <p>We are satisfied that the operator is technically competent.</p>
Relevant convictions	<p>The Case Management System has 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 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, 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
Brief summary of issues raised
<p>The primary health concerns arise from the processing of asphalt waste containing coal tar. These are in a solid state at ambient temperature and are odourless. There should not be significant releases from the site. Other risks such as releases to water, fires, noise and dust have been considered in the application and mitigation measures are in place.</p> <p>Provided the site complies with legislation and has good management the site should present a low risk to local human receptors.</p>
Summary of actions taken or show how this has been covered
No action required