

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Dalton Depot operated by Ringway Infrastructure Services Limited.

The permit number is EPR/AP3330JQ.

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:

- 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. The introductory note summarises what the permit covers.

## Key issues of the decision

The permit authorises recovery and treatment of hazardous and non-hazardous waste. The hazardous waste treatment involves full encapsulation of asphalt wastes containing coal tar (known as AWCCT) following crushing by a cold foam treatment process that involves the use of bitumen as a binder. The AWCCT will be imported to the site from highway maintenance and improvement works across North Yorkshire. Once the AWCCT is fully encapsulated it is suitable for reuse in the sub-surface layers of highways as cold recycled bound material (CRBM).

The Schedule 1 listed activities undertaken at this installation are:

- Section 5.3 Part A(1)(a)(vi) – Recovery of hazardous waste involving recycling or reclamation of inorganic materials (crushing);
- Section 5.3 Part A(1)(a)(vi) – Recovery of hazardous waste involving recycling or reclamation of inorganic materials (encapsulation); and
- Section 5.6 Part A(1)(a) – Temporary storage of hazardous waste pending any of the activities listed in Section 5.3.

The directly associated activities which serve the installation are raw and auxiliary material storage, energy generation and surface water management. The facility includes a directly associated activity that falls under Section 3.1 Part B (b) of The Environmental Permitting (England & Wales) Regulations 2016 - use of cement in bulk. Cement is stored on-site in a dedicated silo and used in the AWCCT encapsulation process.

The site also undertakes a waste operation including the storage and treatment of non-hazardous highway excavation wastes. These wastes will undergo sorting, separation, crushing and screening to produce secondary aggregates for either reuse in highway maintenance/excavation works or supply to local markets. Non-hazardous road planings will be stored on site for use in highway maintenance and excavation works.

The site will receive a maximum of 30,000 tonnes per year of hazardous waste and up to 30,000 tonnes per year of non-hazardous highway excavation wastes, soils and concrete. Hazardous and non-hazardous wastes are not mixed.

The site (National Grid Reference NZ 31457 06504) is located on Northallerton Road (A167) in a rural area surrounded by agricultural land. Dalton-on-Tees, located circa 2km North West of the site, is the nearest village. Within a 2km radius there are various isolated residential dwellings and farms, the closest being over 400m away. A railway track is located roughly 1.20km West of the site. Dalton Beck flows from the North Easterly edge of the site towards the River Tees 1.86km to the North. There are no European Sites (i.e. Special Protection Areas, Special Areas of Conservation, Ramsar), Sites of Special Scientific Interest or other statutory sites within a 2km radius of the site. There are no Ancient Woodlands or Priority Habitats within 250m of the site.

### Waste acceptance

Waste loads from highway excavation works where coal tar may be present will only be accepted where core logging and testing has been undertaken to confirm whether materials are hazardous or non-hazardous. A copy of the test survey and laboratory report will be required before any pre-acceptance is approved. Any potentially hazardous waste loads arriving at the site that have not been tested will be rejected and refused entry. Core logging and test results enables the accurate identification of hazardous wastes and non-hazardous wastes and allows the Operator to excavate them separately and avoid the mixing of such materials.

These measures meet the requirements of Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste (SGN5.06).

### Waste treatment

Non-hazardous waste will be crushed and screened to produce secondary aggregates for reuse in highway maintenance or supply to local markets. Non-hazardous wastes are not treated through the encapsulation process.

The AWCCT is crushed and screened to a desired particle size and then the AWCCT is introduced into the cold foam mixing plant via a feed hopper and conveyer. Water is added to the AWCCT to assist the mixing and treatment processes. The foamed bitumen is sprayed onto the AWCCT and mixed within the plant to ensure that foam distribution is homogeneous and all materials are adequately coated and encapsulated. The treated material is then discharged from the plant via a conveyor, typically to tipper vehicles for off-site removal or onto a stockpile for temporary storage prior to off-site transfer.

Additives such as pulverised fuel ash (PFA) and ordinary Portland cement (OPC) are added, as required, to improve the cohesion and binding process. Depending on operational requirements, PFA and/or OPC will be stored in a mobile silo and fed via a screw augur into the plant's mixing chamber.

These measures meet the requirements of SGN5.06.

### **Dust emission controls**

The crushing and screening plant incorporates a dust suppression system which atomises water through nozzles to bind airborne dust. The nozzles are located at the crusher outlet, in the bypass and over the main discharge belt.

OPC will be stored in a dedicated and purpose designed sealed silo. OPC will be delivered to the site by road tanker and transferred to the silo pneumatically via a connected and sealed flexible pipeline. It will be transferred from the bottom of the silo to the cold foam plant via an enclosed screw conveyer. The use of a sealed systems to transfer cement into and out of the silo minimises any potential for fugitive dust escape. During filling operations displaced air from the silo has to be vented to atmosphere. The silo will incorporate a dust filter to capture fugitive emissions of dust during venting.

These measures meet the requirements of SGN5.06.

### **Drainage**

The hazardous waste pre-processing and processed material bays will be roofed. Run-off water from the bays will drain to a clean water storage tank for use in dust suppression during dry and dusty conditions. Run-off water from the materials processing area will drain to a separate sealed tank, which will be emptied by dedicated road tanker for transfer to an authorised waste water treatment works. These tanks will be sized to capture all run-off water from, respectively, the material processing area impermeable pavement and the roofed area above the hazardous waste pre-processing and processed waste storage bays. The run-off rate will be based on a 100 years rainfall event plus an upper end climate change allowance.

There is no proposal to discharge foul water at the site.

These measures meet the requirements of SGN5.06.

## 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</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>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Environmental Health</li> <li>• Directors of Public Health</li> <li>• Public Health England</li> <li>• Health and Safety Executive</li> <li>• Local Planning Authority</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>Operator</b>	
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.
<b>The facility</b>	
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', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</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>
<b>The site</b>	
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>The plan is included in the permit.</p>

Aspect considered	Decision
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	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.
<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> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.</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. Relevant guidance notes for this activity are:</p> <ul style="list-style-type: none"> <li>• Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste.</li> </ul> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Operating techniques for emissions that screen out as insignificant	<p>Emissions of Nitrogen Dioxide, Carbon Monoxide and PM10 have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.</p> <p>The 0.158MW diesel generator used on site is significantly below the 1MW generator threshold specified in Schedule 25b of the Medium Combustion Plant Directive, and so emission limits have not been set.</p>

Aspect considered	Decision
<b>Permit conditions</b>	
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</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>We made these decisions with respect to waste types in accordance with:</p> <ul style="list-style-type: none"> <li>• Technical Guidance WM3: Waste Classification - Guidance on the classification and assessment of waste.</li> <li>• Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste.</li> <li>• Our regulatory position statement 075: The movement and use of treated asphalt waste containing coal tar.</li> </ul>
Emission limits	We have decided that emission limits are not required in the permit.
<b>Operator competence</b>	
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>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.

Aspect considered	Decision
<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>

## 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

<b>Response received from</b>
Richmondshire District Council – Environmental Health
<b>Brief summary of issues raised</b>
Unaware of any noise or amenity issues at the site. No objections in principle to the application.
<b>Summary of actions taken or show how this has been covered</b>
We have assessed the risk of pollution from the site and conclude that there is likely to be no significant effect on the environment. We have used the standard conditions for noise and fugitive emissions in the permit.

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
The main emissions of potential concern are fugitive emissions of dust to air. Based on the information contained in the application supplied to us we have no significant concerns regarding the risk to the health of the local population from the installation.
<b>Summary of actions taken or show how this has been covered</b>
We have assessed the risk of dust from the site and conclude that there is likely to be no significant effect on the environment. We have used the standard conditions for fugitive emissions in the permit.