

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Towton Depot operated by Ringway Infrastructure Services Limited. The permit number is EPR/AP3030JW.

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 annum of hazardous waste and up to 30,000 tonnes per annum of non-hazardous highway excavation wastes, soils and concrete.

The Site (National Grid Reference SE 48680 40140) is located in a rural area, surrounded by farmlands. The nearest village, Towton, is located circa 340m to the south of the Site. Other residential properties in the village are located further to the south. Other than the village, within a radius of 2km, there are a few smaller residential dwellings. The A162 is located to the immediate west of Site boundary, beyond which is farm land. The B1223 is near to the northern boundary of the Site, separated by a belt of trees and shrubs, beyond which is further farm land. Agricultural land borders the Site to the immediate south and east. The river Cock Beck is located to the north west of the Site in the range of 400-600 m. Stutton Ings Site of Special Scientific Interest (SSSI) is within 2km of the site, at approximately 310m to the north-west. There are a number of Local Wildlife Sites (LWS) and Ancient Woodlands within 2km of the site, the nearest being Stutton Railway Track (LWS) approximately 90m to the north-west of active site operations and 16m from northern site boundary and Dalton Wood Ancient Woodland approximately 600m to the north.

### 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. Waste storage meets the indicative Best Available Techniques (BAT) specified in our guidance SGN 5.06.

### 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 techniques meet the BAT specified in our guidance 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 methods are in accordance with our guidance 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.

## 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> <p>Local Authority Environmental Protection Department</p> <p>Public Health England</p> <p>Health and Safety Executive</p> <p>Local planning authority</p> <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>
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.

Aspect considered	Decision
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>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>
<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> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
<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> </ul>

Aspect considered	Decision
	<ul style="list-style-type: none"> <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 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	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document</p>

<b>Aspect considered</b>	<b>Decision</b>
	<p>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>
Selby District Council - Environmental Health Department
<b>Brief summary of issues raised</b>
The proposal cannot be supported in its original form. The proposal has not been through the planning regime and the impact from noise and air quality on nearby sensitive receptors is not clear. In regard to noise, concerns are raised about engine noise from vehicles entering and exiting the site and treatment of wastes. It is requested that the applicant demonstrates that there will not be a loss of amenity. In regards to air quality, concerns are raised in terms of a % change in concentrations of NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> respectively with reference to EPUK/IAQM Planning and Air Quality Guidance.
<b>Summary of actions taken or show how this has been covered</b>
The site is not in an Air Quality Management Area. The applicant has submitted a H1 risk assessment demonstrating that emissions of total suspended particulates are screened out as insignificant. Further to this, the applicant has specified a number of dust management techniques in the application such as enclosed plant with dust suppression, the use of bowsers, roofed storage bays and reduced drop heights when moving wastes. We are satisfied that these measures are appropriate. With regards to NO <sub>2</sub> , the process generating this pollutant is the 0.158MW diesel generator used for electricity generation. The generator size is significantly below the 1MW threshold in Schedule 25b of the Medium Combustion Plant Directive, as such it has not been necessary to set emission limits or monitoring requirements for NO <sub>2</sub> . With regards to noise, the site has been a highways depot for many years and has not received any complaints. Vehicles, plant and machinery will be maintained in accordance with manufacturer's instructions and will be switched off when not in use. Wastes are treated in dedicated enclosed plant. We have used the standard noise condition in the permit which allows for a noise management plan to be requested should noise become an issue of concern in the future.

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
The main emissions of potential concern are emissions to ground or water of leachate containing hydrocarbons such as polycyclic aromatic hydrocarbons (PAHs) and phenols associated with coal tars, and emissions to air of particulate matter associated with crushing and screening of solid materials and volatile organic compounds associated with heated bitumen.
It is recommended that the EA ensure that the operational method to pre-identify hazardous materials implemented by the operator and by other parties supplying materials is validated and robust.
The applicant should consider that heated bitumen is a potential source of odorous emissions.
<b>Summary of actions taken or show how this has been covered</b>
There will be no point source emissions or fugitive emissions to ground or surface water. 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.
The applicant has demonstrated through their In-Process controls that their hazardous waste pre-acceptance and acceptance is in accordance with our guidance and staff will be suitably trained to ensure only approved wastes are accepted at the site.



The applicant has updated their risk assessment to address potential odour from heated bitumen and we have concluded that there is likely to be no significant effect on the environment and local amenity. We have used the standard odour condition in the permit which allows for an odour management plan to be requested by the EA should odours become an issue of concern at the site in future.