

Environment Agency permitting decisions

Variation

We have decided to grant the variation for Walpole Recovery Facility and Landfill Site operated by Viridor Waste (Somerset) Limited.

The variation number is [EPR/BK6785IE/V014](#).

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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
- explains why we have also made an Environment Agency initiated variation
- summarises the engagement carried out because this is a site of high public interest
- shows how we have considered the [consultation responses](#)

And

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

This variation is to include a transfer facility alongside the other waste facilities (Activity reference A24). The site already includes a landfill, anaerobic digestion plant, open windrow composting facility, a wood chipping facility and other directly associated activities. The transfer station will accept non-hazardous household commercial and industrial waste and located within the existing site boundary, just to the north east of the composting pad. The transfer station will include manual sorting to segregate materials for recycling.

All waste unloading, loading, sorting and storage will take place inside a portal framed building with concrete block walls and a steel roof and on impermeable concrete paving that falls to a sealed drainage system. The drainage water will be collected in a sealed sump and will be collected by tanker for disposal at a permitted site.

A24	<p>D15: Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where the waste is produced)</p> <p>R3: Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)</p> <p>R4: Recycling/reclamation of metals and metal compounds</p> <p>R5: Recycling/reclamation of other inorganic materials</p> <p>R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced)</p>	<p>Treatment consisting only of manual sorting or manual separation of waste into different components for disposal, (no more than 50 tonnes per day) or recovery, within the Waste Transfer Station building marked on drawing reference WAL-TS-007.</p> <p>Annual throughput 150,000 tonnes.</p> <p>No more than 1,400 tonnes of waste will be stored at any one time.</p> <p>Maximum storage period for all wastes 72 hours, as stated in Section 2.4 of the Operating Techniques Report.</p> <p>Waste types as specified in Table S2.9.</p>
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The following conditions were varied as a result of the application made by the operator:

- Condition 1.2.1 Financial provision wording amended to reflect the current agreement.
- Condition 2.3.5 A24 added in to reflect the new activity detailed in Schedule 1 Table S1.1.
- Condition 2.4.1 Pre-operational condition added for activity A24 in Schedule 1 Table S1.1.
- Condition 2.6.2 A24 added to reflect the new activity detailed in Schedule 1 Table S1.1.
- Schedule 1 Table S1.1 activity A24 added to include new activity for the waste transfer facility.
- Schedule 1 Table S1.2 Operating techniques table amended to include the latest operating techniques as a result of this variation.
- Schedule 2 Table S2.8 activity references corrected.
- Schedule 2 Table S2.9 new waste table for activity reference A24 for non-hazardous waste.
- Schedule 7 New site plan to show the extent of the waste transfer activity A24.

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail
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.
Consultation	
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"> • Director of Public Health - No response received • Public Health England – Response received • Food Standards Agency - No response received • Environmental Health Sedgemoor DC – Response received • Health and Safety Executive - No response received • Fire & Rescue Somerset Command - Response received • National Grid – Response Received <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility/facilities 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</p>

Aspect considered	Justification / Detail
	permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The operator has provided a plan/s which we consider is/ are satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report include this when a site condition report is part of the application	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.
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>The installation is within 2.6 km of three European designated habitats sites:</p> <ul style="list-style-type: none"> • Severn Estuary/ Môr Hafren SAC Severn Estuary Ramsar • Somerset Levels and Moors Ramsar • Severn Estuary Ramsar <p>The installation is within 2km of one SSSI:</p> <ul style="list-style-type: none"> • Bridgewater Bay SSSI <p>There are 8 Local Wildlife Sites and 1 national nature reserve within 2km of the site.</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 consulted Natural England HRAS Stage 1 sent for information only. The decision was taken in accordance with our guidance.</p> <p>An Appendix 4 has been completed and filed on edrm.</p>
Operator	
Control of the facility	We are satisfied that the applicant 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 EPR

Aspect considered	Justification / Detail
	RGN 1 Understanding the meaning of operator.
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 [or similar methodology supplied by the operator and reviewed by ourselves], all emissions may be categorised as environmentally insignificant.</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>
Fire Prevention Plan	<p>We have assessed the fire prevention plan for the waste transfer facility and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.</p> <p>Approved Fire Prevention Plan consisting of the following documents;</p> <p>Fire Prevention Plan Version 1 dated 24/10/18 and the following additional document;</p> <p>Accompanying Schedule 5 Fire Prevention Plan response document dated 01/04/2019 and;</p> <p>Fire Prevention Plan Drawing WAL TS 6.</p>
Odour Management	<p>We have reviewed the odour management plan for the waste transfer facility in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>Approved odour management plan consisting of the following documents;</p> <p>Odour Management Plan Version 1 dated October 2018.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
The permit conditions	
Updating permit conditions during consolidation.	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation.</p> <p>The conditions will provide the same level of protection as those in the previous permit(s)</p> <p>The operator has agreed that the new conditions are acceptable.</p>
Waste types	We have specified the permitted waste types, descriptions

Aspect considered	Justification / Detail
	<p>and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> • they are suitable for the proposed activities • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable. <p>The following waste types were removed from the application at the Operators request. After discussion with the Operator regarding the suitability of these waste types being accepted the Operator confirmed that these items will not be accepted. They are segregated at source so will not be accepted at this waste transfer facility.</p> <p>16 WASTES NOT OTHERWISE SPECIFIED IN THE LIST</p> <p>16 02 Wastes from electrical and electronic equipment 16 02 14 Discarded equipment other than those mentioned in 16 02 09 and 16 02 13 16 02 16 Components removed from discarded equipment other than those mentioned in 16 02 15</p> <p>16 05 gases in pressure containers and discarded chemicals</p> <p>16 05 05 Gases in pressure containers other than those mentioned in 16 05 04 16 05 09 Discarded chemicals other than those mentioned in 16 05 06, 16 05 07 or 16 05 08</p> <p>16 06 batteries and accumulators</p> <p>16 06 04 alkaline batteries except 16 06 03 16 06 05 other batteries and accumulators</p> <p>We made these decisions with respect to waste types in accordance with our guidance.</p>
Improvement programme	<p>Based on the information on the application, we consider that we do not need to impose an improvement programme.</p> <p>Improvement condition IC5 from variation EPR/BK6785IE/V012 has been completed and removed from Table S1.3 Improvement programme requirements. Table S1.3 improvement programme requirements removed as there are no longer any improvement conditions outstanding and no new improvement conditions imposed.</p>
Pre-operational Conditions	<p>POM 1 has been imposed to ensure a CQA report of the final construction is provided before operations commence.</p> <p>Prior to operation of the 'Waste transfer Station' the operator shall submit a CQA Validation Report within four weeks of the completion of the construction of the relevant waste transfer infrastructure (Activity A24), or other time period agreed in</p>

Aspect considered	Justification / Detail
	writing with the Environment Agency.
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Operator Competence	
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions.
Technical competence	Technical competence is required for activities permitted. The operator is a member of an agreed scheme.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. Condition 1.2.1 has been updated with the latest financial provision wording to reflect the current agreement.
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 main emissions of concern was fugitive emissions of dust to atmosphere. However PHE were in agreement that the applicant proposes controls such that residual impacts should not be significant to public health.</p> <p>Based on the information contained in the application supplied to Public Health England they have no significant concerns regarding the risk to the health of the local population from the installation.</p>
Summary of actions taken or show how this has been covered
<p>None required. Procedures covered in their EMS and condition 1.1.1 General Management of the permit will safeguard procedures are followed. Wastes will be received in enclosed or sheeted vehicles. Wastes will be tipped inside the building. Wastes comprising only powders or dust will not be accepted. Wastes and working areas will be damped down with water if required, e.g. in hot dry weather. The site will be swept clean on a regular basis to minimise dust and debris around the site. All operations are sited inside a building.</p>

Response received from Environmental Health Sedgemoor DC
Brief summary of issues raised
<p>EH Sedgemoor DC responded but had no comments to make on the application.</p>
Summary of actions taken or show how this has been covered
<p>None required</p>

Response received from Fire & Rescue Somerset Command
Brief summary of issues raised
<p>The fire and rescue service have no objection to the variation provided that the appropriate fire safety measures are in place in the new transfer station facility. We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.</p>
Summary of actions taken or show how this has been covered
<p>None required.</p>

Response received from National Grid

Brief summary of issues raised

Letter received dated 21/03/2019. A standard response was received, as the proposed activity is in close proximity to National Grid's Transmission assets the consultation was referred to the Asset Protection team for further assessment. The letter indicated that they would provide a response within 21 days. The assets protection team was contacted again but no response was received within this time frame.
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Summary of actions taken or show how this has been covered

I contacted the applicant to determine what communication they may have had and it has been confirmed by Viridor that they have had correspondence with National Grid, particularly regarding construction of the site but also about operating the site. There is an overhead power line close to the transfer station and this has been taken into account. Viridor confirmed all works will be in line with National Grid and HSE guidelines regarding working close to power lines. Viridor also provided correspondence from National Grid, including two letters dated March 2015 and October 2018 saying that they have no objection to the development.
