

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for LPW Technology LTD operated by L.P.W. Technology Limited. The permit number is EPR/YP3930JF.

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; and
- 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

### Low Impact Criteria

Management system – there are no systems that require significant management input to control emissions.

Aqueous waste – the facility is expected to produce around 0.1m<sup>3</sup> per day of aqueous waste that is tankered to licensed disposal facilities.

Abatement systems – the production process utilises abatement systems to harvest the metal powders, however this is not considered to be abatement as its primary purpose is material harvesting. Without the use of the cyclone filter and bag filter the powders would not be able to be collected.

Groundwater – there are no fugitive emissions to groundwater or soakaways.

Producing waste – material falling outside of the desired specification is produced in the sieving process. This material could be considered a waste, however the Operator will primarily re-use it within the process, where it is known as secondary raw material. Alternative use routes include; sale to other suppliers. The Operator has proposed to return unwanted material to the ingot/bar supplier to be remelted into bars, however it is not clear if this is a normal industrial practice or waste treatment. This means that the facility produces less than 1 tonne per day of non-hazardous waste and less than 10kg per day of hazardous waste.

Energy use – the site has a peak supply load of 2MW, which is below the 3MW limit.

Preventing incidents – the raw materials are solid bars and the finished products are powders stored in sealed containers, therefore the risk from these are minimal. Liquids are stored in appropriately banded areas, therefore fugitive emissions from the facility are expected to be negligible.

Noise – there is only a low potential for causing noise offence from this facility as all of the main processes are contained within a fully enclosed building.

Emissions of polluting substances – the operator has provided an H1 risk assessment demonstrating that the emissions to air from the facility all screen out as insignificant. The Operator assessed emissions of PM10 and PM2.5 from both of the atomisers. An improvement condition has been included to demonstrate that the data used in the H1 tool is representative of the emissions from the facility as the Operator did not provide any data with the application.

Odour – due to the nature of the facility the potential for offence from odour is low.

History of keeping regulations – the Operator has no history of enforcement action.

### **Scheduled Activity**

The Scheduled activity, Section 2.2 Part A(1)(a), has been chosen as the Operator produces non-ferrous metals from secondary raw materials by metallurgical activities and does not fall within Part A(2) of that section. The secondary raw materials are powdered metals produced from their process that fall outside of the desired tolerances for sale as a product, which are then added to the virgin raw materials in the atomiser.

It does not fall into Section 2.2 Part A(1)(b) or Part A(2) as the plant does not have a melting capacity above 4 tonnes per day. The melting capacity is 0.6 tonnes per day inclusive of both atomisers.

### **Improvement Condition**

An improvement condition (IC1) has been included for the Operator to provide a report demonstrating that the emissions from the facility are representative of the data used within the H1 tool, submitted with the application. If the emissions are not representative the Operator must submit a revised H1 assessment using the new data.

IC2 covers the scenario that if this assessment demonstrates that the emissions are not insignificant then the Operator must propose methods to reduce their emissions to concentrations that do screen out as insignificant, or apply for a bespoke installation permit that is not low impact.

## 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>• Director of Public Health/Public Health England</li> <li>• Health and Safety Executive</li> <li>• Food Standards Agency</li> <li>• Local Authority – Planning</li> <li>• Local Authority – Environmental Health</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	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we

Aspect considered	Decision
	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	<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.</p> <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 PM10 and PM2.5 have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p>
<b>Permit conditions</b>	
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme, see key issues.
Emission limits	We have decided that emission limits are not required in the permit.
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

Aspect considered	Decision
	Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.
Reporting	We have specified reporting 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>
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: “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 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>
Public Health England
<b>Brief summary of issues raised</b>
No issues raised
<b>Summary of actions taken or show how this has been covered</b>
None