

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Medway Recycling Centre operated by OCL Regeneration Limited. The permit number is EPR/SP3401PP/A001.

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

## Air emissions

This facility has associated emissions to air from a 0.166 MWth generator (model BCRJD 60-50/60 E3A) which powers the cold foam treatment plant, therefore an assessment of the impact on air quality was required. The applicant submitted a specification of the generator which will be utilised on site as well as an assessment of the emissions based on this information. As the generator has an associated emission certification (Emissions Stage IIIA Compliant), we were able to screen the potential impacts of its emissions on nearby receptors. The primary pollutant of concern was oxides of nitrogen (NOx). On a conservative basis, we calculated the NOx emission rate to be 0.005g/s based on the specification stating the annual NOx emission to be 144,000g per year ( $144000 / 8760 / 3600 = 0.005\text{g/s}$ ). This emission rate was compared against the environmental standard and resulted in an insignificant impact at all local sensitive receptors. Particulate matter and carbon monoxide were also assessed conservatively in the same way, both were found to be insignificant in comparison to the environmental standards.

## Management of dust

The applicant has taken the following measures to prevent and abate dust emissions:

- Use of a banksman for vehicle movements to ensure no tracking over waste.
- Wheel cleaning of all vehicles leaving the site. Banksman will inspect the wheels after cleaning.
- A road sweeper will be used to keep site surfaces clean. During dry weather, this will be utilised daily.
- Stockpiles will be dampened using a suppression system.
- Vehicle speed will be restricted to 5 mph on site.
- Daily checks for debris and dust.
- The cold foam treatment plant is fully enclosed.
- Mobile dust canons will be available for use on the site during dry weather conditions.
- All waste piles will be stored in bays with 0.5 metres freeboard to prevent wind whip.

### Our assessment

Based upon the information in the application, we are satisfied that appropriate measures will be in place to prevent or where that is not practicable to minimise dust and to prevent pollution from dust. As the applicant had proposed measures adequate for managing dust emissions and the closest human sensitive receptor is over 500 metres away, it was not considered necessary to submit a dust emissions management plan (DEMP) during the determination. In the event that dust emissions are causing pollution, the permit conditions require the operator to submit a DEMP for approval. This plan would require the operator to undertake proportionate site-specific measures to address any issues with dust.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.
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.
<b>Consultation</b>	
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: Director of Public Health - Medway Council Environmental Health – Medway Council Public Health England Health and Safety Executive Food Standards Agency The comments and our responses are summarised in the <a href="#">consultation section</a> .
<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	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. 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.
<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 including the discharge points. The plan is included in the permit.

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	<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- AQTAG 14.</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 nitrogen oxides, carbon monoxide and particulate matter have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.</p> <p>The diesel generator used on site is significantly below the 1 MW generator threshold specified in Schedule 25b of the Medium Combustion Plant Directive, and so emission limits have not been set.</p>
<b>Permit conditions</b>	
Raw materials	We have specified limits and controls on the use of fuels as required by the Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007 and 2014 (Amendment).
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

Aspect considered	Decision
	<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> <p>We have excluded EWC 17 03 01*, 17 03 03*, 17 05 03*, 17 05 07* and 17 09 03* from the list of acceptable wastes for this facility as we consider that these wastes are not suitable for treatment methods proposed considering there is no position statement for their use in construction and they are still likely to be hazardous wastes following treatment.</p>
Emission limits	<p>ELVs have been set for the following substances in the discharge to surface water.</p> <ul style="list-style-type: none"> <li>• Oils or grease – No visible trace</li> </ul> <p>We consider the discharge to surface water from the facility to be low risk but we have set these limits to ensure the Environmental Quality Standards are not breached.</p>
Monitoring	<p>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.</p> <p>These monitoring requirements have been imposed to ensure the Environmental Quality Standards are not breached.</p> <p>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.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with SGN S5.06 – Guidance for Recovery and Disposal of Hazardous and Non Hazardous Wastes.</p>
<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>

<b>Aspect considered</b>	<b>Decision</b>
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	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
<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>
Public Health England
<b>Brief summary of issues raised</b>
If the Environment Agency can confirm that the operation of the crusher and screener will be compliant with industry best practice, PHE would be able to accept that standard mitigation and operator procedures should be adequate to protect public health.
<b>Summary of actions taken or show how this has been covered</b>
Crushers on site will be served by adequate mitigation measures and procedures to ensure there are no significant fugitive emissions from the site. We sent additional information to PHE with respect to the crusher and screener. They had no further comments.

<b>Response received from</b>
Director of Public Health
<b>Brief summary of issues raised</b>
If the Environment Agency can confirm that the operation of the crusher and screener will be compliant with industry best practice, we would be able to accept that standard mitigation and operator procedures should be adequate to protect public health.
<b>Summary of actions taken or show how this has been covered</b>
Crushers on site will be served by adequate mitigation measures and procedures to ensure there are no significant fugitive emissions from the site. We sent additional information to the Director of Public Health with respect to the crusher and screener. They had no further comments.

<b>Response received from</b>
Environmental Health
<b>Brief summary of issues raised</b>
Environmental Health confirmed that the applicant currently holds numerous environmental permits to operate mobile plant, including mobile crushing and screening plant and coating roadstone plant (cold processing). Their records do not show any complaints being received in relation to the proposed site and planning consent has been sought, which should address any potential amenity issues.
<b>Summary of actions taken or show how this has been covered</b>
No further action required

No further consultation response was received from the other organisations and members of the public.