

Permitting decisions

Variation

We have decided to grant the variation for Hersden Waste Management Facility operated by Ling Metals Limited.

The variation number is EPR/BP3490VD/V004.

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

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

Odour Management Plan

The operator provided an Odour Management Plan (OMP) with their application as there is potential for the site to cause odour. The operator proposed to install a new odour abatement system in the waste transfer building which releases ionised air into the space where waste is stored and neutralises the odorous air.

The Environment Agency reviewed the application and the proposed odour abatement system and considered that its effectiveness would be limited for the two main reasons listed below:

- There is no defined inlet or outlet, meaning it would not be possible for the operator to provide accurate monitoring data;
- There is little evidence that the ions and the odorous molecules will 'meet' in the large space of a waste transfer building for the reaction to take place.

It was agreed that providing the site was using appropriate measures to prevent and control odour, the use of the proposed odour abatement system may not be necessary. Upon submission of additional information

(received 24 February 2020), it was decided that the site will be using appropriate measures to prevent and control odour. Appropriate measures include:

- The automatic fast action fabric inner doors are kept closed at all times except to allow waste delivery and collection vehicles in and out, and to allow plant and machinery handling waste within the building to leave and enter.
- Black bag waste, food waste and green waste is and will be removed from the tipping floor at the end of each operating day. Part loads are stored in trailers overnight with solid sheets covering them which are pulled tight over the trailer using a hydraulic system, for completion the following operational day.
- The WTB is kept as clean as possible. Spills are cleared immediately. The tipping floor is swept daily or as required. Floors are sealed concrete to make them easy to clean and will slope towards the drainage system.
- The drainage system will be treated with 'odour neutralising and bacteria-inhibiting solutions' on a monthly basis, more if the need arises.
- The 'first in, first out' principle is applied. Bays are emptied when 1-2 loads are present, with waste being dispatched throughout the day. Normal maximum residence time is 24 hours but occasionally this can extend to 48 hours.
- In the event of machinery failure, the site is able to hire machinery in and can divert waste to other sites, to avoid a 'stockpile' of odorous waste from accumulating.
- Odour monitoring will consist of twice daily sniff tests at 19 specific locations around the site, carried out by trained staff.

Upon receipt of feedback that the Environment Agency does not think the ionisation system work satisfactorily, the operator proposes to extend and upgrade the current Air Spectrum system. They subsequently submitted an addendum to the OMP, amending the parts of the OMP that refer to installing the ionisation unit received 10 March 2020. The operator will monitor the Air Spectrum system using the monitoring protocol outlined in the OMP for six months to ensure its effectiveness. An improvement condition has been included in the permit which requires Ling Metals to submit an updated OMP following the extension of the waste transfer building and subsequent upgrade of the odour abatement system.

Fire Prevention Plan

A Fire Prevention Plan (FPP) was submitted as part of the application, with an amended version being submitted as part of a Schedule 5 response on 29 November 2019.

During the determination of this variation, the Environment Agency requested the relocation of the gas bottle storage cage due to its proximity to the engine draining bund. The operator was asked to complete this work and update their site plan accordingly. An amended FPP site plan was received on 2 April 2020.

Decision checklist

| Aspect considered | Decision |
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| 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"> • Environmental Health, Canterbury City Council • Health and Safety Executive <p>No responses were received.</p> |
| The facility | |
| 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> |
| The site | |
| 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. |
| 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 habitats sites within screening distance are:</p> <p>Stodmarsh SAC (13m)</p> <p>Thanet Coast SAC (9194m)</p> <p>Margate and Long Sands SAC (7984m)</p> <p>Blean Complex SAC (8923m)</p> <p>Tankerton Slopes and Swalecliffe SAC (9174m)</p> <p>Stodmarsh SPA (13m)</p> <p>Thanet Coast and Sandwich Bay SPA (6514m)</p> |

| Aspect considered | Decision |
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| | <p>Outer Thames Estuary SPA (6757m)</p> <p>Stodmarsh Ramsar (13m)</p> <p>Thanet Coast and Sandwich Bay Ramsar (6514m)</p> <p>Stodmarsh SSSI (13m)</p> <p>East Blean Woods SSSI (1808m)</p> <p>Stodmarsh NNR (289m)</p> <p>Chislet Marshes, Sarre Penn and Preston Marshes Local Wildlife Site (970m)</p> <p>Former Hersden Colliery Local Wildlife Site (155m)</p> <p>Clangate Wood Ancient Woodland (1808m)</p> <p>Park Rough/Joiners Wood Ancient Woodland (979m)</p> <p>Little Babs Oak Wood Ancient Woodland (1766m)</p> <p>Joiners Wood Ancient Woodland (548m)</p> <p>Broad Wood Ancient Woodland (1493m)</p> <p>Thanet Coast MCZ (9100m)</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. For this reason, our assessment of the proposals impact on the above SAC's, SPA's and Ramsar's were sent to Natural England for information only. Our assessment of the impact on the above SSSI's and MCZ's are stored for audit purposes.</p> |
| Environmental risk assessment | |
| 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> |
| 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> |
| Odour management | <p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> |
| Noise management | <p>We have reviewed the noise management plan in accordance with our</p> |

| Aspect considered | Decision |
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| | <p>guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> |
| Fire prevention plan | 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. |
| Permit conditions | |
| Updating permit conditions during consolidation | We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s). |
| Use of conditions other than those from the template | Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template. |
| 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"> • they are suitable for the proposed activities • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable. |
| Improvement programme | <p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure that the operator submits an updated odour management plan following the extension of the waste transfer building and subsequent upgrade of the odour abatement system.</p> |
| Reporting | <p>We have added reporting in the permit for the following parameters:</p> <p>Water usage</p> <p>Energy usage</p> <p>We made these decisions in accordance with the latest permit template.</p> |
| Operator competence | |
| Management system | 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. |
| 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</p> |

| Aspect considered | Decision |
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| | guidance on operator competence. |
| Financial competence | There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. |
| 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> |