

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Asphalt Waste Recycling Facility operated by Tarmac Trading Limited.

The permit number is EPR/UP3231QS.

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

### Dust

There is potential for the site to generate dust and particulate emissions. The operator was asked to provide a Dust and Emissions Management Plan as part of a Schedule 5 response. This was received on the 29/05/2019, and a revised copy was subsequently submitted on 17/07/2019.

Activities that have the potential to generate dust include the movement, storage, crushing and screening of road planning waste, and the use of additives which are used in the manufacturing of Cold Recycled Bound Material (CRBM). Potential receptors include residential properties approximately 105m to the north of the site and residential properties approximately 245m to the west. The site is surrounded by a quarry adjacent to the western boundary and agricultural fields in other directions.

The operator has committed to preventing and controlling dust. On-site traffic speeds are limited to 20mph. Crushing machinery has been fitted with water spray bars. Additives will be stored in enclosed silos. The site will be kept clean and swept regularly. Vehicle routes will be damped down during dry weather.

The operator will monitor daily for on-site and off-site dust deposition and there is a complaints handling procedure if a complaint is received regarding dust emissions from the site.

A dust action plan will be implemented if visible plumes of dust or settled dust are visible and is, or as the potential to leave the site boundary. The action plan includes suspending operations that are causing emissions and taking corrective action.

## **Noise**

There is potential for the site to generate noise emissions. The operator was asked to provide a Noise Impact Assessment and Management Plan. This was received on 29/05/2019, and a revised copy was subsequently submitted as part of a schedule 5 response on 31/10/2019.

Activities that have the potential to generate noise include on-site vehicle movements including the delivery of waste and dispatch of product, and the loading, mixing, crushing and screening of waste material. Potential receptors include residential properties approximately 200m to the north of the site and residential properties approximately 245m to the west. The site is surrounded by a quarry adjacent to the western boundary and agricultural fields in other directions.

Measures to reduce on-site noise include:

- Minimising drop heights;
- Arranging site layout to ensure noisiest operations occur away from sensitive receptors;
- Arranging site layout to ensure the stockpiles of waste road planings are positioned to attenuate machinery noise;
- Operating machinery for no longer than is necessary;
- No idling of plant, equipment of vehicles;
- Enforcing a 20mph speed limit across the site;
- White noise reversing alarms fitted to on-site vehicles.

The operator has a noise complaint handling procedure in the circumstance that a noise complaint is received.

Using method BS4142:2014 'Method for rating and assessing industrial and commercial sound', the operator carried out noise assessment and modelling to determine the impact on residential receptors of noise emissions generated on site. The BS4142 method compares the noise level difference between the source (specific) and the background noise level that exists without the specific noise 'on'. Corrections to the measured sound level are made depending on its acoustic characteristics such as tonality, impulsiveness and intermittency and adjusted in accordance with BS4142. According to BS4142, the impact of the noise source can be predicted as follows:

- A difference of +5dB indicates a likely adverse impact;
- A difference of +10dB or more indicates a significant adverse impact.

Following assessment of the operator's noise assessment and modelling, we were unable to rule out the risk of adverse or significant adverse impact upon nearby residential receptors. Therefore, we have included a pre-operational condition in the permit to ensure a noise impact/ management plan is submitted to the Environment Agency for technical assessment and approval. Site operations will not be able to commence until the plan is implemented and by the date stipulated by the Environment Agency.

## 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>Public Health, Doncaster Metropolitan Borough Council</p> <p>Health and Safety Executive</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	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 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,	The application is within the relevant distance criteria of a site of heritage,

Aspect considered	Decision
landscape and nature conservation	<p>landscape or nature conservation, and/or protected species or habitat.</p> <p>The sites within screening distance are:</p> <p>Hatfield Moor SAC (2468m)</p> <p>Thorne &amp; Hatfield Moors SPA (2663m)</p> <p>Hatfield Lings LWS (1793m)</p> <p>Clownes Drain LWS (1974m)</p> <p>Seven Yards Road LWS (894m)</p> <p>Cockwood Drain LWS (2107m)</p> <p>Cock Wood LWS and AW (1504m)</p> <p>Great Gate Wood LWS and AW (949m)</p> <p>New Close Wood LWS (1696m)</p> <p>Thornham Lane LWS (903m)</p> <p>Little Gate Wood LWS and AW (890m)</p> <p>Holme Wood LWS (757m)</p> <p>Wyndthorpe Hall LWS (2197m)</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 Hatfield Moor SAC and Thorne and Hatfield Moors SPA has been sent to Natural England for information only.</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>
<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>
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 activities carried out at the site have the potential to cause noise and/or vibration that might cause pollution outside the site and consider it appropriate to impose specific measures. We have imposed a pre-</p>

Aspect considered	Decision
	operational condition to ensure a noise impact/ management plan is assessed by the Environment Agency prior to operations starting on site. Please see the <u>key issues</u> section for further details.
<b>Permit conditions</b>	
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"> <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 SGN 5.06.</p>
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>Please see the <u>key issues</u> section for further details.</p>
Emission limits	We have decided that emission limits are not required in the permit.
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the Environmental Permitting Regulations 2016.</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>
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.

Aspect considered	Decision
<b>Growth Duty</b>	
<p>Section 108 Deregulation Act 2015 – Growth duty</p>	<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>
Director of Public Health, Doncaster Metropolitan Borough Council
<b>Brief summary of issues raised</b>
The site is surrounded by what looks like arable land (and further afield Hatfield Moors). As it's hazardous waste the protection of water, air, soil, plants and animals needs to be considered and obviously the health and safety of the staff so a robust plan is needed. This could be supplemented by a Health Impact Assessment (HIA) considering traffic management and contamination of natural resources, flora and fauna.
<b>Summary of actions taken or show how this has been covered</b>
<i>Protection of Habitats and Biodiversity</i> We have consulted internally with the relevant teams in our consideration of any impact on water, air, soil, plants and animals.  A Biodiversity Officer from the Environment Agency's Fisheries, Biodiversity and Geology (FBG) team expressed concerns regarding the impact of dust on Local Wildlife Sites (LWS) in the area, in particular the impact on roadside verges LWS's from transport to and from the site. The site is located very close to Junction 4 of the M18 motorway and as such the site will be accessed this way and therefore vehicles will not pass any of the Local Wildlife Sites within screening distance of the site. The impact of airborne dust on nearby sites will be minimised through the implementation of the sites dust management plan. A Record of Assessment has been carried out for nearby Local Wildlife Sites and Ancient Woodland Sites and no significant impact on any site was recorded.  A Technical Specialist from the Environment Agency's Groundwater and Contaminated Land (GWCL) team commented that the site is in a sensitive groundwater location as it overlies a principal aquifer (Source Protection Zone 3). However, the site will have an engineered impermeable surface and site drainage will be collected in a tank for off-site disposal. Therefore, there is no objection to the proposal from a groundwater and contaminated land perspective. The Technical Specialist recommended that due to the presence of a historic landfill, the Operator is advised to collect baseline data. This recommendation was passed on to the Operator's consultant.  As Hatfield Moors is a Special Area of Conservation (SAC), we have carried out a Habitats Regulations Assessment (HRAS) which indicated that there would be no significant risk to the SAC nor to the adjacent Special Protection Area (SPA), Thorne and Hatfield Moors. The assessment has been sent to Natural England, for information.
<i>Health and Safety of Staff</i> This is outside of our remit. However, we consulted Health and Safety Executive (HSE) in accordance with our guidance. No response was received.
<i>Traffic Management</i> This is outside of the Environment Agency's remit.