

**From:** clare boles <c.boles@ecl.world>  
**Sent:** 10 December 2018 15:07  
**To:** Patchett, Vicky  
**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd -

Hi Vicky,

## **WITHOUT PREJUDICE RESPONSE**

Thank you for your email – we will review and revert back to Attero and other parties as needed. There are growing concerns regarding the EA’s approach to this application and as a result it has been requested that this response is sent on a ‘Without Prejudice Basis.’

With respect to the requirement to provide a noise impact assessment – can you explain the EA’s rationale and justification for requiring this to be undertaken please. If it does need to be undertaken then please can you clarify why this must be done at this stage and not as part of the EA’s determination of the application and / or require it be included as an Improvement Condition?

With regards to the requirement to include the additional SAC and SPA in the WYG Air Quality Assessment – ECL has undertaken our own screening assessment of the Habitat sites at 10 km of the Permit boundary and have identified 2no SACs and 1no. SPA these being Hatfield Moor SAC and Humber Estuary SAC, and Thorne and Hatfield Moors SPA respectively. Please can the you confirm we have identified the same sites as the EA.

With regards to the requirement to provide a Habitats Management Plan – please explain the EA’s justification to require this to be provided. The requirement to produce such a plan would only apply if the Air Quality Impact Assessment demonstrated the activities / emissions have a negative impact on specified habitats. Whilst noting the requirement to include the additional SAC(s) and SPA above, the current version of the WYG assessment does not appear to demonstrate any impact on any habitat sites from air quality predicted pollutant concentrations nor deposition. We are therefore unclear as to why the EA are requiring a Habitats Management Plan to be provided.

Further to our telephone conversation on 29 November Re: the Baseline Data. We have checked the EA’s guidance document H5 Site Condition Report (version 3, April 2013) – the guidance does not state that it is a mandatory requirement to submit baseline data and therefore we must respectfully request the EA review their position that it must be undertaken and included as part of the application in order to pass the EA’s Duly Made checks. The guidance states..... ‘We will not require all operators using RHS to carry out intrusive investigations to provide baseline data for their application SCR. It is for the operator to assess the risks involved and to decide if they need to carry out intrusive investigation’. The EA’s guidance goes on to state,..... ‘if you choose not to submit any monitoring data you will be accepting that there is zero pre-existing contamination and accepting the risk that you may be required to clean up any pre-existing contamination when you surrender your permit.’ We also note, the requirement to submit Baseline Data was not identified by the EA in the previous Not Duly Made communication via email dated 19 June 2018. As I mentioned on the telephone when we last spoke about this particular aspect, I am aware of many other applications where the EA accepted the applications (for existing facilities that became IED installations) at Duly Made checking where no baseline data was provided within the application. The EA not only accepted the applications at the time of undertaking Duly Made checks but went on to determine the applications without requiring any form of baseline data to be provided during the determination of the applications. Can you confirm therefore that the requirement to submit baseline data will be excluded from the Not Duly Made letter.

Kind regards,

Clare

**Clare Boles**  
**Director**

Tel: 01443 841 760

Mob: 07919 574655

Email: [c.boles@ecl.world](mailto:c.boles@ecl.world)

Website: [www.ecl.world](http://www.ecl.world)



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**From:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>  
**Sent:** 10 December 2018 11:10  
**To:** clare boles <[c.boles@ecl.world](mailto:c.boles@ecl.world)>  
**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Clare

Apologies I didn't get back to you last week. I was off sick all week.

I didn't send the not duly made letter out as I was waiting for confirmation of the fee paid to date as you mentioned that you had paid a fee with the application also. PSC have confirmed that we have the £7637 retained from the application that was returned but did not appear to receive any other money with the application you sent. If you did send an additional fee with your application can you confirm the amount you paid, the payment date and the payment reference please so we can check our records.

I also wanted to make you aware that there are a couple of extra things that will be needed for duly making that I spotted after our discussion. They are summarised below. These will be added to the not duly made letter.

- *An ISO14001 certificate as the application states that they use ISO14001 for their EMS.*
- *The WYG air quality impact assessment does not include all designated habitats within the relevant screening distance for an installation activity (10km for SAC's, SPA's and Ramsars – 2km for SSSI's and Local Nature Reserves, Local Wildlife Sites and Ancient Woodlands). A SAC and a SPA are within 10km of the site but are not included in the assessment. An updated air quality impact assessment is required. Provide ensure you submit the modelling data input files and follow our risk assessment guidance <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>*
- *A habitats management plan for the designated habitats within the relevant screening distances for your site.*

Application form C4 – for waste operations

- *Amend table 1a this table to reflect the waste operations that will be carried out at the facility as it currently lists the installation activities instead.*
- *Provide a noise impact assessment to quantify the noise impact from the proposed operations to justify the measures you have proposed in the noise management plan submitted. Please refer to our noise risk assessment guidance to ensure you*

provide the correct information. <https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit#noise-and-vibration-management-plan>

I am hoping to send the not duly made letter out later today. Also to make you aware that the variation to the waste operation will be a normal variation, not a minor technical variation, as the site boundary is being extended.

Kind regards  
Vicky

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**From:** clare boles [<mailto:c.boles@ecl.world>]  
**Sent:** 28 November 2018 15:39  
**To:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>  
**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Vicky,

Yes that is fine with me. I will be on my mobile tomorrow all day.

Kind regards,  
Clare

**Clare Boles**  
**Director**  
Tel.: 01443 841 760  
Mob.: 07919 574655  
Email: [c.boles@ecl.world](mailto:c.boles@ecl.world)  
Website: [www.ecl.world](http://www.ecl.world)



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**From:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>  
**Sent:** 28 November 2018 15:39  
**To:** clare boles <[c.boles@ecl.world](mailto:c.boles@ecl.world)>

**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Claire,

Thank you for this. I have been in training all day so apologies I haven't responded to your voicemail. I need to leave the office shortly so will give you a call in the morning if that's ok.

Kind regards  
Vicky

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**From:** clare boles [<mailto:c.boles@ecl.world>]

**Sent:** 28 November 2018 15:22

**To:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>

**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Vicky,

As requested and promised please find attached the revised Process Flow Diagram with the information regarding breakdown of tonnages, along with the recovery and disposal activities specified. I hope this is satisfactory to enable you to continue with your Duly Making checks.

Kind regards,  
Clare

**Clare Boles**  
**Director**

Tel.: 01443 841 760

Mob.: 07919 574655

Email: [c.boles@ecl.world](mailto:c.boles@ecl.world)

Website: [www.ecl.world](http://www.ecl.world)



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**From:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>

**Sent:** 28 November 2018 08:45

**To:** clare boles <[c.boles@ecl.world](mailto:c.boles@ecl.world)>

**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Clare,

Under the circumstances I am happy to extend the submission to COP of this evening. As before, if the information is not received the application will have to be returned.

Kind regards  
Vicky

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**From:** clare boles [<mailto:c.boles@ecl.world>]

**Sent:** 27 November 2018 20:21

**To:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>

**Subject:** Re: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Vicky

Sincere apologies we have been working with the client's Environmental Manager to clarify the outstanding query with regards to the tonnages. He has been seeking their sign off on this in order to be able to confirm to us prior to us reverting to yourself. I was out of circulation today due to personal circumstances with my parents and have only now seen your email. Please can I request that you extend your request to receive confirmation by close of play tomorrow 28th November during which time I will do my utmost to provide you with the information you require.

Kind Regards  
Clare

Sent from my iPhone

On 27 Nov 2018, at 11:32, Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)> wrote:

Hi Clare,

I have just left you a voicemail regarding the information I need for this application.

As per our discussions on 22<sup>nd</sup> November below, I am due to receive information on the tonnages and activities being carried out on site which was due to come to me last Friday. As this information is needed before I can begin to confirm the information needed for duly making, I must request that you **respond by the end of today** or the application will be returned. If the application is returned, 20% of the fee paid will be retained in accordance with our charging scheme which is capped at £1500.

Kind regards  
Vicky

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**From:** Patchett, Vicky

**Sent:** 22 November 2018 14:36

**To:** 'clare boles' <[c.boles@ecl.world](mailto:c.boles@ecl.world)>

**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Clare,

Thanks for the update and confirming you will send the tonnages tomorrow.

In regards to the pelletising, if they make pelletised solid fuel using heat it is a separate 5.5 listed activity as specified in EPR2016 and our guidance RGN2.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/435475/LIT\\_6529.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/435475/LIT_6529.pdf)

#### EPR

SECTION 5.5 - The production of fuel from waste - Part A(1) (a) Making solid fuel (other than charcoal) from waste by any process involving the use of heat.

RGN2 gives more of a description on page 64 and states:

#### **SECTION 5.5, The Production of Fuel from Waste, Part A(1)**

(a) Making solid fuel (other than charcoal) from waste by any process involving the use of heat.

*Note 5.5.1: Section 5.5 is a former Part I EPA 1990 (IPC) description that applied to processes that produced pelletised fuel from municipal waste. This description applies only to processes whose purpose is to make waste-derived solid fuel and which use heat specifically in the fuel manufacturing step. This description does not cover activities such as autoclaves that use heat to sanitise and separate wastes, with some of the residual wastes then being used as a fuel.*

Kind regards  
Vicky

---

**From:** clare boles [<mailto:c.boles@ecl.world>]

**Sent:** 22 November 2018 11:07

**To:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>

**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Vicky,

We're almost there – the tonnage query is focusing the minds.

I can however confirm the following:

1. The SRF and RDF is taken to an R1 energy recovery facility.
2. The 0.91mw for each of the boilers is the net rated thermal input.
3. I hope to confirm the tonnages by close of play tomorrow and will update the process flow diagram (Figure 1) that is contained within the EPTR as a result.
4. No pelletising of the SRF is proposed as part of this variation application. It maybe that in the long term it may be something they decide to do on site. This being the case what would be the implications of the permitted activities – would it need a separate D or R code assigned to it?

Kind regards,  
Clare

**Clare Boles**

**Director**

Tel.: 01443 841 760

Mob.: 07919 574655

Email: [c.boles@ecl.world](mailto:c.boles@ecl.world)

Website: [www.ecl.world](http://www.ecl.world)

<image001.png>

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**From:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>  
**Sent:** 22 November 2018 09:15  
**To:** clare boles <[c.boles@ecl.world](mailto:c.boles@ecl.world)>  
**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Morning Clare,

Did you manage to get to the bottom of the information I need for this application?

Kind regards  
Vicky

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**From:** Patchett, Vicky  
**Sent:** 19 November 2018 10:32  
**To:** 'clare boles' <[c.boles@ecl.world](mailto:c.boles@ecl.world)>  
**Subject:** RE: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Morning Clare,

Good to speak to you on Friday.

Just to remind you below of the information I need to decide what is required for duly making. I have added an extra question about the boiler sizes too.

- Confirm if the SRF and RDF go to R1 energy recovery facilities or not.
- Can you confirm that the 0.91mw for each of the boilers is the net rated thermal input?
- Provide a breakdown of the tonnages related to each of the recovery and disposal (those that they intend to store or treat for disposal) operations and the waste types subject to those operations on site.
- Confirm that no pelletizing of the SRF occurs on site.

If you can get this information to me by Wednesday that would be most appreciated.

Kind regards  
Vicky

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**From:** clare boles [<mailto:c.boles@ecl.world>]  
**Sent:** 16 November 2018 10:12  
**To:** Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)>  
**Subject:** Re: Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Hi Vicky

Thanks for your emails - yes I am about this afternoon- shall I call you about 3pm?

Kind Regards  
Clare

Sent from my iPhone

On 16 Nov 2018, at 09:25, Patchett, Vicky <[Vicky.Patchett@environment-agency.gov.uk](mailto:Vicky.Patchett@environment-agency.gov.uk)> wrote:

Good Morning Clare,

Are you around this afternoon or Monday to have a chat about your application? I want to get a better understanding of the proposed changes so I can decide what is needed for duly making purposes.

Kind regards  
Vicky

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**From:** Patchett, Vicky  
**Sent:** 15 November 2018 09:07  
**To:** 'c.boles@ecl.world' <[c.boles@ecl.world](mailto:c.boles@ecl.world)>  
**Subject:** Allocation of application EPR/LP3207LH/V005 - Attero Recycling Ltd

Dear Clare,

I am pleased to tell you that I have been allocated the above substantial variation application to carry out duly making checks. Once I have completed my assessment I will confirm if the application is duly made or not and request further information from you if needed and where appropriate.

If you need to contact me at all in the meantime, my details are below.

Kind regards

Vicky

**Vicky Patchett MCIWM** | Senior Permitting Officer – Installations | National Permitting Service  
**Environment Agency** | Trentside Offices, Scarrington Road, West Bridgford, Nottingham, NG2 5BR

Email: [vicky.patchett@environment-agency.gov.uk](mailto:vicky.patchett@environment-agency.gov.uk)  
External : 020 302 53172

[<image001.gif>](#)[<image002.gif>](#)[<image003.gif>](#)[<image004.gif>](#)[<image005.gif>](#)[<image006.png>](#)

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