

## Permitting Decisions- Bespoke Permit

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We have decided to grant the permit for Boughton Recycling Facility operated by Jordan Road Surfacing Limited.

The permit number is EPR/WP3604LH.

The application is for the treatment of hazardous and non-hazardous waste. The hazardous waste treatment involves full encapsulation of asphalt wastes containing coal tar (known as AWCCT). Following crushing a cold foam treatment process will be undertaken that involves the use of bitumen as a binder. The AWCCT will be imported to the site from highway maintenance and improvement works. Once the AWCCT is fully encapsulated it is suitable for reuse in the sub-surface layers of highways as cold recycled bound material (CRBM). As part of the application the site will undertake the storage and treatment of non-hazardous construction, demolition and highway excavation wastes. These wastes will undergo sorting, separation, crushing and screening to produce secondary aggregates for either reuse in highway maintenance/excavation works or supply to local markets. Non-hazardous road planings will be stored on site for use in highway maintenance and excavation works. The non-hazardous waste activities will be carried out as a waste operation under schedule 9 to the Environmental Permitting Regulations.

The site also undertake the storage and transfer offsite of EWC 17 05 03\*. There will be no crushing, screening or treatment of this waste.

The Schedule 1 listed activities undertaken at this installation are:

- Section 5.3 Part A(1)(a)(ii) – Recovery of hazardous waste involving recycling or reclamation of inorganic materials (crushing and screening);
- Section 5.3 Part A(1)(a)(vi) – Recovery of hazardous waste involving physico-chemical treatment.; and
- Section 5.6 Part A(1)(a) – Temporary storage of hazardous waste pending any of the activities listed in Section 5.3.
- Section 5.6 Part A(1)(a) – Temporary storage of hazardous waste pending transfer off site for recovery.

The directly associated activities which serve the installation are raw and auxiliary material storage, and surface water management. Cement, limestone and pulverised fly ash is used in the AWCCT encapsulation process. Cement is stored on-site in a dedicated silo, limestone and pulverised fly ash is stored in dedicated bay in a building on an impermeable surface with a sealed drainage system.

The site will receive a maximum of 250,000 tonnes per year of hazardous and non-hazardous waste. Hazardous and non-hazardous wastes are not mixed, with separate areas for hazardous and non-hazardous waste clearly identified on the site plan.

The site (National Grid Reference SK 68400 68290) is located on Boughton Industrial Estate in Ollerton, close to the A6075. The industrial estate is partially surrounded by agricultural land, with the nearest sensitive residential receptor located approximately 350 metres to the west, Kirton Court situated approximately 565 metres to the south and Hillcrest located approximately 455 metres to the south east.

Boughton Dyke flows from the north westerly edge of the site. Boughton scrub a local wildlife site surrounds the industrial estate and is situated approximately 50 metres from the site. Wellow Park a designated Sites of Special Scientific Interest (SSSI) is situated 675m to the south. No ancient Ancient Woodlands are within 250m of the site.

There are no European Sites (i.e. Special Protection Areas, Special Areas of Conservation, Ramsar), sites within a 2km radius of the site.

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 considerations](#) section to show how the main relevant factors have been taken into account
- highlights [key issues](#) in the determination
- 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.

## **Key issues of the decision**

### **Noise**

There is potential for the site to generate noise emissions. The operator was asked to provide a Noise Impact Assessment and Noise Management Plan. This

was received on 19/02/2021. A revised Noise Management Plan was submitted on the 29/06/21.

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 350m to the west of the site, residential properties approximately 565metres to the south, and residential properties approximately 455 metres to the south east. The site is situated in an industrial estate which is surrounded by woodland and agricultural fields in other directions.

Measures to reduce on-site noise include:

- Operation of the crushing and screening process and cold mix process between the hours of 07:00 – 17:00 hours.
- Minimising drop heights;
- Noise and vibration abatement in crusher hoppers, sprung mounted transfer runs, rubber conveyor belts and loose fitting/rattle checks.
- No idling of plant, equipment or vehicles;
- Enforcing a 5mph speed limit across the site;
- White noise reversing alarms fitted to on-site vehicles.
- Implementation of barriers

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 being generated. 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.

On audit of the operator's noise assessment and modelling, we raised adjustments in relation to some noise impact assessment assumptions which included:

- HGV and equipment modelling height
- The receptor location modelling height.
- Implemented acoustic feature correction.

This resulted in us being unable to rule out the risk of 'adverse' impacts upon residential receptors situated 350 metres away. Therefore, we requested noise mitigation measure to be implemented in an e-mail dated the 20/05/21.

Following this, the applicant confirmed in e-mail dated 24/06/21 that noise mitigation would be provided in the form of a series of barriers which were not previously mentioned in the Noise Impact Assessment, or included in the modelling files submitted to us. Following a further assessment we agreed in e-mail dated 25/06/21 that subject to these barriers being in place as per the site layout plan (EP290-50) dated April 2021 that this would reduce the impact from "adverse", to "below adverse" at residential receptors.

Therefore, we agree that the operator will have appropriate measures in place to minimise noise.

### **Waste acceptance**

Waste loads from highway excavation works where coal tar may be present will only be accepted where testing has been undertaken to confirm whether materials are hazardous or non-hazardous. Any potentially hazardous waste loads arriving at the site that have not been tested will not be accepted at site.

These measures meet the requirements of Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste (SGN5.06).

### **Waste treatment**

Non-hazardous waste will be crushed and screened to produce secondary aggregates for reuse in highway maintenance or supply to local markets. The AWCCT is crushed and screened to a desired particle size and then the AWCCT is introduced into the cold foam mixing plant via a feed hopper and conveyor. Water is added to the AWCCT to assist the mixing and treatment processes. The foamed bitumen is sprayed onto the AWCCT and mixed within the plant to ensure that foam distribution is homogeneous and all materials are adequately coated and encapsulated. The treated material is then discharged from the plant via a conveyor, typically to tipper vehicles for off-site removal.

Additives such as pulverised fuel ash (PFA) and ordinary Portland cement (OPC) are added, as required, to improve the cohesion and binding process. Depending on operational requirements, OPC will be stored in a mobile silo and fed via a screw augur into the plant's mixing chamber and pulverised fuel ash will be stored in a building.

The site also undertake the storage and transfer offsite of EWC 17 05 03\*. There will be no crushing, screening or treatment of this waste.

### **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 request for further information. This was received on the 19/02/2021, further copies were submitted in response to schedule 5 requests with the final version received on the 11/6/2021 dated: June 2021 revision 4.

Activities that have the potential to generate dust include the movement, storage, crushing and screening of waste, and the use of additives which are used in the manufacturing of Cold Recycled Bound Material (CRBM). Potential receptors include residential properties with the closest property approximately 350m to the west. The site is situated on an existing industrial estate with surrounded by wood with agricultural fields in other directions.

The operator has committed to preventing and controlling dust. On-site traffic speeds are limited to 5mph. Crushing machinery has been fitted with water spray bars. Additives will be stored in enclosed silos and a building. The site will be kept clean and swept regularly. Vehicle routes will be damped down during dry weather. A monoflex dust capture screen will be fitted to a height of 5m along the site boundary and waste will be stored no more than 0.5 metres below this structure. 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.

## **Drainage**

The hazardous area has a sealed surface with an upstand kerb edge, and is graded so that surface water is captured and directed to the sealed drainage system with a 10,000 litre treatment tank. The treatment tank is capped off to prevent discharge to the soakaway as confirmed in the response to schedule 5 dated 17/03/21. Clean roof water from the hazardous waste storage building is channelled via a down-spout directly into the pre-soakaway chamber which is the only connection to the chamber pre-soakaway. Water from the treatment tank will be used within the cold mix process and in dust suppression on the hazardous area only. Any excess will be tankered off site. The run-off rate will be based on a 100 years rainfall event plus 20% to take into account climate change.

## **Decision considerations**

### **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.

## **Consultation**

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Local authority Environmental Protection Department

Health and Safety Executive

The comments and our responses are summarised in the [consultation responses](#) section.

## **Operator**

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.

## **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 RGN2 '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.

## **The site**

The operator has provided a plan which we consider to be satisfactory.

This shows 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.

The site lies adjacent to the Boughton Dyke water course and is within a source protection zone 3. Groundwater must therefore be protected from contamination, as such further information was sought in relation to the site soakaway to confirm that the drainage from the roof was sealed so as to prevent surface water from the hazardous waste area reaching the soakaway. A further information request was sent to clarify the drainage on the 26/03/2021, the applicant confirmed as part of the schedule 5 response dated 30/04/2021 that the roof water is channelled via down-spout directly into the pre-soakaway chamber and that this is the only connection to the chamber pre-soakaway.

## **Nature conservation, landscape, heritage and protected species and habitat designations**

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and protected species or habitats identified.

We have not consulted Natural England or other relevant Statutory Nature Conservation Body.

The decision was taken in accordance with our guidance.

## **Environmental risk**

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

## **General operating techniques**

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.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

## **Noise management**

We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.

We consider that the noise management plan is satisfactory and we approve this plan.

We have approved the noise management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2.

## **Dust management**

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.



The plan has been incorporated into the operating techniques table S1.2.

## **Waste types**

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

We have excluded EWC 17 01 06\* for the following reasons:

The applicant applied for EWC code 17 01 06\* (mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances) as a result of the removal of RPS 211

<https://www.gov.uk/government/publications/excavated-waste-from-utilities-installation-and-repair-rps-211/excavated-waste-from-utilities-installation-and-repair-rps-211>.

On assessment of the information provided in relation to handling and storage, this was in direct conflict with the waste pre-acceptance procedure. Under BAT 5.06 wastes should be pre-assessed and accepted as either hazardous or non-hazardous for the appropriate treatment route prior to delivery to site. Any non-assessed wastes should be dealt with as hazardous and treated as such. If waste received at site is tested and confirmed as non-hazardous, this should be classed as non-conformance and flagged to the EA and producer.

The processes provided by the applicant provided no clear method for segregation of sources to allow for testing, and no methodology for testing. Without controls on site we believed that this could result in the mixing of hazardous waste material with other waste materials inadvertently diluting the hazardous properties. Mixing of hazardous and non-hazardous waste, without any treatment (i.e. dilution), does not render the material non-hazardous, all the mixed waste would be considered an absolute hazardous waste. Mixing for the sole purpose of 'dilution' is prohibited by legislation. It was agreed on the 11/06/21 that this EWC code would be removed from the application.

## **Emission Limits**

We have decided that emission limits are not required in the permit.

## **Reporting**

We have specified reporting in the permit.

We made these decisions in accordance with sector guidance.

## **Management System**

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

## **Technical Competence**

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme

We are satisfied that the operator is technically competent.

## **Previous performance**

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

No relevant convictions were found. The operator satisfies the criteria in our 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**

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.

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.”

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.

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.

## **Consultation Responses**

The following summarises the responses to consultation with other organisations and 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:**

Response received from: Newark and Sherwood District Council - Environmental Protection Department

Brief summary of issues raised: Newark and Sherwood District Council advised that they are not aware of any noise issues at this site, however they raised an incident that occurred around a year ago in relation to an alarm complaint from the vicinity of this site but this could not be confirmed as the applicant.

They also confirmed that Newark and Sherwood District Council permit Jordan Road Surfacing Limited for mobile crushing and mobile road stone coating.

Summary of actions taken: We have assessed the risk of pollution from the site and conclude that the mitigation measures identified as part of the Noise Management Plan will ensure noise levels are ‘below adverse’. (see the Noise section of the Key issues of the decision).

## Representations from individual members of the public

Brief summary of issues raised	Summary of action taken / how this has been covered
Concern in relation to site operation prior to permit issue.	Jordan Road Surfacing Limited are operating under Part B local authority permits.
Concern in relation to drainage into soakaway from hazardous processing and storage area.	<p>The hazardous area has a sealed surface with an upstand kerb edge, and is graded so that surface water is captured and directed to the sealed drainage system with a 10,000 litre treatment tank. The treatment tank is capped off to prevent discharge to the soakaway as confirmed in the response to schedule 5 dated 17/03/21. Clean roof water from the hazardous waste storage building is channelled via a down-spout directly into the pre-soakaway chamber which is the only connection to the chamber pre-soakaway.</p> <p>We are satisfied that the operator will have measures in place to separate and contain run-off from hazardous wastes so that it will not enter the soakaway.</p>
Concern in relation to tars and dust becoming airborne from the operation.	<p>Dust Management Plan in place see section Key Issues and Decisions (dust).</p> <p>We are satisfied that the operator will have measures in place to prevent and minimise emissions of dust.</p>
Concern in relation to building and containment of emissions	<p>Cement is stored on-site in a dedicated silo, limestone and pulverised fly ash is stored in dedicated bay in a building.</p> <p>We consider that the operator's measures are appropriate for preventing the release of emissions from the storage of wastes and materials.</p>

Brief summary of issues raised	Summary of action taken / how this has been covered
<p>Concern in relation to leaching of any untreated toxic by-products into the ground and nearby watercourse.</p>	<p>The hazardous area has a sealed surface with an upstand kerb edge, and is graded so that surface water is captured and directed to the sealed drainage system with a 10,000 litre treatment tank. The treatment tank is capped off to prevent discharge to the soakaway as confirmed in the response to schedule 5 dated 17/03/21. Clean roof water from the hazardous waste storage building is channelled via a down-spout directly into the pre-soakaway chamber which is the only connection to the chamber pre-soakaway.</p> <p>We are satisfied that the operator will have measures in place to contain run-off from the hazardous waste treatment and storage areas.</p>
<p>Concern in relation to noise impact of noise in particular:</p> <ul style="list-style-type: none"> <li>• tipping of aggregates throughout the evening and night-time</li> <li>• noise emissions from equipment being underestimated.</li> <li>• Noise impacts of 24 hour operation.</li> <li>• Consideration of evening and night time noise models</li> <li>• Consideration of worst case scenario noise impact.</li> <li>• Consideration of the appropriate justification for the tonality, impulsivity and intermittent corrections applied;</li> <li>• Use of BS8233 assessment in relation to BS4142 corrections</li> <li>• Consideration of complaints from existing residents.</li> <li>• Consideration of data set for noise impact being calibrated during summer months</li> </ul>	<p>Noise Management Plan in place see section Key Issues and Decisions (Noise).</p> <p>We have audited the noise impact assessment and we are satisfied that, with agreed mitigation measures put into place as part of the Noise Management Plan, the activities will not generate significant noise so as to cause a nuisance outside the site boundary.</p>

Brief summary of issues raised	Summary of action taken / how this has been covered
(august) benefiting from green infrastructure.	
Concerns in relation to landscaping to mitigate visual impacts in winter months.	Visual impact in relation to landscaping in the area is a consideration for the Planning Authority (Newark and Sherwood).
<p>Concern in relation to the ecology assessment in regards to:</p> <ul style="list-style-type: none"> <li>• time of completion</li> <li>• Inclusion of rare plants and species, ancient hedgerows and other special features.</li> <li>• Lighting and noise impacts</li> </ul>	We have reviewed the Applicant's proposals and we are satisfied that dust and noise emissions will not result in a significant impact on ecological receptors. The applicant has submitted a Noise Management Plan and Dust Emission Management plan which will form part of the site's operating procedures.
Concern in relation to the impacts on Boughton scrub local wildlife site and species.	We have reviewed the Applicant's proposals and we are satisfied that dust and noise emissions will not result in a significant impact on ecological receptors. The applicant has submitted a Noise Management Plan and Dust Emission Management plan which will form part of the sites operating procedures.
Concern in relation to proximity of watercourse and impact on species present.	There will be no direct discharge to watercourses as a result of the permitted operations.
Concern over no completion of an Environmental Impact Assessment	Environmental Impact Assessments are carried out in relation to planning and are a consideration for the Planning Authority (Newark and Sherwood).
Concern in relation to crushing of hazardous substances such as asbestos and the clarity and restrictions on permitted materials.	<p>Asbestos will not be accepted at site. Wastes will only be accepted in line with authorised EWC codes specified in the permit.</p> <p>We are satisfied that the operator will have the appropriate waste acceptance procedures in place.</p>

Brief summary of issues raised	Summary of action taken / how this has been covered
<p>Concern in relation to HGV numbers accessing /egressing and tipping on site 24 hours a day.</p>	<p>Vehicle access to the installation and traffic movements are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process.</p> <p>Vehicle movements within the Installation boundary are considered within the remit of the Environmental Permit. However the noise impact assessment confirmed a below adverse effect.</p>
<p>Concern in relation to unstable land and the consideration of impacts arising from a history of coal mining in the area,</p>	<p>The impact in relation to historical use of land in the area is a consideration for the Planning Authority (Newark and Sherwood).</p>
<p>Consideration of Odour</p>	<p>The cold mix process is a closed process. No emissions of odour are expected from the site.</p>
<p>Consideration of Bio aerosols</p>	<p>There are no Bio aerosol emissions from this site.</p>
<p>Consideration of visual Illumination impacts</p>	<p>Visual and illumination impact in relation to other structures in the area are considerations for the Planning Authority (Newark and Sherwood).</p>
<p>Concern that the proposed additional environmental measures will not be enforced.</p>	<p>The operator is required to comply with the conditions of the permit. We will carry out inspections of the site, both announced and un-announced, to check compliance with the permit conditions. In addition, the operator has to provide an annual report that assesses the performance of the activities against the permit conditions.</p> <p>In the event of any breach, we will take appropriate enforcement action in accordance with our Enforcement and Sanctions policy.</p>