

Decision document variation

We have decided to grant the variation for Land at Boulder Bridge Lane operated by Sims Group UK Ltd.

The variation number is EPR/FB3903MA/V003.

The variation is for the following:

To permit an increase in the annual tonnage from 75,000 to 90,000 of non-ferrous metal and ferrous metal scrap for supply as feedstock to the steel making industry. The daily throughput will increase through metal shredders, a vertical grinding mill and Granulation Cable Recycling Plant and thereby move from a waste operation to an installation. The facility comprises of the following installation activities:

Section 5.4 A(1) (b)(iv) – Recovery of non-hazardous waste with a capacity of more than 75 tonnes per day involving treatment in shredders of metal waste.
Section 5.3 A(1) (a) (ii) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment
Section 5.6 - Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

And comprises of the following directly associated activities (DAA):

Storage of non-hazardous waste pending treatment;
Storage of non- hazardous waste post treatment;
Storage of Raw Materials;
Surface Water Management.

The following site operations are not captured by IED, and are not deemed to be DAA and therefore remain permitted as Waste Operations:

- Metal Recycling
- Vehicle storage, depollution and dismantling (authorised treatment) facility.
- WEEE treatment

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 considerations section to show how the main 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 and the variation notice.

Key issues of the decision

The operator's risk assessment of surface water discharge to Shaw/Cudworth was based on an estimation of rainfall and effluent flow rate and release concentrations are from a similar site, Sims Newport site in South Wales. We are requiring monitoring and a review of the impact of the emissions of surface water including proposals for appropriate measures to mitigate the impact of any significant emissions if deemed necessary.

In our review of the Noise Impact Assessment we were concerned that operations of granulator and super chopper may cause complaint. We requested a revised Noise Impact Assessment and Noise Management plan (NMP). During our desktop review of the revised NMP, a site inspection was undertaken which identified discrepancies with the NMP. We have included an improvement condition to ensure the NMP is revised.

Decision considerations

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

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:

- Food Standards Agency
- Local Authority – Planning
- Local Authority – Environmental Health
- Health & Safety Executive (HSE)
- Fire & Rescue
- Director of Public Health
- Public Health England (PHE)

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

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.

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.

These show the extent of the site of the facility including the discharge points, discharge to air, A1 and surface water discharge W1 to the Shaw/Cudworth Dyke.

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.

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/or protected species or habitats identified.

Environmental risk

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

Emissions to Water

The Applicant completed a risk assessment using the our H1 Database (v2.78) of the impacts of the surface water discharge to Cudworth Dyke to establish if the discharge could be screened out by passing the key tests in the H1 model.

The discharge to the Shaw Dyke and then to Cudworth Dyke is rainfall dependent. No onsite monitoring is currently undertaken. The applicant has used an estimate of the discharge rate from the on the basis of publicly available rainfall data maintained by the UK Centre for Ecology and Hydrology (<https://eip.ceh.ac.uk/apps/rainfall/>) and the effluent flow rate and release concentrations were taken from Sims Newport site in South Wales.

In 2016 Cudworth Dyke was designated an overall WFD water body classification of Poor. However, that designation is largely based on biological elements of its ecological status. The chemical status of the water body (Priority Substances, Other Pollutants and Priority Hazardous Substances) and chemical elements of its ecological status were typically good or high. We accept that a background concentration of 10% the EQS is reasonable.

Test 1 evaluated whether the concentration of the pollutant in the discharge is more than 10% of the environmental quality standard (EQS). All modelled parameters fail Test 1 for both Annual Average and MACs.

Test 2 introduces the dilution available in the receiving water. This test evaluates whether the Process Contribution (PC) or each pollutant exceeds 4 percent of the

EQS. If not, it is considered insignificant and can be screened out. All modelled parameters fail Test 2 for both Annual Average and MACs

Test 3 evaluates whether the discharge increases the concentration of each pollutant in the river downstream of the discharge by more than 10% of the pollutant's EQS value. The predicted environmental concentration (PEC) in the water downstream of the discharge is a combination of the PC and background concentration in the watercourse. Cadmium and nickel both pass Test 3.

Copper and zinc fail Test 3 representing 31.2% and 17.7% of their respective EQS. However, it is noted that this outcome is based on the conservative assumption that measured dissolved concentrations represent the bioavailable component for copper and zinc.

Test 4 evaluates whether the PEC is higher than the EQS. All modelled parameters pass Test 4 for both Annual Average and MACs.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment all emissions may be screened out as environmentally insignificant.

Whilst we accept that the operator's risk assessment is satisfactory as the impact is based on an estimation of rainfall and effluent flow rate and release concentrations are from a similar site, Sims Newport site in South Wales we are requiring monitoring and the submission of a written report which includes the results of the assessment of the impact of the emissions of surface water and proposals for appropriate measures to mitigate the impact of any significant emissions, IC1

Operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance 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.

Operating techniques for emissions that screen out as insignificant

Emissions of particulates (dust) to air and emissions to water have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

BAT conclusions (BATc)

BAT Conclusions for waste treatment, were published by the European Commission in 10 August 2018. These conclusions cover the mechanical treatment of metal waste in shredders and so is relevant to this Application. There are 53 Conclusions included in the BATc Document. Unless otherwise discussed in this decision document we agree with operator in their stated compliance. Existing facilities must comply with relevant BAT Associated Emission Levels (AELs) by August 2022.

In relation to BAT Conclusions 6, 8, 24 and 25 we agree with the operator in respect to their current stated capability as recorded in their BEST AVAILABLE TECHNIQUES REPORT response that improvements are required.

We have therefore included improvement conditions IC1- 4 in the consolidated variation notice, which requires them to upgrade their operational techniques so that the requirements of the BAT Conclusions are delivered by August 2022.

BATc reference	Summary of BAT Conclusion requirement	Delivered by.
BAT 1	Implement environmental management system (EMS).	Details provided in supporting information document "Environmental Management System & Operating Techniques" dated 13 th March 2020. EMS required by condition 1.1
BAT 2	improve the overall environmental performance of the plant – to set up: (a) waste characterisation and pre-acceptance procedures (b) waste acceptance procedures (c) waste tracking system and inventory (d) quality management system (e) Ensure waste segregation (f) Ensure waste compatibility prior to mixing or blending of waste (g) Sort incoming solid waste	As an existing process procedures were already in place. New procedures for handling and processing hazardous waste are now in place and are in line with BAT.

BATc reference	Summary of BAT Conclusion requirement	Delivered by.
BAT 3	Reduce emissions to water and air, by establishing and maintaining an inventory of waste water and waste gas streams.	N/A as no waste water emitted from treatment areas.
BAT 4	Reduce environmental risk from waste storage	As described in operating techniques document – dedicated storage areas and strict adherence to set storage capacity. Hazardous waste is stored separately in dedicated bay. Only uncontaminated waste is stored externally
BAT 5	To set up and implement waste handling and transfer procedures than minimises risk	Handling procedures are in place, includes dealing with spillages
BAT 6	For relevant emissions to water as identified by the inventory of waste water streams (see BAT 3), BAT is to monitor key process parameters	<p>Only uncontaminated waste is stored externally. There will be potentially contaminated water from external storage areas during heavy rainfall as surface waters would be channelled to an interceptor before discharge to Cudworth Dyke. The interceptor is sufficiently sized and is regularly checked minimising potential discharge Cudworth Dyke.</p> <p>Permit conditions 2.3.1 and table S1.2</p>
BAT 7	Monitor emissions to water with at least the frequency	<p>See section on emissions to water above</p> <p>Permit condition 3.5.1 and Table S3.2</p>
BAT 8	Monitor emission to air Dust – method EN 13284-1- every 6 month	Measures are described in the Application.

BATc reference	Summary of BAT Conclusion requirement	Delivered by.
		Permit conditions 3.5.1 and Table S3.1
BAT 9	BAT is to monitor diffuse emissions of organic compounds to air from the regeneration of spent solvents	N/A no solvents are processed
BAT 10	BAT is to periodically monitor odour emissions.	N/A we accept activities are not inherently odourless
BAT 11	Monitor the annual consumption of water, energy and raw materials as well as the annual generation of residues and waste water, with a frequency of at least once per year.	Condition 4.2.2. and Tables S4.2 Annual production/treatment and S4.3 Performance parameters
BAT12 &13	set up, implement and regularly review an odour management plan where odour nuisance is expected	See BAT 10
BAT 14.	In order to prevent or, where that is not practicable, to reduce diffuse emissions to air.	All dust operations take place within a building.
BAT 15 - 16	BAT: Appropriate Use of Flaring & Reduce Emissions from Flares	N/A
BAT 17	<p>Implement and Review a Noise and Vibration Management Plan that includes all of the following elements:</p> <ul style="list-style-type: none"> a) a protocol containing appropriate actions and timelines; b) a protocol for conducting noise and vibration monitoring; c) a protocol for response to identified noise and vibration events, e.g. complaints; d) a noise and vibration reduction programme designed to identify 	<p>A Noise and Vibration Plan was submitted on 9/03/2021 in response to a Schedule 5 As additional measures are to be undertaken the NMP is yet to be approved.</p> <p>See key issues section of this document.</p> <p>Permit conditions 2.3.1, 3.5.1 and Table S1.2</p>

BATc reference	Summary of BAT Conclusion requirement	Delivered by.
	the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.	
BAT 18	<p>Reduce Noise and Vibration Emissions by use one or a combination of the techniques</p> <p>(a) Appropriate location of equipment and buildings (b) Operational measures (c) Low-noise equipment (d) Noise and vibration control equipment (e) Noise attenuation</p>	<p>Measures are described in the Application and Schedule 5 response dated 09/03/2021.</p> <p>See key issues section of this document, which discusses noise management.</p> <p>Permit conditions 2.3.1, 3.4.1 and Table S1.2 and IC4</p>
BAT 19	Optimise water consumption, to reduce the volume of waste water generated and to prevent or to reduce emissions to soil and water	Water use is minimal. Water is occasionally used for dust suppression of external storage areas.
BAT 20	To reduce emissions to water, BAT is to treat waste water using an appropriate combination of the techniques	<p>See BAT3 & 6</p> <p>Permit conditions 2.3.1 and table S1.2</p>
BAT 21	To prevent or limit the environmental consequences of accidents and incidents – use accident management plan	Emergency Contingency & Accident Management Plan is in place
BAT 22	In order to use materials efficiently, BAT is to substitute materials with waste.	Only waste is processed on site.
BAT 23	energy efficiency	<p>An energy balance record is to be put in place by 10 August 2022.</p> <p>Permit condition 1.2.1 and Table S4.2</p>

BATc reference	Summary of BAT Conclusion requirement	Delivered by.
BAT 24	Reuse Packaging	Measures are as described in the Dust Management Plant (DMP). Permit conditions 2.3.1 and 2.3.2 and table S1.2 incorporate the DMP.
BAT CONCLUSIONS FOR THE MECHANICAL TREATMENT OF WASTE		
BAT 25	Techniques to reduce emissions to air of dust, and of particulate-bound metals, PCDD/F and dioxin-like PCBs	The granulation plant is contained within a building and has an air extraction system which includes a cyclone and filter (BAT 25b) to collect dust. The applicants has recognised that improvements are required in that monitoring to demonstrate compliance with the BAT AEL for channelled dust emissions to air is required. We have set improvement conditions IC2 & IC3 also. See BAT8
BAT 26	In order to reduce the quantity of waste sent for disposal, BAT is to maximise the reuse of packaging, as part of the residues management plan (see BAT 1).	All waste is recovered.
BAT 27	Techniques to prevent deflagrations and to reduce emissions when deflagrations occur.	N/A waste processed and machinery used for granulation would not deflag
BAT 28	In order to use energy efficiently, BAT is to keep the shredder feed stable.	Material being fed to the shredder is consistent in nature. Larger materials are size reduced in the super chopper and then sent through the Multi-Purpose Rasper prior to being fed into the granulation plant. This ensures the materials are

BATc reference	Summary of BAT Conclusion requirement	Delivered by.
		<p>consistently sized i.e. stable feedstock prior to granulation.</p> <p>Materials destined for the grinder may first be pre-treated through the shear before they are fed into the grinder if required to ensure a stable feedstock.</p>
BAT29-53 are not applicable		

Noise and vibration management

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

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 include specific measures.

Noise Management Plan (NMP) and Best Available Techniques

We reviewed the NIA and NMP and found that there were a few missing aspects which would make the NMP more robust. This information was requested via a schedule 5 notice (dated 12/01/2021) and the Applicant provided a revised NMP on 09/03/2021.

BAT conclusion 17 also has the following NMP requirements:

- I. a protocol containing appropriate actions and timelines;
- II. a protocol for conducting noise and vibration monitoring;
- III. a protocol for response to identified noise and vibration events, e.g. complaints;
- IV. a noise and vibration reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.

The NMP contains a protocol for conducting noise monitoring, noise complaints procedures, and has identified and characterised noise sources and identified the measures taken to minimise noise emissions. We have reviewed the NMP in accordance with our Horizontal Guidance Note IPPC H3, with regards to the BAT

conclusions requirements and based on this written information consider appropriate. However observations during a recent site inspection by Environment Agency staff identified discrepancies with the NMP and identified further improvements which the operator has agreed to undertake. We have not approved the noise management plan at this time. Improvement Condition, IC4 requires a revised NMP to be submitted for approval.

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.

We have approved the fire prevention 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 plan has been incorporated into the operating techniques 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 S1.2.

Use of conditions other than those from the template

Based on the information in the application, we consider that we need to include conditions other than those in our permit template.

Waste types

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

We have added a hazardous waste code due to reclassification of EWC 16 02 16 components removed from discarded equipment other than those mentioned in 16 02 15. As the site already accepts the waste type and there is no change to site operations other than all hazardous waste are processed separately.

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.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme

- to monitor emissions to air, assess and include additional measures if needed to ensure that dust emissions are minimised;
- for surface water monitoring to be undertaken and results reviewed to ensure pollution prevention measures remain appropriate and
- the submission of a revised NMP for approval

Emission limits

Emission Limit Values (ELVs) based on the BAT conclusions have been added for the following substances:

We have set a limit for total suspended particulates of 10 mg/m³ for emission point A1 in table S3.1. This is in accordance with the requirements for the metal shredding sector and is set out in our template IED permit.

We have set an improvement condition (IC2) for the operator to undertake representative monitoring of the discharge to air and then to assess emissions in accordance with our H1 methodology. This will also include (via improvement condition IC3) a monitoring programme to carry out particle size distribution testing of particulate from emissions points A1 to determine the fraction within the PM10 and PM2.5 ranges. These are standard IC's for the sector.

Emissions limits to water have been added as a result of this variation. We have imposed descriptive limits of the visual appearance and visible oil and grease. It is considered that these descriptive limits will prevent significant deterioration of receiving waters.

Monitoring

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:

- Total suspended particulates in table S3.1
- Uncontaminated surface waters entering Shaw/Cudworth Dyke
- Ambient air monitoring for particulate in table S3.3

These monitoring requirements have been included are standard requirements for metal shredding installations, and is required quarterly unless otherwise agreed.

We made these decisions in accordance with BAT Conclusions for waste treatment.

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.

Reporting

We have added reporting in the permit for emissions to Air and emissions to Water as specified in condition 3.5.1. We made these decisions in accordance with BAT Conclusions for waste treatment.

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.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

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.

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 variation.

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, our notice on GOV.UK for the public and the way in which we have considered these in determination process.

Responses from organisations listed in the consultation section:

Response received from PHE.

Brief summary of issues raised:

Noted that the main emissions of potential concern are air pollution and noise emissions. Both dust and noise have been an issue of complaint from neighbouring residential and industrial premises. In order to ensure that these have been addressed in the application they proposed the following recommendations/requests:

- the applicant provide a H1 Risk Assessment for emissions to air from the granulator.
- Provide a revised H1 surface water assessment based on site-specific data to help reduce uncertainties in the model inputs
- Confirmation of the number of operational Heavy Good Vehicles (HGVs) to/from the facility and whether there will be any revisions to the numbers of HGV movements
- For the noise consideration of the use of the most up-to-date versions of noise annoyance and sleep disturbance criteria such as the World Health Organisation (WHO) Night Noise Guidelines 2009 and WHO Environmental Noise Guidelines 2018.

In respect of Noise Assessment

- Whilst they accepted that the noise assessment showed that noise levels did not exceed the chosen Lowest Observed Adverse Effect Levels (LOAELs), they did not accept that this necessarily inferred that there would be no adverse effects. Cited that noise annoyance responses vary widely between individuals due to multiple acoustic and non-acoustic factors (for example, noise sensitivity, age, dwelling type). On this basis they recommend that local populations are consulted and monitored on an ongoing basis in regard to adverse effects from noise. Keen to understand if any noise complaints have been received since the installation of more noise mitigation solutions in 2019 following complaints.
- Table 6.3 of the noise assessment shows incorrect numbers in some of the rows and should be corrected.

- Requested confirmation that all assessments and management systems are reviewed and updated to reflect the application to add additional waste codes.

Summary of actions taken:

The applicant has submitted a H1 Air Emissions Risk Assessment and further supporting information which we have assessed. All emissions have screened out as insignificant. We are satisfied that an appropriate assessment has been made.

Whilst we accept that the operator's risk assessment of emissions to water is satisfactory as the impact is based on an estimation of rainfall and effluent flow rate and release concentrations are from a similar site, Sims Newport site in South Wales, we are requiring the monitoring of emissions to water and the submission of a written report which includes the results of the assessment of the impact of the emissions of surface water and if necessary proposals for appropriate measures to mitigate the impact of any significant emissions, IC1

The applicant has submitted procedures for minimising fugitive dust emissions. Granulation is undertaken within an enclosed building with cyclone and bag filter to minimise fugitive dust emissions. We are satisfied that the necessary measures are in place to minimise emissions of dust.

Vehicle access to the installation and traffic movements: These are relevant considerations for the granting of planning permission and do not form part of the Environmental Permit decision making process.

The applicant was requested to submit a revised Noise Impact Assessment (NIA) and Noise Management Plan (NMP). A revised NIA and NMP were submitted on the 9/3/2021. As discussed in key issues section above we have not approved the NMP as we are requiring improvements to be made, IC4.

We publicised the application and received no comments from members of the public. Consequently we do not consider consulting the local population on an ongoing basis is necessary. However, we have a 24hr telephone number to report any noise issues.

Standard conditions 1.1.1, 3.1.1, 3.2.1, 3.2.2, 3.4.1 and 3.5.1, concerning management systems, point and fugitive emissions control, noise management and monitoring of dust emissions are contained within the permit.