

## Permitting Decisions- Bespoke Permit

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We have decided to grant the permit for Halesfield Hazardous Waste Storage Installation operated by AO Recycling Limited.

The permit number is EPR/RP3506LG.

The application is for a waste refrigerator and WEEE storage site to store excess inventory from the operator's other treatment sites.

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

## Stacking of fridges

The operator proposed an alternative method to existing BAT for the sector. This involved handling and storing of refrigerators by laying them down on their side and stacking them 6 units high. To stack the refrigerators, it was proposed that a forklift truck attachment with two vertical plates would be used to apply pressure to the units in order to lift four refrigerators at one time. It was noted that laying refrigerators down on their side, and applying enough pressure to lift them for stacking, could lead to excess pressure being applied to the refrigerator cooling unit located on the back of the refrigerator. This could result in the release of environmentally polluting liquids and gases.

The operator was unable to demonstrate during determination that the handling would not put unnecessary pressure on the refrigerator cooling unit. On this basis we did not permit the operating techniques involved in stacking and handling refrigerators on their sides.

In order to allow the operator to utilise the site to support the business in regards to contingency storage space, we inserted preoperational condition PO2. This condition allows the operator to store refrigerators at their site but by the means of existing best practice (BAT) methods which involves no application of pressure to the cooling circuit on the rear of the refrigerator. Once the operator has identified and obtained evidence to support an appropriate handling method that will allow the storage and handling of refrigerators on their sides without applying inappropriate pressure to the refrigerator cooling matrix, they can submit a proposal to the Environment Agency under preoperational condition PO2. If approved in writing by the Environment Agency, the operator will be allowed to begin storing refrigerators laying down on their side, stacking them 6 high and handling up to four refrigerators at one time on their sides.

## WEEE and weatherproof covering

The operator proposed the storage of WEEE and WEEE components but did not confirm that WEEE would be stored under a weatherproof covering. WEEE components and parts must be provided with a weatherproof covering in order to prevent the contents contaminating surface runoff. In line with BAT, the operator confirmed during the application that they would provide WEEE with a weatherproof covering. However, the specific method had not been finalised. Therefore preoperational condition PO1 requires the operator to not store any WEEE at the site until they have finalised their proposed weather proof covering method and submitted the proposals to the Environment Agency for written approval.

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

The application was publicised on the GOV.UK website.

We consulted the following organisations:

List the organisations consulted

- Local Authority Environmental Health
- Health and Safety Executive
- Fire service

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' and Appendix 2 of RGN2 '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.

The plans show the location of the part of the installation to which this permit applies on that site.

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 not 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.

The sites within the screening distance are an ancient woodland and a local nature reserve. The site involves the storage of only of waste, there are no process emissions to air and no process emissions to land or water. Therefore there is no pathway for impact.

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.

The operator's risk assessment is satisfactory.

## **Climate change adaptation**

We have assessed the climate change adaptation risk assessment.

We consider the climate change adaptation risk assessment is satisfactory.

We have decided to include a condition in the permit requiring the operator to review and update their climate change risk assessment over the life of the permit.

## **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.

Relevant guidance includes SGN 5.06 and the BAT conclusions document for waste treatment. The key measures to demonstrate compliance with BAT include impermeable surface with sealed drainage, storage and handling techniques and storage of WEEE in appropriate containers and covering of appropriate wastes.

The operator proposed a refrigerator stacking methods which deviates from the best practice standards expected for the sector. We have inserted preoperational condition PO2 restricting the handling and stacking methods until further evidence is provided to support the alternative BAT proposals. Refer to key issues and preoperational condition sections of this document for further information.

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

## **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.

## **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.

## **Pre-operational conditions**

Based on the information in the application, we consider that we need to include pre-operational conditions.

Pre operation condition PO1 – The operator intends to ensure waterproof coverings are provided for WEEE wastes, however they had not finalised the method. This condition requires the method to be finalised and approved by the Environment Agency prior to the site accepting WEEE wastes other than refrigerators. Refer to key issues section for further information.

Preoperational condition PO2 - The operator proposed a handling and storage method which deviates from existing BAT. This condition allows the applicant to operate their fridge storage activity but requires them to only handle and stack refrigerators in a way that will ensure no pressure is applied to the refrigerator cooling circuit until they demonstrate to the Environment Agency for written agreement that the proposed alternative BAT handling method will not damage the refrigerators cooling unit on the back. Refer to key issues section for further information

## **Emission Limits**

We have decided that emission limits are not required in the permit. This is on the basis emissions are not hazardous or sanitary and emissions from the storage area are discharged via a sewer discharge consent.

## **Reporting**

We have specified reporting in the permit.

We made these decisions in accordance with SGN 5.06 and the BAT conclusions document 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.

## **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, 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 Telford council

Brief summary of issues raised: Received holding response but no further comments were sent.

Summary of actions taken: No action taken