

## Permitting Decisions- Bespoke Permit

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We have decided to grant the permit for Recycled Asphalt Products (RAP) Limited operated by Recycled Asphalt Products (RAP) Limited.

The permit number is EPR/XP3207PZ/A001.

The application is for the recovery and treatment of hazardous and non-hazardous waste. The site accepts road planing wastes. The waste consists of aggregate bound by bitumen that are considered to be non-hazardous, and hazardous waste which consists of aggregates bound by coal tar known as asphalt waste containing coal tar (AWCCT).

Stockpiled (0-40mm) non-hazardous material is transferred from the storage areas to a feed hopper via a wheeled loader, materials are sorted, screened, crushed and blended and recovered as a secondary aggregate. Recovered aggregates are then despatched for delivery back to the local highways improvement scheme.

The treatment of hazardous waste involves: crushing, screening and encapsulation of the waste road planings comprising of bituminous mixtures containing coal tar. Following crushing and screening a cold foam mix process using bitumen as binder is used to encapsulate the material. The produced material is cold recycled bound material (CRBM) and is suitable for a number of construction requirements. In addition to the cold foam mix process, the screened materials may be blended with cement (CEM1) and pulverised fuel ash to produce a cement bound granular material (CBGM). The site is permitted to accept a maximum of 30,000 tonnes per annum of hazardous waste, and up to 30,000 tonnes per annum of non-hazardous waste. Hazardous and non-hazardous wastes are not mixed.

The site is constructed on an impermeable concrete surface with sealed drainage. Surface water runoff is directed away from the storage and treatment activities and collected within sealed bunded tanks. Liquids are collected as required for off-site treatment and disposal at a regulated facility.

Directly associated activities serving the installation consist of raw and ancillary material storage, electrical power generation for the on-site treatment plant and a directly associated activity which falls under Section 3.1 Part B(b) of the Environmental Permitting (England & Wales) Regulations, 2016 for the use of cement in bulk during the treatment process. Cement is stored on-site in a dedicated alarmed silo.

The facility located at Melmerby Industrial Estate (National Grid Reference SE 33897 75736), a rural industrial area approximately 5km north, north east of Ripon and 1.6km west of the A1(M), Junction 50. The closest residential property is located approximately 820 metres away to the north east of the site. The facility is within 2km of two Local Wildlife Sites and two Ancient Woodlands, the facility is not located within the relevant screening distances of any designated Site of Special Scientific Interest (SSSI) or European designated sites; Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar 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**

### **Waste treatment**

Waste treatment at the facility produces a hazardous product that may be reused under (RPS 075) Using treated asphalt waste: RPS 75 - GOV.UK ([www.gov.uk](http://www.gov.uk)) or a non-hazardous Waste & Resources Action Programme (WRAP) compliant product.

Wheeled loading shovels are used to transfer materials from the designated storage areas into a feed hopper. Mobile plant will allow for the sorting, separation, screening, crushing and blending of waste for recovery as a secondary aggregate. Recovered aggregates are then out-loaded for delivery back to the local highways improvement scheme or incorporated into the subsequent manufacture of foamed asphalt (cold mix process) being used in the works.

Asphalt waste containing coal tar (AWCCT), is crushed and screened into two fractions; 0-10mm and 10-20mm. These will be stockpiled on the 'TAR 0-10mm' and 'TAR 10-20mm' stockpiles. This material is made into Cold Recycled Bound Material (CRBM) with the addition of 100% Cement (CEM1), PFA, bitumen and water, then out-loaded off site for delivery to use in new road schemes within the local area. All loads of CRBM / foam mix will be dispatched from the site as hazardous.

## **Drainage**

The site is constructed on an impermeable concrete surface with a sealed drainage system and spill containment kerbs. Rainwater runoff from storage and process areas is channelled via the collection system to bunded storage tanks. Water is reused in the CBM treatment process, and wastewater is stored prior to collection for offsite disposal at a regulated facility.

## **Dust**

The facility utilises a number of techniques to prevent or minimise the potential for dust emissions:

- Cement is delivered to site via tanker and is transferred an alarmed silo. The cement is transferred at a rate that does not pressurise the silo. Shut off mechanisms prevent overfilling and prevent unauthorised releases.
- All deliveries to and from the site are sheeted or in enclosed containers.
- Drop heights are kept to a minimum during; sorting, screening and crushing.
- Conveyors are enclosed to prevent dust emissions during transfer of materials to the treatment plant.
- Activities that may give rise to dust are located away from the site boundary to further reduce potential emissions.
- Plant is cleaned regularly to prevent dust build up and for maintenance purposes.
- Water bowser and/or fog suppression systems are utilised as required to minimise the potential for dust related emissions.
- Roadways are kept clean and free of debris.

We are satisfied that these measures are appropriate for the activities taking place at the facility.

## **Consideration of the site condition report (SCR) and improvement condition**

The operator submitted a report that considered the site ground and groundwater conditions. During determination, Environment Agency groundwater specialists reviewed the report and requested additional information to take in to consideration nearby groundwater abstractions and permitted facilities in close

proximity to the site. The additional information was received as part of a Schedule 5 notice, issued 15 January 2021. Following further assessment it was identified that a number of measures should be undertaken to support the applicants conclusions and long term monitoring methodology required under condition 3.1.3. We have included an improvement condition in the permit (IC1). The improvement condition has been included to ensure that; groundwater flow directions are confirmed following ground investigations, additional representative baselines are collected from the new groundwater monitoring locations and the site condition report is updated to represent this updated data.

There are no point source emissions to ground or surface waters on the permit. The operator is required to undertake periodic monitoring of the soil and groundwater as part of the emissions and monitoring condition of the permit (3.1.3).

## **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:

Public Health England (PHE)

Health and Safety Executive (HSE)

North Yorkshire county council

Harrogate borough council

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' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

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**

### **Site condition report**

The operator has provided a description of the condition of the site, which we consider is not satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

We have advised the operator what measures they need to take to improve the site condition report.

### **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.

### **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 operator provided an assessment against the waste treatment BAT conclusions and the indicative requirements set out in; Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste - GOV.UK ([www.gov.uk](http://www.gov.uk)). We are satisfied that the proposed techniques are appropriate for the facility.

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

## **Raw materials**

We have specified limits and controls on the use of raw materials and fuels.

Gas oil used at the facility shall be less than 0.1% sulphur content.

## **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.

## **Improvement programme**

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

## **Emission Limits**

We have decided that emission limits are not required in the permit. The treatment plant generator is an emission to air but does not require any specified limits on the permit. There are no water discharges from the facility and all contaminated liquids are stored in bunded tanks for offsite disposal.

## **Reporting**

We have specified reporting in the permit. Reporting is required for annual production / treatment volumes of;

- Asphalt waste containing coal tar treated
- Non-hazardous material treated
- CRBM produced
- Water usage
- Energy usage; and
- Total raw materials used

## **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.

## **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 the way in which we have considered these in the determination process.

### **Responses from organisations listed in the consultation section:**

Response received from Public Health England (PHE).

Brief summary of issues raised: PHE noted the potential risk of dust generation at the site noting that appropriate suppression measures should minimise emissions off-site.

Summary of actions taken: We require that the operator have a written Environmental Management System (EMS) to identify, prevent and minimise potential sources of pollution. We have reviewed the dust control measures proposed by the operator, and included standard conditions in the permit requiring the Operator to effectively control potential fugitive emissions. The



Operator shall provide additional management plans and measures if deemed appropriate by the Environment Agency.