

Permitting Decisions- Variation

We have decided to grant the variation for Woodside Depot operated by Hailsham Roadway Construction Co. Limited.

The variation number is EPR/ZP3992EW/V002.

The variation adds a new asphalt waste containing coal tar (AWCCT) hazardous waste treatment facility. These wastes arise from road maintenance works. The wastes will be stockpiled prior to crushing. The material will then be processed in a batching plant designed for the manufacture of Hydraulically Bound Materials (HBM).

The HBM is produced by mixing the AWCCT with bitumen using a cold bitumen emulsion process. The bitumen fully encapsulates the AWCCT for subsequent reuse in highway improvement works. Up to 2000 litres of Bitumen are stored on site in 2 x 1000 litre IBC's.

Additional feedstock materials – ordinary Portland cement, lime and ground granulated blast furnace slag (GGBS) are added to improve the cohesion and binding process. These materials are stored in dedicated silos within the batching plant. Water will be sourced from the sites surface water collection system. A computerised system is in place with shut off valves to control filling of the silos. Filters are in place to stop dust emissions.

The batching plant will separately treat non-hazardous waste aggregates to produce a stabilised material. Materials will be first mixed with lime reducing the materials ability to absorb water. Then cement, Pulverised Fuel Ash (PFA) or GGBS are added as binders providing the newly stabilised materials with strength.

A separate mobile batching plant is also used for the production of cement. This activity was previously regulated by the Local Authority under Section 3.1 Part B (b) of The Environmental Permitting (England and Wales) Regulations 2016 - *Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement mixture, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.* This activity has now been bought under the regulation of the Environment Agency.

The variation also adds a new 0.358MWth diesel generator which will power the batching plant. The generator will operate for less than 600 hours per year.

The layout of the site has been reconfigured and the boundary of the permitted area increased to provide additional operational capacity. The drainage system has also been redesigned. The site will be zoned to provide an impermeable sealed system serving the hazardous and non-hazardous (non-specified) waste treatment and storage areas. This water will be contained and reused in the cold-bitumen process or tankered off site.

Other non-hazardous (specified) wastes as detailed within the operators currently held Standard Rules permit are suitable for storage on hardstanding and will continue to be stored in the main yard area which drains to surface water (W1), via swale and pond.

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

Location

The site lies within a semi-ural location with the nearest residential receptors lying 175m to the east. The site however lies immediately adjacent to a major A road and industrial poultry farm.

Overall treatment tonnages are not increasing as part of the variation therefore noise and odour nuisance from the facility is considered unlikely.

The site lies within 1.9km of Pevensey Levels SSSI, SAC and Ramsar an area of low-lying grazing meadows intersected by a complex system of ditches. The site supports a wide variety of wetland flora and fauna. The site is also of national ornithological importance for wintering lapwings.

The Abbots and Wilmington Wood and Milton Hide Local Wildlife Site lies 225m to the west however is separated by the major A22 and poultry site. A number of Ancient Woodlands also lie within the statutory screening distance, the nearest being Nightingale Place Shaw 150m to the south.

Brownings House

Brownings House lies within the wider site (outside of the permitted boundary). This has been converted into HMO accommodation for temporary use by staff at the facility. It has therefore not been considered as a sensitive residential receptor.

Air Emissions

The facility has an air emission point (A1) via a 2m stack from a 0.358MWth diesel generator which powers the batching plant. The generator will operate for up to 576 hours per year.

The applicant submitted an Air Quality Risk Assessment for human health based on the generator specification and an assessment of emissions based on this information. This concluded that long term changes for Particulate Matter (PM_{2.5} and PM₁₀) and NO₂ could be screened out from requiring any further assessment. Short term changes couldn't be screened out. However given the size of the generator and that it will operate for less than 2 hours per day and operations are not likely to coincide with a worst case meteorological event, we consider this to be low risk and therefore this has not been considered further.

Similarly the operator did not undertake an assessment of the impact of emissions (and we have not requested this) on nearby habitats sites. This mirrors the approach in our guidance 'AQTAG 14: Guidance on identifying 'relevance' for

assessment under the Habitats Regulations for installations with combustion processes’.

Overall we are satisfied that the site is unlikely to have a significant effect on local air quality.

Risks to surface water, soil and groundwater

The only source of liquid contamination would be from leaks or spillages of diesel. The diesel generator is fitted with an internal 535 litre bunded tank. The generator is located adjacent to the batching plant on an impermeable surface.

The site is not located in a sensitive groundwater location lying over unproductive strata, the geological type being Weald Clay. There are no records of groundwater abstraction licences within 2km of the site.

The site comprises a main yard area laid to hardstanding with a 2685m² concrete storage and treatment pad in the eastern section of the site used for the storage and treatment of hazardous and non-hazardous (non-specified wastes). This drains to a concrete pit, surrounded by concrete walls. A barn is used for the storage of topsoil. The boundary is surrounded by mature trees.

The main yard used for the storage of inert and non-hazardous (specified) waste drains towards the south where a swale and pond are located. The drainage system includes hydrobrakes and penstocks which allow the system to be shut off in the event of a spillage.

Given the non-sensitive location we agree that there is adequate surfacing and operational procedures in place ensuring there is a low risk to soil and groundwater.

Point source emissions to surface water

The site has discharged surface water off site through emission point W1 for many years. As part of the site upgrades and to allow the acceptance of hazardous and additional non-hazardous wastes the system has been redesigned to provide separation between the different activities.

“Specified wastes” as described by the SR2008No3 permit originally held by the operator will continue to be stored on hardstanding with surface waters captured by a series of catchpits, gullies and interceptor system before being held in a series of geocellular crates, swales and the storage pond.

“Specified wastes” are deemed to be of sufficiently low risk so as not to require storage on an impermeable surface with sealed drainage. Given the operator also proposes to install the above infrastructure which will reduce any suspended solids load prior to discharge we are satisfied the potential for pollutants to be discharged via the surface water system is minimal.

Hazardous waste storage and sealed system

Hazardous wastes and “non-specified wastes” will be stored on a concrete pad which drains to a concrete pit in the south eastern corner of the pad. Water from which will be tankered offsite or reused within the cold-mix batching process.

The quarantine skip, batching plant and generator are all located within the area draining to the concrete pit.

The hazardous and non-hazardous operational area has a total catchment of approximately 0.36Ha. The concrete pad falls from north west to south east away from the wider operational areas towards concrete retaining walls at the southern and eastern boundaries of the pad. A 0.5m deep concrete pit will be built to allow sediment collection and easy removal.

A separate small loads unloading bay also drains to the pit.

The operator confirms a formal inspection of the pit will be undertaken daily which would be recorded in the site diary. Any accumulated sediment will be removed using on site machinery.

We are satisfied that the treatment and storage pad design has created a sealed system in which all surface and wash waters will be captured and contained. Their reuse in the cold-mix process is considered acceptable as there are no incompatibility issues with all wastes arising from highways works.

Management of dust

The site has been in operation for many years. It is screened by mature planting and the nearest sensitive receptors are almost 200m away. Overall treatment tonnages are not increasing as a result of this variation. We therefore do not consider nuisance caused by dust to be a concern beyond the site boundary.

We however requested a dust management plan as we consider the management of dust emissions from the proposed hazardous waste and non-hazardous (non-specified) storage and treatment pads to be of particular importance given the differences in surfacing and drainage infrastructure.

The operator has taken the following measures to prevent and abate dust emissions:

- 5 storage bays will be used to store up to 150m³ of hazardous wastes and are covered with plastic sheeting. The bays are 3.5m high and a 0.5m freeboard will be maintained.
- All non-hazardous ash wastes are stored in bays and sheeted up to an aggregated total quantity of 200 tonnes at any one time.
- Other stockpiles will be kept to a maximum 6m high.
- Stockpiles will be dampened with a sprinkler system operated from 5 mains fed storage tanks.

- Dust cannons will be used when undertaking crushing operations.
- The batching process is fully enclosed with the discharge point fitted with a spray bar.
- Mobile bowsers available on site for use when necessary.
- Jet wash located adjacent to the batching plant available for cleaning plant, machinery and vehicles.
- The site has its own weather station which provides real time information on wind speed, direction, precipitation, temperature and pressure to enable operational decisions.

Based upon the information within the application we are satisfied there are appropriate measures in place to minimise fugitive emissions of dust arising from the concrete storage and treatment pad and from within the wider site boundary.

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.

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:

- Public Health England
- The local authority

No responses were received

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'

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 plans which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

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.

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.

The site lies within 1.9km of Pevensey Levels SSSI, SAC and Ramsar. There is no overland pathway for impact and given the small size of the generator air emissions were not required to be considered further.

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

We have not consulted Natural England.

The decision was taken in accordance with our guidance – AQTAG 14.

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.

Operating techniques for emissions that screen out as insignificant

Emissions of Oxides of Nitrogen and Particulate Matter have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

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.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

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 restricted the following wastes for the following reasons:

19 12 12 – treated bottom ash and slag other than those containing dangerous substances.

In order to limit the waste to ash and slag only.

We made these decisions with respect to waste types in accordance with WM3

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

We consider emission limits are not required in the permit.

Reporting

We have added / amended reporting in the permit for the following parameters:

- Annual production and treatment of HBM
- Treatment of non-hazardous waste

We made these decisions in accordance with our 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 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.