

Permitting Decisions - Variation

We have decided to grant the variation for Alperton Lane Waste Transfer Station operated by O'Donovan (Waste Disposal) Limited.

The variation number is EPR/LP3037WG/V005.

This variation increases the tonnage of waste the site can take from 150,000 tonnes to 300,000 tonnes per year.

There will not be a change in the quantity of non-hazardous waste stored at any one time, or the equipment used for processing, but the additional tonnage will be accommodated by extending the operating hours. Outside operation including movement of skips will continue to take place between 7am and 7pm. Between 7pm and 7am the site will only process waste within the main building. A number of new non-hazardous waste codes have been added to the permit of a similar nature to the waste already accepted.

In addition, the site is adding a number of new hazardous waste codes. The maximum volume of hazardous waste that will be stored on site will be 15 tonnes. These fall into 2 main categories, construction and demolition waste containing asbestos, and other hazardous wastes which will typically have also originated from the construction and demolition industry. The asbestos waste will be stored in a locked skip external to any of the buildings. The other hazardous waste will be stored in a dedicated hazardous-waste storage building, marked on the site plan, and will be subject to a number of control measures including pre-acceptance sampling and testing. These wastes will be small in quantity and stored on the site for a limited duration. The permit has been updated to include storage of hazardous waste only, with no bulking or other treatment permitted.

There are existing waste exemptions on site for the storage of non-hazardous waste which are not covered by the permit. The operator has been reminded during this determination that waste covered by these exemptions must be separate from the installation in both physical location and process to allow for the continued use of the exemptions at 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
- 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.

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:

- Environmental Health – Brent Council
- UK Health Security Agency (HSA)
- Director of Public Health
- Health and Safety Executive
- Local Planning Department – Brent Council

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 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.

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.

We have not consulted Natural England. 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. The key areas of environmental risk associated with this application were noise, dust and fire prevention. Please see the relevant key issues sections below for additional details.

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.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control. This included both the installations activity and the waste exemptions on site.

We agreed with the conclusions of the noise impact assessment which was that potential impacts from the site are low during the nighttime but have the potential to result in noise and/or vibration that might cause pollution outside the site during the daytime. The loading truck, Heavy Goods Vehicles (HGVs) and the skip truck are the dominant sources of noise at nearby receptors, thereby appropriate measures should be targeted at these sources in particular.

The noise management plan in Appendix K of the noise impact assessment dated October 2021 sets out measures to address the potential noise from these sources and includes the following:

- Careful setting down and picking up of skips and lifting rather than dragging skips.
- Ensure skip stacking and pick up are undertaken carefully to minimise impacts.
- Ensure chains and other ancillary items are tied down during movement to prevent impact.
- Vehicles scheduled to limit the number of vehicles entering the site.
- Speed limit of 5 miles per hour for vehicles.
- Appropriate training of vehicle operatives.

These are important measures and if not implemented, the conclusions reached within the noise report would change. The noise management plan is linked to the permit through the operating techniques in S1.2.

The applicant should keep the plan under constant review and revise it 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.

Fire prevention plan

We did not consider that the Fire Prevention Plan (FPP) submitted with the original application met our guidance and therefore we requested that a number of points were addressed as set out in Schedule 5 notices dated 03/08/2021 and 17/09/2021.

We have assessed the revised fire prevention plan received in response to the notices 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 do not consider that the risk from dust will change significantly as a result of this variation, however due to the location of the site in an Air Quality Management Area (AQMA) for particulates and based on feedback from UK HSA and our own updated guidance we did not consider that the dust emission action value included in the PM₁₀ reporting requirement was appropriate. We have therefore reduced this value from 100µg/m³ to 75µg/m³. This is the level at which the operator would be required to implement measures on site to address dust levels and take corrective action.

The applicant should keep the site dust plan 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.

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 made these decisions with respect to waste types in accordance with Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation. The emission action level for particulates has however been reduced from 100µg/m³ to 75µg/m³. See section on dust above for additional information.

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 all activities permitted. The operator has demonstrated that they have the adequate certificates required for the acceptance of hazardous waste on site under the WAMITAB scheme.

Previous performance

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

We have checked our systems to ensure that all relevant convictions have been declared.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

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 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 UK Health Security Agency

Brief summary of issues raised:

- UK Health Security Agency (UK HSA) noted that the main concerns from this site would be fugitive emissions of particulate matter and asbestos-containing materials, or the risk of a large fire releasing hazardous substances.
- The response noted that the PM₁₀ action level identified in the application is not justified. UK HSA feel the suggested level is high, and that a 24-hour objective for PM₁₀ should be 50 µg/m³.
- UK HSA also recommended that the process for minimising the potential for asbestos emissions should be robust and clearly described, and extra

care should be taken to prevent the involvement of asbestos-containing materials in a fire.

Summary of actions taken:

- We have reviewed the Emission Action Value in the permit and reduced it from $100\mu\text{g}/\text{m}^3$ to $75\mu\text{g}/\text{m}^3$ for PM_{10} which is in line with our internal guidance on dust management. This is over a 5 minute reference period and therefore we consider this provides adequate protection for the environment and human health in comparison to the 24-hour limit of $50\mu\text{g}/\text{m}^3$ referenced by UK HSA.
- The applicant has confirmed that all asbestos waste will be double bagged at the site of origin before it is collected, on collection the integrity of these bags will be carefully checked, and checked again on arrival at the site, the double backed asbestos will be stored in a locked skip at all times.
- The asbestos skip is a considerable distance from potential ignition sources including the welding shed and gas bottle storage which are the opposite side of the site, and equipment in the main processing building.

Response received from Brent Council, Environmental Health

Brief summary of issues raised:

An Environmental Health Enforcement Officer from Brent Council queried whether there would be an increase in Heavy Goods Vehicle movements and whether the applicant provided an air quality assessment for these additional movements to identify the impacts on local air quality.

Summary of actions taken:

The applicant has not provided an air quality assessment as we only require this where there are point source emissions to air from the permitted process. The environmental risks from vehicle movements have been covered elsewhere in the application and the operator has committed to speed limits on site, a no idling policy and single entry and exit point on to the public highway, vehicle numbers are limited on site and all drivers have appropriate training.