

# Permitting decisions

## Variation

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We have decided to grant the variation for Tunstead cement and Lime Works operated by TARMAC Cement and Lime limited.

The variation number is EPR-XP3532DP-V005.

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 checklist to show how all relevant factors have been taken in to account.

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 checklist to show how all relevant factors have been taken into account

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. The introductory note summarises what the variation covers.

### Key issues of the decision

The operator has applied for a normal variation to cover the following changes:

1. Installation and operation of a Chlorine Bypass System on the Kiln to allow increase use of waste derived fuels without impacting end of pipe emissions.
2. Get an increase in TOC input limit for iron ore sludge used as an alternative raw material.
3. Extension to the existing packing facilities including installation and operation of a new sand drying operation and associated emission point.
4. Amendments to monitoring requirements of the Cooler Bag Filter A21, moving from monthly to 6 monthly monitoring in line with other monitoring points and move to equivalent standard of BS EN 13284-1.

- An improvement condition will be set to provide the Environment Agency with a written report detailing the full fate analysis and mass balance for Iron Ore Sludge material used as an Alternative Raw Material.

<b>Improvement condition table S1.3 IC20</b>	
Operator must undertake a re-characterisation of the incoming Iron Ore Sludge currently being used as an Alternative Raw Material, and full fate analysis and mass balance for the composition through the manufacturing process.  <b>A written report shall be provided to the Environment Agency for approval in writing. Limits stated in table S2.1 may be subject to change following the completion of this condition</b>	6 months following variation issue

- Pre-operational conditions have been set to provide the Environment Agency with a written proposals detailing a commissioning programme for the Chlorine By-pass & a commissioning report in accordance with the commissioning programme ahead of its operation.

PO5	<p>Prior to commissioning of the Chlorine By-pass on Kiln K1, the operator shall submit written proposals for a commissioning programme (for approval in writing by the Environment Agency) to include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Monitoring of process parameters in accordance Table S3.6.</li> <li>• Methods of storage and demonstrating compliance with BAT and relevant standards.</li> <li>• Verification of disposal route for wastes generated (including hazardous waste) .</li> <li>• Measures to assess and monitor changes to Energy Efficiency (MJ/ tonne clinker) .</li> <li>• Measures to assess and monitor any changed to the Kiln emission profile from use of Chlorine by-pass.</li> </ul> <p>Measuring the flow rate of the by-pass.</p>
PO6	<p>After commissioning of the Chlorine By-pass on Kiln K1, the operator shall provide a commissioning report, in accordance with the commissioning programme agreed by PO5. The report shall seek written approval from the Environment Agency prior to commencing normal operation.</p>

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.

<b>Aspect considered</b>	<b>Decision</b>
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<b>Consultation/Engagement</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>This is a normal application for variation. For this type of application no consultation or publication is required.</p> <p>We have included all application documents on the public register.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility',</p> <p>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.</p> <p>No new or different scheduled activities are being added to the facility or permit.</p>
<b>The site</b>	
Extent of the site of the facility	<p>There is no change to the site boundary as a result of this Variation.</p> <p>The operator has previously provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>The plan in the existing permit is not subject to change.</p>
Site condition report	There is no changes to the site condition report as a result of this Variation.
Biodiversity, heritage, landscape and nature conservation	<p>There is an additional emission point added to the permit from this variation, from the natural gas powered sand dryer plant. This is below regulatory threshold and has been deemed insignificant in the determination.</p> <p>No changes will be made to existing emission limits as stated within the permit.</p> <p>As a result there will be no changes to any sites of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>Natural England were consulted in determination and didn't come back with any comments.</p>
<b>Environmental risk assessment</b>	
Environmental impact assessment	There are no changes required relating to Environmental Impact Assessment for planning.
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility.

Aspect considered	Decision
	The operator's risk assessment is satisfactory.
<b>Operating techniques</b>	
General operating techniques	<p>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.</p> <p>Operating techniques that the applicant must use are specified in table S1.2 in the environmental permit (by addition to table S1.2 relating to this application / variation).</p>
Operating techniques for emissions that do not screen out as insignificant	There are no changes to ELV and therefore no change in existing impacts, and therefore no additional impact assessments were required, nor operating techniques in relation to impacts from emissions.
Operating techniques for emissions that screen out as insignificant	There are no changes to ELV and therefore no change in existing impacts, and therefore no additional impact assessments were required, nor operating techniques in relation to impacts from emissions.
Odour management	There are no changes to odour / odour management as a result of this variation for a time limited trial.
Noise management	There are no changes to noise / noise management as a result of this variation.
Fire prevention plan	Existing permit conditions remain within the permit
<b>Permit conditions</b>	
Updating permit conditions during consolidation	We have not needed to update permit conditions. The permit was recently varied as part of a sector review to the latest permit template.
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Raw materials	<p>There are no changes to raw materials used at the Installation as a result of this variation.</p> <p>Material with the new limit on TOC has already been used prior to variation.</p>
Waste types	<p>There are no changes to waste types used at the Installation as a result of this variation.</p> <p>All wastes utilised under the waste code of practice will be subject to a risk assessment, fate analysis and notification as outlined in the COP.</p>
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme.

Aspect considered	Decision
	We have imposed additional improvement conditions to ensure that there is a clear understanding of the fate analysis of the higher TOC content Iron Ore Sludge material used as an Alternative Raw Material (ARM).
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	Particulate monitoring limits remains the same, but frequency of monitoring of clinker cooler A21 is amended to from daily to 6 monthly indicative monitoring in line with other requirements in the permit. Standard is changed accordingly from BS EN 15267-3 to BS EN 13284-1
Reporting	Reporting has not changed as a result of this variation.
<b>Operator competence</b>	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p>There are no changes required to existing management systems as a result of this time limited trial.</p>
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p> <p>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.</p> <p>The variation allows increased use of waste derived fuel, allowing less use of virgin fuels.</p>