

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Geocycle UK Limited operated by Geocycle UK Limited.

The permit number is EPR/VP3505BQ.

The application is for the operation of part of an installation as a Directly Associated Activity, whose purpose at this installation is to receive and transfer Solid Recovered Fuel (SRF) to feed (via conveyor) the kilns operated by Lafarge Cauldron Limited (permit EPR/TP3334AW).

The Geocycle UK Limited facility receives commercial, domestic and packaging residue/waste; these wastes are bulked up and then transferred via conveyor to the Cauldron Cement Plant, operated by Lafarge Cauldron Limited. The facility covered by this permit and the Cauldron Cement Plant comprise a single installation.

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.

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Key issues of the decision

This application was originally submitted as a stand-alone waste facility (under reference EPR/KB3909CB/A001). The application was for 'the reception, storage and transfer of non-hazardous waste' - a regulated waste facility under The Environmental Permitting (England and Wales) Regulations 2016.

During the course of the determination, it was apparent that the sole purpose of the plant is to provide Solid Recovered Fuel (SRF) as a waste derived fuel for adjacent cement kilns operated by Lafarge Caudon Limited: -

- Due to the technical connection that exists between this facility and the existing regulated cement works (a conveyor supplying SRF direct into the cement kiln) it is not possible to permit this waste operation as a separate 'standalone permit' as applied.

The regulations require this operation is permitted as a Directly Associated Activity (DAA) as part of the existing Caudon Cement Plant Installation.

The operator agreed to this, and permit reference was amended to EPR/VP3505BQ. Whilst the standards for a waste facility (i.e. where standalone) will be retained, the site will also be required to meet "Best Available Techniques" (BAT) by virtue of this being part of a regulated Part A(1) Installation.

Lafarge Caudon Limited (the other operator of the Installation) has also agreed to this change which requires a variation to their existing permit in order to:-

- Make reference to the DAA operation (by Geocycle)
- Inclusion of necessary multiple-operator conditions
- Amended site plan.
- *No changes were required to waste derived fuels, as the permit already permits the use of SRF as an alternative waste derived fuel.*

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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.

As previously stated, the application type has changed and no longer considered a standalone permit, and instead as part of an existing installation a Directly Associated Activity (DAA) to Cauldon Cement Plant. *We have considered the consultation responses in line with this change in application type.*

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Public Health England
- FSA
- HSE
- Planning Authority
- Local Authority (environmental health)

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 part of the facility (installation) 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 facilities are defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

This permit applies to only one part of the installation – the activity of this part of the installation is the reception and transfer Solid Recovered Fuel (SRF) to feed the kilns operated by Lafarge Caudon Limited (permit EPR/TP3334AW). The names and permit numbers of the operators of other parts of the installation are detailed in the permit's introductory note.

The application was originally submitted as a stand-alone waste facility, however the activity serves only the Caudon Cement Plant and there is a technical connection; therefore, we concluded that the activity would need to be permitted as a DAA to the Caudon Cement Plant. This was agreed with both Operators.

The site

The operator has provided a plan which we consider to be satisfactory.

This shows the extent of the site of the facility including the discharge points.

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.

Internal consultation with Environment Agency Groundwater and Contaminated Land team whom reviewed Site Condition Evaluation Template, including baseline soils analysis from 2020, concluded sufficient information supplied that describes the condition of the site, and pollution of land and water is unlikely.

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.

The application is not a standalone permit (as originally applied for) but has been changed to a directly associated activity as part of an existing Installation (as outlined in 'the regulated facility').

The existing Installation (for which this DAA permit forms part of) has previously been assessed / considered under Nature conservation, landscape, heritage and protected species and habitat designations. The addition of this DAA to this installation is not considered to increase existing impacts (that are largely the point source emissions from the production of cement). As a result of this, no further screening is required.

Any variation that changes the risk to the impacts from the Installation will be subject to review under Nature conservation, landscape, heritage and protected species and habitat designations, with associated consultation.

We consider that the application as part of this existing installation 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.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be screened out as environmentally insignificant.

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.

Operating techniques

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.

A pre-operational condition has been included in the permit requiring the operator to provide an appraisal of BAT in accordance with best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the production of cement, lime and magnesium oxide. This has been required in reflection of the change in facility type (from standalone waste facility to Directly Associated Activity of Cement Installation). *Only a small number of techniques are likely to be relevant to this activity, however we still require the operator to demonstrate compliance to commencing operation.*

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory, and we approve this plan.

We have approved the odour 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'.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory, and we approve this plan.

We have approved the noise and vibration 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'.

Sensitivity checks by the Environment Agency's 'Air Quality and Modelling Unit' found that the proposed variation does not increase impacts at nearby residential receptors. However, AQMAU agrees with the consultant that there are potential significant adverse impacts at Church Bank and surrounding residential properties due to the existing site.

The assessment has not included Middle Hill Farm, Shaws Farm and Orchard Farm in their BS 4142 assessment. Shaws farm and Middle Hill Farm are both unoccupied and Middle Hill Farm is derelict. Orchard Farm is a commercial property which is less sensitive to noise. Therefore, AQMAU agrees that leaving these receptors out of the BS 4142 assessment is an acceptable approach.

We consider that the activities carried out at the site have the potential to cause noise and/or vibration that might cause pollution outside the site and consider it appropriate to include specific measures.

An improvement condition has been included in the permit requiring the operator to validate the noise assessment using data from actual measurements (once the plant is operating at normal operation). This is to show that the assessment provided is validated.

The plan has been incorporated into the operating techniques S1.2.

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.

We have excluded the following wastes for the following reasons

- **EWC 19 10 04** (fluff-light fraction and dust other than those mentioned in 19 10 03). This relates to Polyurethane Foam, and due to not being permitted within the Cement operation, cannot be included in the permit (supplying SRF to the Cement operation).

Should the operator wish for this to be considered in the future, they will need to submit applications (for variations) for both permits in order for this to be considered.

The remaining codes applied for are present within the existing cement permit (EPR/TP3334AW) and have been accepted.

Pre-operational conditions

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

- A commissioning plan designed to demonstrate that permit conditions will be met under all anticipated operating conditions
- A written report appraising BAT (in accordance with best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the production of cement, lime and magnesium oxide). This is to reflect that the facility type changed to a Directly Associated Activity. Only activities relevant to the DAA operation will require appraisal.

Improvement programme

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

We have included an improvement programme to: -

- Provide a report on the commissioning of the site in accordance with the agreed plan (from pre-operational condition).
- Validate the data used within the noise assessment (provided within the application) with real data. *See earlier section on noise.*

Emission Limits

We have decided that emission limits are not required in the permit.

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been included in order to ensure that water transferred from the attenuation pool to the Cauldon Cement Plant's water management system is of an appropriate quality to be transferred.

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with monitoring requirements above.

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 relying on the grace period to provide technical competence.

The operator has applied for membership / enrolment of the CIWM/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.

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:

UK Health Security Agency (received 9th May 2022)

Based on the information contained in the application supplied to us, UKHSA has no significant concerns regarding the risk to the health of the local population from the installation

Staffordshire County Council (received 16th May 2022)

No objection response to the permit consultation

Notification that a planning decision has now been issued for this site.

Representations from community and other organisations

Response received from: Waterhouses and District Environmental Group (WADEG).

Brief summary of issues raised:

1. Odours and Smoke

Concerns from residents of smell coming from the plant. (Primarily from the kiln chimney and residents report choking rubber burning smells).

The containment of the smell within the building with doors being only open when loading seems inadequate (as loading seems to be frequent given the planned volumes). WADEG would like to see provision for odour to be frequently and independently monitored by the EA with specific mitigation plans established if local residents are impacted.

2. Noise

Existing noise issues from the cement plant (worsening issue since mid-2020)

Concerns that the new facility will add to what is already a major social nuisance. There is a potential for additional noise (additional to the existing cement plant) from the operation within the building (of unloading and moving waste and washing the facility) and from the new conveyor – both of which are contained but from what can be seen not insulated to contain sound effectively.

The operating hours for HGV waste deliveries of 06:00 to 22:00 are not considering the negative impact on the local population from a noise perspective

3. Poor Air Quality (use of WDFs)

Concerns about the use of these waste derived fuels - existing report – and building evidence of the harm to human health caused as a result of incinerating the types of waste planned to be handled by the new facility.

4. Lack of proposed monitoring

Lack of proposed monitoring and absence or inadequacy of proposed corrective actions in event of out of permit limit events.

More detail of how wastewater from the frequent cleaning of the facility will be treated

5. Local pollution (waste material from HGVs)

Roads around the Cauldon site and the entrances are littered. While these are unsightly, they are relatively inert

Summary of actions taken:

1. Odours and Smoke

The application has been determined as a “directly associated activity” as part of the existing Cement Installation. Whilst this specific permit provides SRF as an alternative fuel to the cement kiln, this is not a change to how the cement kiln operates. (The cement kiln has previously been permitted to use, and uses SRF currently – by delivery to site, with stockpile storage). The change by this DAA is not considered a significant change in risk from odour - from current operations.

We have not permitted EWC 19 10 04 (referenced within waste types) as this is not permitted in the existing cement. There will no change to Cement Production kiln emission by this application.

An Odour Management Plan has been assessed and implemented into the permit (as an operating technique requirement), together with permit condition 3.3.1 relating to this. This requires appropriate measures to control odour.

2. Noise

The Environment Agency’s ‘Air Quality and Modelling Unit’ performed check modelling and sensitivity checks of the applicant’s noise assessment – to consider the additional noise impacts from the operation of this Directly Associated Activity (in addition to the existing Cement plant).

The conclusions from audit and sensitivity checks established that the proposed variation does not increase impacts at nearby residential receptors from that of the existing process. Shaws farm and Middle Hill Farm are both unoccupied and Middle Hill Farm is derelict (these would otherwise be the most impacted receptors).

An Improvement condition has been included in the permit requiring the operator to undertake noise monitoring during operation in order to verify the data provided within the application as assessed.

HGV movements to and from the site are not within the remit of the Environment Agency's permit – but part of the determination of the Planning Authority.

3. Poor Air Quality (use of WDFs)

This application does not relate to any changes to the types of wastes that are permitted for co-incineration at the existing cement plant. There will be no changes to existing limits with the Cement permit. We have not permitted EWC 19 10 04 as this is currently not permitted for use within the existing cement permit.

4. Lack of proposed monitoring

The operator is required to follow permit conditions (including monitoring) and application and plans incorporated as operating conditions (Table S1.2 of the permit). We have required monitoring in order to ensure that water transferred from the attenuation pool to the Cauldon Cement Plant's water management system is of an appropriate quality to be transferred. In the event of an incident or breach of permit condition is required to notify the Environment Agency as well as the other operator.

5. Local pollution (waste material from HGVs)

Roads around the Cauldon site / HGV movements are outside of the remit of the Environmental Permit. We only regulate operations within the installation boundary.

Representations from individual members of the public

We received 7 public representations following publication of the application on our website.

One response specified no objection and highlighted the use of alternative fuels produced in the UK ahead of imported coal as a positive step for the plant and the environment.

Of the remaining 6 representations the following is a brief summary of issues raised.

1. Odours and Smoke

Reports of existing odour and smoke issues from the existing Cement Installation

2. Noise

Reports of existing issues relating to noise from the existing Cement Installation.

3. Poor Air Quality / Dust

Reports of existing issues relating to noise from the existing Cement Installation.

Question why energy from waste facilities have very stringent controls on emissions from their facilities, and why different for this facility?

Summary of actions taken:

1. Odours and Smoke

See response in Representations from community and other organisations

2. Noise

See response in Representations from community and other organisations

3. Poor Air Quality / Dust

See response in Representations from community and other organisations

The Cement Installation is regulated under Industrial Emissions Directive (as are energy from waste installation) and is required to meet the legislation for co-incineration of waste.