

Permitting decisions - Refusal

We have decided to refuse the variation application for Bankwood Lane operated by Morris & Co. (Handlers) Limited (the Applicant).

The proposed facility location is Bankwood Lane, New Rossington, Doncaster, South Yorkshire, DN11 0PS (the Site).

The variation application number is EPR/JP3190CL/V005 (the Application).

We consider that in reaching that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination.
- gives reasons for refusal.
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account.
- summarises the engagement carried out because this is an application of high public interest.
- shows how we have considered the [Consultation](#) responses.

This Permitting decisions document should be read in conjunction with the Refusal Notice.

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Summary of our decision

Reasons for refusal

The Application is refused on the following grounds:

Noise

- 1) The Noise Impact Assessment (NIA) entitled 'Noise report for Tom Morris and Co. (Handlers) Limited (Version 3)' prepared by Environmentally Sound Limited and submitted as part of the Application has not undertaken a BS 4142:2014+A1:2019 assessment of the likely impact of sound from the operations that would occur under the proposed variation to environmental permit number EPR/JP3190CL (the Permit). In addition, Version 3 of the NIA has not assessed the likely impact to the new residential development under construction to the west of the Site. The new residential development can be considered to be the nearest noise sensitive receptors to the Site and it is our opinion that the proposed variation to the operations at the Site will lead to a significant adverse impact on these new receptors.
- 2) The Applicant has not demonstrated that they will use Best Available Techniques (BAT) to prevent or, where that is not practicable, to reduce noise and vibration emissions to an acceptable level, BAT is to use at least one if not a combination of the following techniques:
 - Noise and vibration control equipment: this includes techniques such as: noise reducers; acoustic and vibrational insulation of equipment; enclosure of noisy equipment; soundproofing of buildings.
 - Noise attenuation: this includes techniques such as inserting obstacles between emitters and receivers (e.g. protection walls, embankments and buildings).

Dust

- 3) The Applicant has not demonstrated that they will use Best Available Techniques (BAT) for preventing or minimising emissions and impacts on the environment and human health from dust emissions. In this case BAT is to prevent, or where that is not practicable, reduce diffuse emissions to air, in particular of dust, to an acceptable level through the containment, collection and treatment of diffuse emissions using techniques such as:
 - The storage, treating and handling of waste material that may generate diffuse emissions in enclosed equipment or an enclosed building.
 - Collecting and directing diffuse emissions to an appropriate abatement system.

Description of the facility/facilities

The Site is located on an existing industrial area located at Bankwood Lane, Rossington, Doncaster. The Applicant has already been granted the Permit - which authorises the following waste operations as detailed in the activities table 2.1 of the Permit;

Table 2.1 Licensed Activities	
Description of activities	Limits of activities
<p>R13: Storage of waste consisting of materials intended for submission, on this site to any of the category "R" operations authorised under this column, or elsewhere than on this site, to any of the operations listed in Part IV of Schedule 4 of the 1994 Regulations, (excluding temporary storage, pending collection, on the site where it is produced).</p>	<p>Uncontaminated plastic, glass and ferrous and non-ferrous metal wastes arising from the treatment of End-of-Life vehicles must be stored on hardstanding or an impermeable surface with sealed drainage.</p> <p>Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress of surface water.</p> <p>Uncontaminated ferrous metals or alloys and nonferrous metal wastes must be stored on hardstanding or an impermeable surface. All other wastes must be stored on an impermeable surface with sealed drainage system.</p> <p>Maximum storage time of 1 year prior to disposal or 3 years prior to recovery</p>
<p>R4: Recycling or reclamation of metals and metal compounds R5: Recycling or reclamation of other inorganic materials.</p>	<p>Treatment consisting only of depollution of waste motor vehicles and sorting, separation, grading, baling, shearing, compacting, crushing or cutting of waste into different components for recovery.*</p> <p>Waste motor vehicles shall have their tyres removed before they are baled, crushed or compacted.*</p> <p>Treatment consisting only of sorting, separation, grading, shearing, shredding, baling, compacting, crushing and cutting of ferrous metals or alloys and non-ferrous metals into different components for recovery.</p> <p>All waste treatment including that of waste motor vehicles must take place on an impermeable surface with sealed drainage system.</p>
<p>*Note the depollution of motor vehicle activity not currently being carried out.</p>	

The Application is to vary the Permit to increase the throughput. This increase will add a listed activity and fall under the Environmental Permitting Regulations 2016 (as amended) (EPR 2016) Part A(1)(b)(iv) of Section 5.4 of Chapter 5 of Schedule 1 - Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, in this case Part A(1)(b)(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

The Site already receives ferrous and non-ferrous metal waste and carries out a metal shredding operation to separate and extract different metal grades to increase the recycling rate. The Site is currently permitted for a throughput of 75,000 tonnes per year. The Application sought to increase this maximum quantity from 75,000 tonnes per year to 180,000 tonnes per year (an increase of 140%). However the Applicant as part of the first Schedule 5 response (see later) subsequently reduced the applied increase in throughput to 125,000 tonnes per year (an increase of 67%) on the 18/03/2022.

The Application also included a request to include an additional waste disposal code D15 to cover the occasional times when waste treated/sorted on Site is required to be disposed of to landfill. It is acknowledged that it is in the Applicant’s commercial interests to avoid as much waste as possible going to landfill, however, a D15 waste code is not required in the Permit for incidental waste arising or incidental waste storage as this is not the intention of the activity. It is only the principal or discrete activity that determines the Recovery and Disposal codes. The D15 code is for specific waste streams brought in deliberately as part of the process to treat and sort prior to landfill. Incidental waste arising from the treatment process is incidental and as such this waste does not count towards the Section 5.4 limits.

Regeneration of Rossington Colliery

The former Rossington Colliery site is currently being redeveloped with the building of new homes now known as Pheasant Hill Park. Pheasant Hill Park has planning permission for 1,200 new homes in addition to a mix of commercial and community uses including a hotel, restaurant, fast food outlet, petrol filling station, community building and a school. Completion due 2029. Development size is 112 acres. Figures 1 to 4 below show Pheasant Hill Park in various stages of development and the proximity to the Morris Metals Site.



Figure 1. Rossington Colliery cleared prior to development. Road access in place.



Figure 2. Rossington Colliery now Pheasant Hill Park new housing early 2022

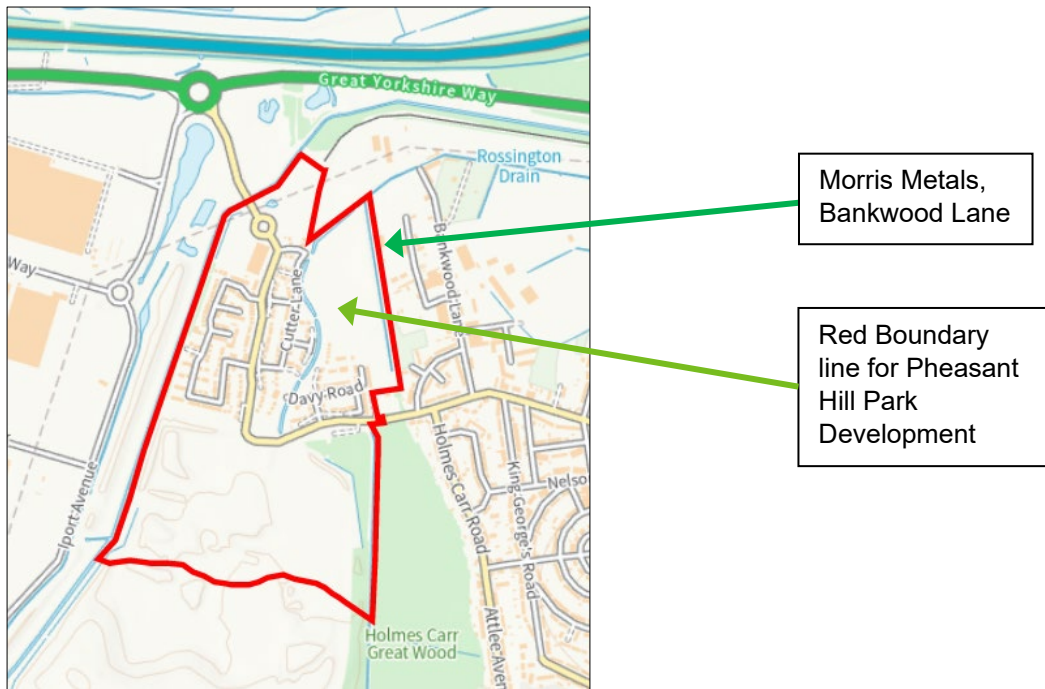


Figure 3. Pheasant Hill Park Housing Boundary in red

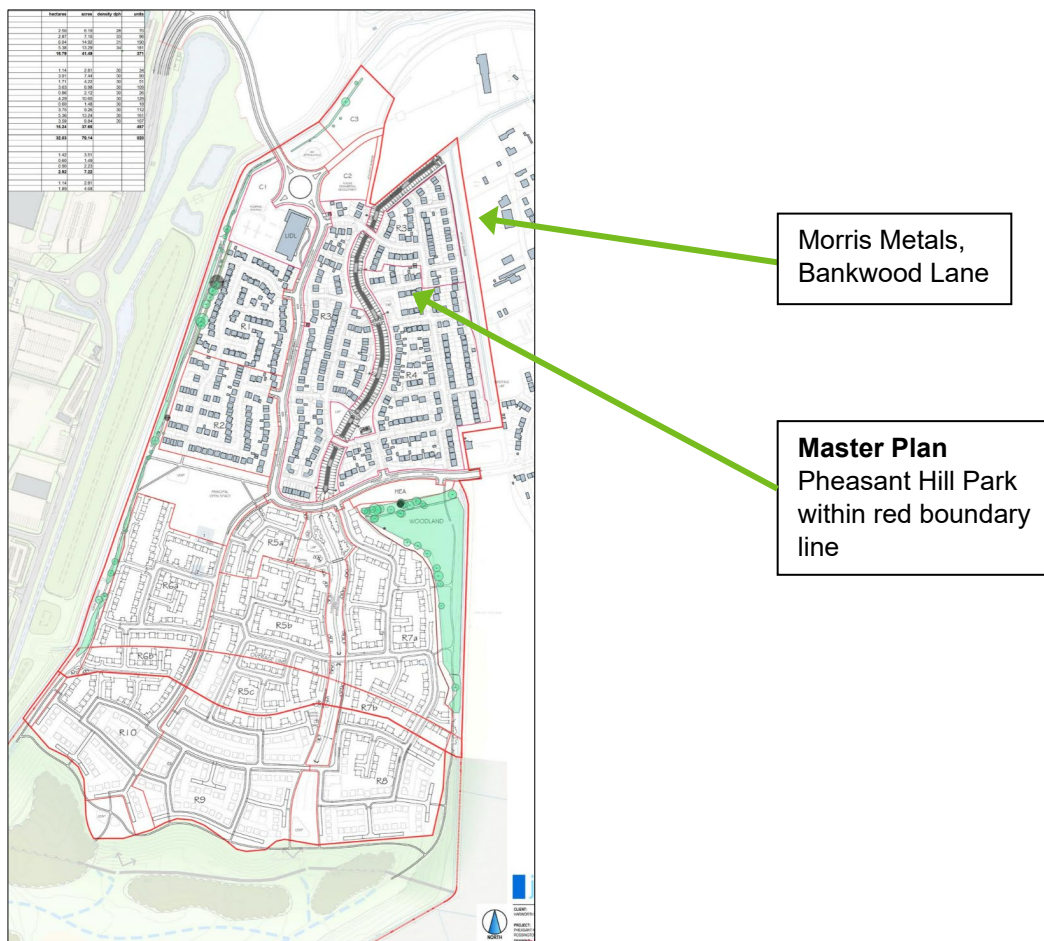


Figure 4. Pheasant Hill Park Housing Master Plan

The legal framework

The Environment Agency permits the proposed type of treatment plant within the context of the Industrial Emissions Directive and Part A(1)(b)(iv) of Section 5.4 of Chapter 5 of Schedule 1 to the EPR 2016. Due to the proposed changes, the facility would no longer be regulated as a 'Waste Operation' and instead would meet the definition of an 'Installation' under Schedule 1 of the EPR 2016. The activity would therefore fall under EPR 2016 Schedule 1, Chapter 5, Section 5.4, Part A(1)(b)(iv) - recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving in this case (iv) treatment in shredders of metal waste...

As part of the determination of the Application, in accordance with paragraph 5 of schedule 7 to the EPR 2016 the Environment Agency needs to ensure compliance with Article 11 of the Industrial Emissions Directive 2010/75/EU which requires that best available techniques are applied. BAT requires the use of the most effective and advanced techniques to prevent or minimise emissions and impacts on the environment. BAT means the available techniques which are the best for preventing or minimising emissions and impacts on the environment and that are energy and resource efficient. 'Techniques' include both the technology used and the way the installation is designed, built, maintained, operated and decommissioned.

Paragraph 3 of Schedule 7 of the EPR 2016 also specifies that as a regulator the Environment Agency should exercise our function for the purpose of achieving a high level of protection as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land.

Therefore, the Environment Agency is required to determine whether the Applicant's proposal to increase the throughput to operational plant for the treatment in shredders of metal waste to over 75 tonnes per day is BAT.

The European Commission produces best available technique reference documents or BREFs. BREFs set out standards and contain 'best available techniques' (BAT) for installations. In terms of this activity the applicable BREF is the BAT conclusions for waste treatment industries dated August 2018. (17.8.2018 L 208/59 Official Journal of the European Union EN).

The main aim of these BAT conclusions is to reduce emissions from the operation but also includes other environmental issues such as energy efficiency, resource efficiency (water consumption, reuse and recovery of materials). The prevention of accidents, noise and odour and the management of residues are also covered. The document contains 53 individual BAT conclusions and of these, 24 apply specifically to the waste treatment sector.

We consider that the key issues in determining this Application are both noise and dust. For noise BAT 17 and BAT 18 specifically apply, for dust BAT 14 applies and for the general BAT conclusions for the mechanical treatment of waste BAT 25.

Key issues of the decision

Information requests

Duly Making Further Information Request (FIR)

This Application received on 31/03/2021 is the Applicants second submission for this variation. The first application received on the 13/08/2020 was not duly made due to insufficient information and was returned¹.

Additional information was required to support the duly making of this Application. A request for further information (RFI) was sent to the Applicant on 12/11/2021² outlining the information required to allow the Application process to continue to the determination stage.

The Environment Agency requested the following information:

- 1) An additional payment for chargeable management plans.
- 2) Noise Modelling files for the BS4142 Assessment.
- 3) A drawing(s) showing details of both the building housing the shredder and the processing buildings, including elevations and constructional details of the building,

¹ Application return letter dated 12/10/2020

² 1st RFI letter dated 12/11/2021

walls, roof and floor, materials used etc.

The Applicant responded to our request³, with the additional information and payment on 04/12/2021. The additional information received was as follows;

- 1) Noise Modelling files
- 2) Appendix 32 Building Layout Summary
- 3) Dust Management Plan v3
- 4) Odour Management Plan v6
- 5) Evidence of payment made 04/12/2021

Subsequently the Environment Agency identified items that required addressing within the NIA, Appendix 28, dated November 2020 received with the Application. The Environment Agency requested further information in support of the NIA within an email dated 20/12/2021⁴ and follow up RFI letter dated 23/12/2021⁵. This was for a revised Noise Modelling BS4142 Assessment in line with, but not limited to the additional advice provided in advice email dated 20/12/2021. In addition the Environment Agency provided the noise advice guidance documents listed below to the Applicant;

- Noise and Vibration management environmental permits
- Noise impact assessment pre-app basic advice
- Noise impact assessments involving calculations or modelling

In response to the request a revised NIA entitled 'Environmental Sound Noise Report, a revised Appendix 28 v2 was submitted on the 24/01/2022⁶.

The submitted NIA was considered adequate to enable duly making the Application as it would be fully considered during the determination of the Application. Any additional information would be requested as part of the Application determination.

The Application was duly made on 07/01/2022⁷.

On 03/02/2022, the internal and external engagement/consultation process on the Application commenced.

In addition the Application was considered to be one of high public interest (HPI) and a letter to confirm the Application was being treated as being of HPI was sent to the Applicant on the 24/01/2022⁸. The decision to make the Application HPI was based on historic issues associated with the Site where a high level of complaints from a significant number of people over the previous 12 months had been received by the Environment Agency, specifically with regard to flies, odour, dust and noise. There had also been interest from the nearby residents' associations and Member of Parliament involvement. As the Site was proposing to increase its operations, there was likely to be increased community and media interest in the Application.

³ 1st RFI response dated 10/12/2021

⁴ Email requesting NIA dated 20/12/2021

⁵ Follow up RFI letter for revised NIA dated 23/12/2021

⁶ Environmental Sound Noise Report dated December 2021', received 24 January 2022

⁷ Duly Made Letter 07/01/2022

⁸ HPI Letter to Applicant dated 14/01/2011

Schedule 5 Notice No.1

A notice under paragraph 4 of schedule 5 to the EPR 2016 (Schedule 5 Notice No. 1) was sent to the Applicant on the 18/02/2022 and a response was requested by the 18/03/2022⁹. Schedule 5 Notice No. 1 contained 44 questions requesting information on operating techniques, Site infrastructure, noise, dust, the odour management plan, the fly management plan and the fire prevention plan. This was information that we considered had not been clearly explained in the Application. In this response the Operator confirmed in their covering email they wished to reduce the applied throughput for 180,000 tonnes per year to 125,000 tonnes per year.

A summary of the main points regarding noise and dust are detailed below;

Dust Management Plan (DMP)

Schedule 5 No 1 Summary of Dust Query		Comment on Response
a)	Provide a table listing dusty waste streams, and an assessment of the potential risk for dust and emissions for each accepted waste code, along with an outline of the handling and processes that they are subjected to.	Section 2.3 Waste Processes and Types added to Dust Management Plan, updated V4.
b)	In the Dust Management Plan, page 8, it is stated that 'all treatment of incinerator ash is performed inside a building', however this is incorrect, the stockpile and conveyor that feeds the shredder is located outside the building and this is at the point where dust can be generated. What specifically are the abatement measures at this point?	The section on page 8 'all treatment of incinerator ash is performed inside a building' was referring to the 2nd refining process on the aggregate from the shredder process which is inside a building. The wording in Section 3.2 has been amended. 'All shredding activity performed inside a cladded building (building does not go all the way to ground)'.
c)	Once the metal has been extracted and shredded what happens to the particulate contamination? What quantity of IBA particulates drop out during this process, is there enough IBA from the process which then requires this waste to be stored? If so where is the IBA disposed. Provide details of the dust collected goes back through the process. Explain the reasoning behind this decision as this is unlikely to meet BAT.	BAT14 was updated to: All shredding activity performed inside a cladded building (building does not go all the way to ground). All further treatment of aggregate from processed incinerator metal is performed inside a separate building.
d)	Tipping, handling, storage and sorting of wastes in the open will be an operation that has the greatest potential for generating dust. Expand on the preventative measures given for these activities that should also include minimising source strength by means of low drop heights, profiling and shielding of piles from wind whipping and wetting of materials to reduce airborne dust.	The Dust Management Plan has been updated, DMP V4. In particular Section 3.2 Dust Control.
e)	To what extent are the conveyors enclosed? Provide these details for the entire length of the conveyor system.	Drawing no.8 and drawing no. 13 show the location of the conveyors. External are not enclosed, internal are within a building that is not enclosed all the way to ground.

⁹ Schedule 5 Notice No 1 dated 18/02/2022 requesting response by 18/03/2022

f)	The coverage of the water-based suppression system(s) (such as mist sprays, bowsers and water cannons) has not been explained. Confirm the coverage of this system for all parts of the site used for traffic and waste activities. What actions will be taken to address any areas that are not covered by the dust suppression system?	Updated DMP V4. Dust Suppression includes fixed mist air system on the conveyor into shredder, mist system inside shredder building and on external conveyor. There is no water injection into the shredder Atomised mobile mist air cannon (A50 – specification of cannon at Annex 1). Coverage not confirmed but the water cannons are mobile and are move around site as needed.
g)	If the suppression system relies on pumps to produce enough pressure, does the site have a contingency plan for power failure or failure of key parts?	Nothing will operate if there was a power failure. Therefore the site would not operate.
h)	Has a specific member of staff (ideally the TCM or operator, with a backup person) been identified as being responsible for the DEMP and ensuring that it is followed; and are they given training?	Site Manager) is the WAMITAB TCM – he is fully aware of the operation of the dust mitigation systems and dust management plan.
i)	Provide a new drawing No 10 as this map is unreadable. Ensure all sensitive receptors, within 1,000m are identified within a table (with the distance given for each one).	Original copy of Drawing No.10 receptor plan was provided Appendix 24, another copy provided to the ENVIRONMENT AGENCY on the 03/03/2022. Distances added to Drawing No.10 rev B updated DMP V4
j)	The DEMP provides no overview to the site layout or reference to any layout plan.	List of drawings added to section 2.4 updated DMP V4
k)	The DMP does not provide any detail on wheel wash facilities to prevent the tracking of dirt and debris off site.	The process is not causing material to be transferred from the vehicle wheel to the highway – the applicant has said that a wheel wash is not required.
l)	Confirm the height of bay wall, litter netting and fence type on all boundaries	List of drawings added to section 2.4 - updated DMP V4 No netting on northern boundary, removed from drawings
m)	Confirm the maximum height of the waste below the top of the bay walls. The standard is that stockpile levels are kept at least 0.5m below the top of structures holding the waste to always minimise wind-whipping. Explain how you will ensure waste within the bays is kept within the confines of the bay and does not exceed the height limit and how this will be monitored.	Stockpiles below 0.5m from the top of structures added to section 2.4 and 3.2 – updated DMP V4.
n)	The DMP does not detail a load rejection procedure should a load be received that is too dusty and how it is decided if a load is dusty. Provide details of this procedure.	Updated Appendix 36 - Load Acceptance Rejection Procedure
o)	The DMP does not detail how operations will be reduced in the event of unfavourable conditions e.g. reduction in waste throughput, vehicle movements or operational hours. Explain what contingency measures are in place to cover unfavourable conditions. Explain what will happen if dust control methods fail. Normally this is to cease operations and inform the Environment Agency.	Section 4.5 Emergencies and contingencies added, updated DMP V4
p)	Does the site have an anti-idling policy for all vehicles and machinery?	No

Noise Impact Assessment (NIA)

Despite the NIA additional information being requested and provided at the FIR stage the Environment Agency considered that the NIA still significantly lacked the level of information the Environment Agency would need to consider it sufficient and acceptable. The Environment Agency audit highlighted a number of deficiencies and as a consequence as part of Schedule 5 Notice No. 1 the Applicant was requested to provide an updated NIA in accordance with BS4142: 2014 +A1: 2019¹⁰, which addressed the following:

Schedule 5 No 1 Noise Queries	
Summary Schedule 5 Actions	Summary Reasons for Schedule 5 actions
6a)	
<p>Increased activities arising from the proposed variation should be clearly described and assessed and should clearly set out any operational changes for all sound sources at the site, not just the Shredder. Your noise impact assessment must consider all the noise resulting from the proposed variation – the existing site and the variation together. Show both components clearly and then add them together to give a new total for site noise at the receptors. The impact assessment will be based on this new value, known as the ‘specific level’ in BS 4142:2014 +A1: 2019.</p>	<p><i>- The Environmentally Sound Limited report has assumed that the only increase in operations will result from the Shredder operating at a higher duty than current operations (800A to 1100A). The proposed variation would increase the throughput from 75,000 tonnes per annum to 180,000 tonnes per annum, which is an increase of 140%. It is likely that activities from the other dominant noise sources identified at the site would also increase (electric & diesel telehandlers, case front loader, articulated trucks). Although these sources may individually have lower operational sound levels than the Shredder (as noted in the Environmentally Sound Limited report), they will contribute to the overall site sound emissions, and could become dominant under certain operational conditions, especially since some of these do not operate at fixed positions within the site. Increased throughput is likely to result in increased deliveries and increased loading/unloading in external areas, in addition to the Shredder being operated at a higher duty. We also note that the Castings Technology International report states “When the Company is fully operational, the sound from the shredder operation and other machinery (grabber, shovel loader) is clearly audible at the Davy Road location to the west of the site, with these operations being perceptible at the Bankwood Crescent location” which validates our concerns regarding these sources</i></p>
6b)	
<p>Specific sound levels from existing and proposed site operations should be calculated/modelled using a technically robust method which can be verified by the Environment Agency using calculation or noise modelling techniques. Where source sound levels are informed by physical measurements of sound pressure level made on an operational site, we require raw data of the measured sound levels to be provided in a spreadsheet format, in 1/1 or 1/3 octave bands where used, the distance between the source and measurement microphone to be identified, and</p>	<p><i>-The Castings Technology International report has referred to calculated specific sound levels but has not provided details of how these were determined. The report provides BS4142 assessment tables for Davy Road and Bankwood Crescent, which indicate specific sound levels from the site which are lower than the residual sound levels (LAeq) from other, non-site sound sources such as road traffic and other industrial/commercial uses. For Davy Road in particular, if site specific sound levels were as low as those presented (14dB below residual sound levels), it is unlikely that site operations would be audible compared to the existing sound climate. However, the Castings Technology International report states that site operations were clearly audible at Davy Road, which suggests that the operational specific sound levels are higher than those calculated. The Environmentally Sound Limited report has presented comparative measurements of the Shredder running at 800A and 1100A, but the Shredder was only running at full capacity</i></p>

¹⁰ BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound

<p>physical dimensions of sources. The emission height of all sources must be clearly stated. The information set out at: https://www.gov.uk/guidance/noise-impact-assessments-involving-calculations-or-modelling must be provided.</p>	<p>for a limited time period. The report includes Figure E 26 a graph which represents the variation in measured Leq sound level between different operation loads, it is difficult to determine what the difference in measured Leq sound level actually is. There appears to be significant variation in the measured values, which range from 85dB-88dB at 800A, to 88dB-93dB at 1100A, which suggests an increase of 5dB-8dB. It is not clear how the assumption that the noise variation is less than 3dB has been derived. The report presents statistical distributions of the measured Leq sound levels at 800A and 1100A (Figures E 27 and E 29), but the report then acknowledges that “..the shredder did not operate at full capacity for the entire duration of drawing 1100A.” We do not consider the number of occurrences of the higher measured Leq values to be a valid metric for comparing the operational sound level of the Shredder under different loads. The report states: “There is no noticeable difference between the noise levels recorded when running the shredder at different loads. The noise variation between running at 800A and 1100A is less than 3dB.” We have not been presented with sufficient technical evidence to enable us to verify this conclusion. The Environmentally Sound Limited report has made reference to measurements made of other sound sources at the site but has not used them to undertake a BS4142 assessment. For the assessment as a whole, we have not been provided with sufficient technical evidence to support the specific sound levels from site operations. The Environment Agency must be able to replicate the specific sound levels presented in a noise impact assessment, and we require robust technical evidence to enable us to do so.</p>
<p>6c)</p>	
<p>The BS4142 impact assessment must be made against background sound levels (LA90, dB) which are representative of the site in a non-operational state. The background sound levels should be representative of typical (weekday) and worst-case (Saturday) operating periods. Background sound levels should be obtained for all of the nearest existing residential receptors, and future residential receptors with planning applications in the public domain. We require you to submit raw data from your baseline sound survey for each location, in a spreadsheet format, in 15-minute samples, including all relevant indices (LAeq, LA90, LAmax).</p>	<p>-The Castings Technology International report included a BS4142 assessment which presented the impact from existing operations, including background sound levels made at Davy Road and Bankwood Crescent, with the site non-operational. No details have been provided in relation to when these measurements were made, the number of measurements made, the subjective impressions made during the measurements. We are therefore unable to verify whether these were made at time periods which are representative of typical or worst-case operations. Additionally, measurements were not made at new residential receptors to the west of the site. The Environmentally Sound Limited report made reference to background sound level measurements made at several locations, including at a location representative of the new residential receptors to the west of the site (Location 6). However, we are not satisfied that these measurements were made with the site non-operational, as the report has not explicitly stated this and makes reference to a diesel engine being audible at this location. Although the report states that the diesel engine is not associated with Morris and Co. site, we note that there is a diesel telehandler on the site, which could have been operational. We note that measurements were made at one location (Location 1) prior to site operations commencing, but this location is within the site itself, and is not representative of the receptors. Additionally, the background sound levels were measured on a weekday (Wednesday 22 December 2021), which is not representative of the worst-case</p>

	<p><i>impact, which is likely to occur during the Saturday operating hours (07.30 – 12.00).</i></p> <p><i>The applicant should note that the current Environment Agency guidance is set out at Noise and vibration management: environmental permits - GOV.UK (www.gov.uk). There is also pre-application guidance 'Supplementary pre-application advice on preparing a noise impact assessment' that has previously been provided.</i></p>
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Schedule 5 No. 1 Noise Response

The date for the response to the noise section of Schedule 5 Notice No. 1 was subsequently extended to 01/04/2022.

The following documents were received;

1. Appendix 28 (V3) – Noise Management Plan – Morris & Co Apr 2022 (V3)¹¹
2. Environmentally Sound Noise Report conducted 11/12 March and issued 31 March 2022 (V2)¹²

Schedule 5 Notice No.2

Despite additional information having been requested and provided as part of the Schedule 5 Notice No. 1 request above, we considered that the second NIA received on the 01/04/2022 still did not contain the appropriate level of information required to be able to consider it to be sufficient and adequate. A second notice under paragraph 4 of Schedule 5 EPR 2016 (Schedule 5 Notice No. 2) was therefore sent to the Applicant dated 06/07/2022 requesting further information and a response by 06/10/2022.¹³ To allow submission of an appropriate NIA an extended response timeframe of 3 months was agreed.

Summary Schedule 5 Actions	Summary Reasons for Schedule 5 actions
<i>As part of the Schedule 5 request we included an attachment - Acoustics & Air Quality Modelling & Assessment Unit (AQMAU), audit of noise impact assessment report.¹⁴</i>	
1. Sensitive Receptors & Background Sound Levels	
<p>- Consultant to confirm whether background sound level measurement used within the assessment were undertaken at a location which is representative of the NSRs. If measurements were made within the site, these are not suitable for use in the BS 4142 assessment and a new background sound survey is required.</p>	<p>- <i>The consultant has included future noise sensitive receptors (NSRs) at the adjacent site to the west (Planning reference: 17/02958/FULM reserved matters: 18/01701/REMM), along with existing NSRs, These are considered to be representative of the nearest NSRs.</i></p> <p>- <i>The dataset appears to include periods when the site was operational, so background sound levels measured during these periods cannot be used to inform the BS 4142 assessment.</i></p>

¹¹ Appendix 28 (V3) – Noise Management Plan – Morris & Co Apr 2022 (V3)

¹² Environmentally Sound Noise Report conducted 11/12 March and issued 31 March 2022

¹³ Notice 2 dated 06/07/2022 requesting a response by 06/10/2022

¹⁴ Acoustics & Air Quality Modelling & Assessment Unit (AQMAU), audit of noise impact assessment report

Summary Schedule 5 Actions	Summary Reasons for Schedule 5 actions
<ul style="list-style-type: none"> - Consultant to confirm precipitation did not affect measured sound levels. 	<ul style="list-style-type: none"> - <i>The NIA states that there had been rain showers before measurements, increasing the risk that background sound levels measured could be higher due to wet surfaces. The weather data has been taken from an online resource, but BS 4142 requires weather data to be measured at the microphone position.</i> - <i>Background sound levels used to inform BS 4142:2014+A1:2019 assessment were measured within the site when operations had finished rather than at the accessible nearest NSR to the west of the site. The background sound levels do not appear to be representative of those at the NSRs.</i> - <i>Based on the measured data, AQMAU has identified a lower background sound level than the consultant, which increases the risk of a significant adverse impact occurring. The risk could be further increased if these background sound levels were not actually representative of the NSRs.</i>
<p>2. Sound Source Levels</p>	
<ul style="list-style-type: none"> - Consultant to provide evidence to support source level used for the Main Shredder. - Consultant to provide evidence to support sound reduction index (SRI) value used for the Main Shredder canopy. - If industrial processes occur in the building to the west of the site, consultant to include this within the SoundPlan model. - Consultant to include HGV movements of waste being brought to and taken away from the site, calculate plant movements on site and model as number of movements as present at the site and increased movements based on the proposed variation. - Consultant to provide evidence of modelled point source on-times during the permitted hours of operation. - Consultant to ensure mist cannons are represented in existing modelling scenario. 	<ul style="list-style-type: none"> - <i>AQMAU agree that the dominant sound source from the site can be considered to be the Main Shredder, as modelled by the consultant.</i> - <i>However, AQMAU disagree with the source level calculated by the consultant for sound emissions from the Main Shredder. AQMAU consider that the internal sound pressure level of a plane source (the Main Shredder canopy) should be higher than that used within the consultant's model.</i> - <i>The sound reduction index (SRI) of the Main Shredder canopy has been modelled as a 12 dB decrease across the octave band spectrum. AQMAU consider this to be an arbitrary reduction modelled by the consultant rather than a laboratory calculated SRI. AQMAU would expect the sound insulation performance to be lower than 12 dB for the octave frequency bands 63 Hz, 125 Hz and 250 Hz, based on the lightweight construction material. The building to the west of the site appears to be used for waste processing but has not been modelled as an existing sound source.</i> - <i>No modelling has been included of existing and proposed HGV movements within the site, transporting waste in and out of the site.</i> - <i>The Case Front Loader modelled as a line source based on percentage on-time during the operational period. Typically, vehicle movements are modelled on a movements per hour basis.</i> - <i>Proposed on-times of point sources within the model were not modelled at 100% during the permitted operational times. Future operations at the site could mean the site operating at full capacity during the permitted operating hours.</i> - <i>When removing the Main Shredder from the model, the next most dominant sound source becomes the mist cannons. These do not appear to have been modelled in the consultant's model for current capacity.</i>

Summary Schedule 5 Actions	Summary Reasons for Schedule 5 actions
3. Consultant's calculation method & assumptions	
<ul style="list-style-type: none"> - Consultant to confirm how sound emissions for the Main Shredder were calculated within the model. i.e. were measurements undertaken when no other operations were ongoing, or did they include contributions from other sources. Was the method of back calculating the Main Shredder sound pressure level to the source undertaken assuming a plane noise source? - Consultant to clearly state operational times for plant during existing and proposed operations. - Consultant to ensure all SoundPlan situations are clearly titled, to enable clear identification of existing and proposed operations. 	<ul style="list-style-type: none"> - AQMAU disagree with the receptor height of the consultant's model. The consultant has modelled sensitive receptors using a receptor height of 1.5m from ground level. The proposed residential properties to the west have 1st floor windows, and AQMAU consider this should have been modelled at 4m to replicate 1st floor window height. - AQMAU disagree with the consultant's calculations based on a modelled grid noise map instead of using discrete receptors for each NSR. The consultant's model uses a 5 dB contour to show changes in sound level across the nearest NSR's. The consultant has then based their predictions on this contour level, so stating 55 dB for an area of the grid noise map where levels could range from 55 dB to 59.9 dB. - AQMAU disagree with the likely increase in overall site sound levels caused by the increased processing. The consultant considers the increase to be up to 3 dB, whereas we consider the increase could be nearer to 5-8 dB. - The consultant has assumed a doubling of sound sources on the site (not including the Main Shredder). No evidence has been provided of increased operations from existing sound sources or likely additional sound sources which may be used by the operator as a result of the proposed variation. - The consultant has not clearly labelled situations within their SoundPlan model to allow AQMAU to accurately replicate the modelled specific sound levels. - The consultant has not included data to represent topography around the site. AQMAU has tested sensitivity to LIDAR terrain data. - The consultant has included waste bunds as a form of mitigation in their SoundPlan model. These are not considered to be reliable forms of mitigation, as they are not fixed in height or mass, so should not be included in the assessment. AQMAU have tested sensitivity to increased receptor height, AQMAU calculated Main Shredder noise source, consultant calculated increase in sound level and increased operational time.
4. Acoustic feature corrections	
<ul style="list-style-type: none"> - Consultant to consider the applicability of acoustic feature corrections in their assessment, and clearly set out their evidence to support whether they are required or not. 	<ul style="list-style-type: none"> - No acoustic feature corrections have been included in the assessment or stated within the consultant's report. - Based on of the nature of the existing and proposed metal waste processing operations, there is a high probability that impulsive noise sources will occur during operations.
5. Mitigation	
<ul style="list-style-type: none"> - Consultant to model proposed mitigation options to show their effect and reduction of the specific sound levels at NSRs. 	<ul style="list-style-type: none"> - Consultant proposes mitigation options including improving the Main Shredder canopy and taking the canopy taken down to ground level as well as moving the Teres Finlay so sound emissions are screened by the Main Shredder Canopy. However, the effects of these

Summary Schedule 5 Actions	Summary Reasons for Schedule 5 actions
	<p><i>proposed mitigation options have not been modelled by the consultant.</i></p> <ul style="list-style-type: none"> - <i>The site has constructed a noise barrier built along the west, north and partially to the east boundary. The new residential development to the west has a noise barrier to the northern and western boundary.</i> - <i>The consultant has not stated the heights of these barriers within their report. The site's noise barrier has been modelled to a height of 5 metres, but the operators NMP¹⁵ states a height of 6m. The new residential noise barrier is modelled to a height of 6m.</i>
6. Context	
<ul style="list-style-type: none"> - Consultant needs to further evidence their argument for context to be included within the assessment and set out how they believe it affects the outcome of the assessment. 	<ul style="list-style-type: none"> - <i>The consultant makes a statement regarding context that the site is only operational during the daytime periods but fails to state a robust opinion on how context should be taken into account when undertaking an assessment to the requirements of BS 4142. The consultant's predictions suggest an adverse impact, but this is not clear in the report. The consultant has not proposed a reduction in this impact (to below adverse) due to context.</i> - <i>The specific sound levels predicted by AQMAU are more than 10dB above the residual sound level (L_{Aeq} from non-site sources), which suggests that site operations will be audible and noticeable against the prevailing sound climate. This is further evidenced by the fact that the site has received ongoing complaints regarding noise along with operations undertaken at the weekend (outside of the currently permitted hours). AQMAU's predictions indicate a significant adverse impact at the NSRs. Taking into account the context of the site it is AQMAU's opinion that this impact cannot be reduced due to context.</i>
7. BS4142 Impact Assessment Conclusion	
<ul style="list-style-type: none"> - The consultant should clearly set out their BS 4142 assessment. The report as presented by the consultant does not show a BS 4142 assessment (derivation of background sound level, calculation of specific sound levels, consideration of acoustic feature corrections, derivation of rating sound levels, consideration of context and uncertainty, and determination of BS 4142 impact). - Review BS 4142 assessment to confirm if calculated specific level used is actually the specific level calculated at the NSR's. AQMAU consider the sound level use to be the ambient level measured on site. - Further to this the assessment only considers the existing sound emitted from the site and not the proposed 	<ul style="list-style-type: none"> - <i>The consultant's numerical BS 4142 impact is not immediately clear from the report.</i> - <i>AQMAU consider that the consultant has not provided a suitable BS 4142:2014+A1:2019 assessment.</i> - <i>The data used within the assessment appears to be taken from sound level measurements made within the site for both the specific sound level and background sound level.</i> - <i>The consultant has not provided specific sound level predictions at identified receptors, with the report only stating 'the noise impact on the residential house'. AQMAU are unable to define which residential receiver the consultant has assessed to or confirm whether the consultant has even assessed to the nearest NSR.</i> - <i>AQMAU disagree with the consultant's conclusions and consider that the proposed variation is likely to cause a significant adverse impact to NSRs at the new development to the west of the site.</i>

¹⁵ Appendix 28 (V3) – Noise Management Plan – Morris & Co Apr 2022 (V3)

Summary Schedule 5 Actions	Summary Reasons for Schedule 5 actions
increase in sound levels with the increase in waste processing due to the variation.	

Schedule 5 Notice No. 2 Noise Response

In response to Schedule 5 Notice No. 2 the Applicant provided the following on the 05/10/2022;

1. Noise Impact Assessment

- a. Environmentally Sound Noise Report V3 (single document)
- b. Modelling Files – 03_10_2022 Environmentally Sound.
- c. Modelling Files - Noise data

2. **Vehicle Movements** – Please find attached the Planning Section 73 Application which has been submitted to Doncaster MBC to vary 16/01811/FUL to increase vehicle movements to site. The planning portal reference is PP11595402v1JLJ, however we are still waiting for Doncaster MBC to publish and provide their planning application reference. In answer to your question, you will see in the Section 73 application “The result in the increase in tonnage would be the vehicle movement of HGV vehicles from 16 movements (8 in and 8 out) to 20 in and 20 out movements a day”.

3. **Dust Suppression** – As stated in the Dust Management Plan the dust cannons are mobile, so Morris & Co move the dust cannons to whichever bay dust suppression may be required

Environmental risk

Acoustics & Air Quality Modelling & Assessment

Despite this additional information being requested and provided as part of the response to the Schedule 5 Notice No. 2 request above, we considered that the NIA still significantly lacked the level of information the Environment Agency would need to be able to consider it to be sufficient and acceptable, as identified below;

The NIA v3 was assessed by the Environment Agency. The audit of this NIA reached the following conclusions:

Table 1: Permit Application Details & Air Quality Monitoring and Assessment Unit (AQMAU) Audit Outcome

Permit application details		Can NIA conclusions be used for determination?	Audit outcome
Site Name: Bankwood Lane, New Rossington, Doncaster, DN11 0PS	AQMAU ref: AQMAU- C2404- RP01	NO	Environmentally Sound Limited has undertaken a noise impact assessment

<p>Permit ref: EPR/JP3190CL/V005</p> <p>Type: Variation. Increase in throughput and operation of existing shredder at a higher duty</p>	<p>Date requested: 20/10/22</p> <p>AQMAU response date:</p>		<p>(NIA)¹⁶ of the existing sound climate at Morris and Co. (Handlers) Ltd, Bankwood Lane, New Rossington, Doncaster, DN11 0PS. The consultant has concluded that an adverse impact (considering context) is likely from the existing operations at the site.</p> <p>The consultant has not undertaken a BS 4142 assessment of the likely impact from the proposed operations due to the variation at the site. Modelling included within the NIA shows the risk of a significant adverse impact from operations based on the proposed variation.</p> <p>The consultant has not assessed the impact to the new residential noise sensitive receptors (NSRs) currently being constructed to the west of the site (Doncaster Council Planning Portal reference: 17/02958/FULM). The BS 4142 assessment only accounts for one of the identified existing NSRs.</p> <p>It is the Environment Agency's opinion that the proposed variation to operations at the site will lead to a significant adverse impact from noise based on the submitted NIA and that context cannot be used to reduce the impact of sound emissions from the site.</p> <p>It is The Environment Agency's opinion that the submitted NIA does not show an understanding of the correct use of BS4142:2014+A1:2019 to undertake the assessment and rating of industrial sound.</p>
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NIA Element	Risk Grading	Brief summary of AQMAU audit (Evidence for Conclusions)
Sensitive Receptors	Red	<p>The consultant has identified the new housing development under construction to west of the site along with existing Noise Sensitive Receivers (NSRs) on Cutter Lane.</p> <p>The consultant has only assessed the impact of sound emissions from the site to the existing NSRs on Cutter Lane.</p>

¹⁶ Noise Report for Tom Morris at Morris and Co. (Handlers) Limited (Version 3). Permit (application) Number: EPR/JP3190CL/V005 at Bankwood Lane, Rossington, Doncaster, DN11 0PS. Prepared by Environmentally Sound Limited, dated 20th September 2022. (Version 3)

NIA Element	Risk Grading	Brief summary of AQMAU audit (Evidence for Conclusions)
Background Sound Levels	Red	<p>Background sound level measurements have been undertaken at locations adjacent to existing NSRs on Cutter Lane.</p> <p>The consultant has not provided a detailed justification explaining the suitability for the use as an alternative location to represent these NSRs, as set out within BS 4142¹⁷ paragraph 8.1.2, increasing the risk of uncertainty within the assessment.</p> <p>The noise impact assessment (NIA) identified a background sound level at the existing NSRs of 47dB LA90. AQMAU do not agree with the consultant's assessment of the background sound level. AQMAU's analysis shows a background sound level 5dB below the consultant's analysis, which increases the numerical BS 4142 impact.</p> <p>Further to this, the consultant has not used their identified background sound level within the BS4142 assessment. The consultant's background sound level is based on a level of 50 dBA measured during operating hours. Measurements of the background sound level that include operational noise is not in line with EA guidance¹⁸ and leads to an underestimate of the impact of noise from the proposed variation.</p> <p>The consultant has also stated that background sound level measurements have been affected by construction noise at the new residential development adjacent to the west of the site. Measurements of the background sound level which were affected by construction noise can be considered to not be typical or representative of the soundscape at the NSRs (as is required for a valid BS 4142 impact assessment, see paragraph 8.1.4 of BS 4142). With the inclusion of construction noise within the background sound level measurement, an artificially high LA90 occurs. As such AQMAU considers an LA90 of 42dB to be more representative based on the consultant's measurements undertaken on the Saturday before site operations and construction began.</p>
Sound Source Levels	Red	<p>The consultant has included measurements of the sound level (LAeq, dB) of the Shredder operating under current and increased loads. Sound measurements show an increase of 7 dB when compared to existing operational sound levels. In comparison the consultant had previously considered the increase in sound level to be 3 dB, while AQMAU's analysis showed a minimum 5dB increase in sound levels due to the proposed variation in the permit.</p> <p>The consultant has not modelled all sound sources from the site, including those which may increase in operation as a result of the proposed variation. The reason provided by the consultant is that the dominant sound source emissions from the Shredder leads to other sources being insignificant. All sound sources should be included within the model as mitigation measures to more dominant plant items could lead to other sources contributing more significantly to the specific sound levels at the nearest NSRs.</p>

¹⁷ BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

¹⁸ [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits)

NIA Element	Risk Grading	Brief summary of AQMAU audit (Evidence for Conclusions)
Consultant's calculation method & assumptions	Red	<p>The consultant has used SoundPLAN Version 8.2 computer modelling software to predict specific sound levels at the nearest NSRs.</p> <p>AQMAU has not received the consultant's modelling files (an incorrect file extension format was used for the files provided) but based on noise propagation diagrams included in the NIA v3 report, it appears that the consultant has incorrectly modelled the existing source levels from the site. Specific sound levels from current operations modelled to the onsite Shredder measurement position show specific sound levels which are 25 dB higher than the L_{Aeq} sound levels measured on the site.</p> <p>Based on AQMAU's analysis, this appears to be due to the consultant calibrating their source sound levels to the sound level measured at background sound survey locations on Cutter Lane.</p>
Acoustic feature corrections	Red	<p>The consultant has applied a 3dB feature correction for just perceptible impulsivity.</p> <p>AQMAU disagrees with the consultant's analysis of the acoustic feature correction. It is our opinion that impulsivity and tonality will be highly perceptible at the nearest NSRs, leading to a minimum +9 dB correction.</p>
Mitigation	Red	<p>The consultant has proposed increasing the mass of the Shredder canopy by constructing a 250mm thick masonry brick wall on the north, west and south façades of the Shredder.</p> <p>The proposed sound reduction index (R_w, dB) of the proposed construction has not been provided by the consultant within the NIA.</p> <p>Based on the proposed mitigation measures a risk of a significant adverse impact is still likely to occur due to the proposed increased throughput at the site.</p>
Context	Red	<p>The consultant has proposed that context should be taken into account to reduce the impact of operations from the site. This argument is based on the site being operational for over 50 years at the site and that planning permission for the new noise sensitive receptors was only given within the last 5 years.</p> <p>AQMAU disagrees with the consultant's proposed argument regarding context. It is the responsibility of the operator of a permitted facility to ensure that noise impacts are prevented and minimised at all existing and future receptors, in line with The Environmental Permitting (England and Wales) Regulations 2016, the aims of the Noise Policy Statement for England (NPSE), the National Planning Policy Framework (NPPF) and Environment Agency guidance.</p> <p>The site will be operational at the weekend between 07:30 and 12:30 on Saturdays. Sound emissions from the site are likely to be highly impulsive with tonal content. A large number of noise sensitive receptors are likely to be affected with no intrinsic link with the site along with noise complaints previously being made about existing operations at the site (as advised by the Environment Agency Area team who regulate the existing site).</p>

NIA Element	Risk Grading	Brief summary of AQMAU audit (Evidence for Conclusions)
BS4142 impact assessment conclusion	Red	<p>The consultant has undertaken a BS 4142 assessment of the existing operations at the site but not for operations based on the proposed permit variation.</p> <p>For existing operations at the site, the consultant's BS 4142 assessment indicates a significant adverse impact with a rating sound level of +14 dB above the background sound level. The consultant has then proposed the use of context to reduce the impact to an adverse impact. The consultant has not stated which NSR they are assessing the impact to but based on the sound levels measured, AQMAU consider the impact to relate to the NSR to the south as set out within the consultant's NIA.</p> <p>Although the consultant has modelled the likely impact from operations due to the variation, they have not undertaken a BS 4142 assessment of the impact of sound from the variation, either alone or in conjunction with the existing operations.</p>

Table 1: AQMAU Risk Grading – KEY

Risk Grading	Implications for AQMAU audit
<p>Green</p> <p>We don't see any risk with this element of the NIA.</p>	<p>We agree with their assumptions/conclusions in relation to this element of the NIA. <u>or</u></p> <p>We disagree, but this is not considered significant, and does not affect our assessment of risk.</p>
<p>Amber</p> <p>We see some risk with this element of the NIA and have investigated further.</p>	<p>We don't agree with their assumptions/conclusions in relation to this element of the NIA. This will affect our assessment of risk, and further action may be required from the applicant / consultant.</p>
<p>Red</p> <p>We see major risk with this element of the NIA and it is likely to cause a problem.</p>	<p>We strongly disagree with their assumptions/conclusions in relation to this element of the NIA. This will strongly affect our assessment of risk and further action will be required from the applicant / consultant.</p>

1. Summary of work request

1.1 The Environment Agency audited the NIA prepared by Environmentally Sound Limited on behalf of Morris and Co. (Handlers) Limited¹⁹. The assessment being in support of a new permit variation (V005) to the existing permit EPR/JP3190CL for operations during the day 07:30-18:00 Monday to Friday and 07:30-12:00 on Saturdays. The proposed

¹⁹ Noise Report for Tom Morris at Morris and Co. (Handlers) Limited (Version 3). Permit (application) Number: EPR/JP3190CL/V005 at Bankwood Lane, Rossington, Doncaster, DN11 0PS. Prepared by Environmentally Sound Limited, dated 20th September 2022.

variation sought through the Application was to increase the maximum annual quantity of waste processed from 75,000 tonnes per year to 180,000 tonnes per year which represented a 140% increase in throughput. This was later reduced to 125,000 tonnes per year which is an increase of 67%.

- 1.2 The most recent NIA to be reviewed is the third version of the NIA produced by Environmentally Sound Limited and submitted to the Environment Agency in support of the Application. Previous versions submitted to the Environment Agency were audited by the Environment Agency leading to questions being raised by way of service of Schedule 5 Notice No.1 and Schedule 5 Notice No.2.
- 1.3 We have audited the assessment and conducted check modelling with sensitivity analysis to our observations, in accordance with BS4142: 2014 +A1: 2019²⁰. Elements of the NIA which we have determined to represent amber or red levels of risk (as highlighted in Table 2) are discussed in more detail in Section 3.

2. Site Overview & Proposed Operations

- 2.1 The site of Morris and Co. (Handlers) Limited is situated in the Bankwood Lane Industrial Estate to the northwest of New Rossington, Doncaster, DN11 0PS.
- 2.2 Bankwood Lane Industrial Estate provides mixed industrial usage with the Site located to the west of the industrial estate. The Site is adjacent to a new residential development currently under construction approximately 45 metres from the Site (Doncaster Council Planning Portal reference: 17/02958/FULM). The M18 runs east to west, approximately 370 metres to the north of the Site.
- 2.3 Existing sound sources present at the Site, as identified from the NIA include:
 - Case Front Loader 821F XR
 - Case Mini Excavator CX18C
 - Sennebogen 818E
 - Sennebogen 830 Electric
 - Heavy Duty Screen Terex Finlay 883+ Spaleck
 - Mist Cannons
 - Shredder
 - Bailing Station

Evidence for Conclusions

3. Sensitive Receptors

- 3.1 Environmentally Sound Limited have identified the new residential development to the west of the Site located between the Site and existing residential buildings on Cutter Lane. Figure 5 below shows the proposed residential site layout overlaid on a Google Earth image. The layout is taken from Doncaster Council Planning Portal reference: 17/02958/FULM (Figure 3.1) and shows the proposed NSRs in relation to the Site.

²⁰ BS4142: 2014 + A1: 2019. Methods for rating and assessing industrial and commercial sound. British Standards Institute.



Figure 5. Proposed residential site layout overlaid on a Google Earth image.

- 3.2 Although the consultant has identified the new residential receptors being constructed, they have not assessed the BS 4142 impact to these NSRs.

Background Sound Levels

- 3.3 Background sound level measurements were undertaken to the west of the existing NSRs on Cutter Lane. The consultant was unable to undertake measurements at the location of the proposed residential properties which are currently under construction due to access issues.
- 3.4 The consultant has not undertaken a noise impact assessment for the NSRs within the new residential development. As such although they have explained why background sound level measurements could not be undertaken at the new residential development, they have provided no justification as to why this measurement location at Cutter Lane could be considered as a suitable alternative location for these NSRs. The requirement for this justification is set out in paragraph 8.1.2 of BS 4142.
- 3.5 Weather observations were not undertaken at the measurement location. Observations within the NIA are based on data from the Met office website. This is considered to be non-compliant with the requirements of BS 4142²¹ and Environment Agency guidance²².
- 3.6 Measurements have been undertaken as discrete 15-minute measurements, before, during and after site operations on Friday the 11th March 2022 and Saturday the 12th March 2022. The consultant has stated that background sound levels were below 47 dBA before operating hours. This increased to 50 dBA during operating hours.

²¹ BS4142: 2014 + A1: 2019. Methods for rating and assessing industrial and commercial sound. British Standards Institute.

²² [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits)

- 3.7 The consultant has stated that they have focused on background sound level measurements undertaken on the Saturday as it was in their opinion more typical of the soundscape at the NSRs.
- 3.8 The consultant's NIA background sound level measurements have been affected by sound sources on the construction site. The Environment Agency do not consider measurements that have included sound sources from the construction site to be typical or representative as set out within BS 4142 paragraph 8.1.4. As such the consultants identified background sound level could be considered to overstate the typical background sound levels at the NSRs.
- 3.9 As part of the consultant's assessment, they have based calculations on a background sound level of 50 dBA. This level as stated by the consultant was measured when the site was operational which is not in line with guidance set out within BS 4142 and Environment Agency guidance²³, which states: "When you apply for a variation, do not include noise from the existing site (before changes) as part of the background or the residual sound levels".
- 3.10 The Environment Agency has assessed the submitted background sound level data and has identified a background sound level of 42 dBA which could be considered more typical for Saturday operations based on the consultant's measurements undertaken on Saturday the 12th of March 2022. This analysis is based on a time period when there was no construction noise from the nearby residential development, so can be considered more typical and representative of the background sound level at the NSRs. In a previous iteration of the NIA, the consultant has previously identified a background sound level L_{A90} of 44dB²⁴.
- 3.11 The consultant has highlighted that some measurements during the late afternoon have been omitted from the report due to light rain showers. It is not clear from the NIA which day these measurements were omitted from.

Sound Source Levels

- 3.12 There is a risk due to the physical size of the sound sources and the reference distance used in obtaining sound pressure level measurements from these sources that sound power levels could be underestimated. With large items of plant where sound pressure levels are measured in close proximity to the sound source, the shoebox measurement method to calculate sound power levels may be considered more appropriate.²⁵
- 3.13 The Environment Agency agrees that the Shredder is the main sound source on Site as stated within the NIA. The consultant has not modelled HGV movements on Site due to this assumption. The Environment Agency disagrees with this assumption as there is a risk with the introduction of mitigation measures to more dominant sound sources that their contribution reduces and other sources may then contribute more significantly to the specific sound levels at NSRs, with the risk of an adverse impact still occurring.
- 3.14 Sound levels of the Shredder have been measured based on an increased load. Sound

²³ [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits)

²⁴ Noise Report for Tom Morris at Morris and Co. (Handlers) Limited. Permit (application) Number: EPR/JP3190CL/V005 at Bankwood Lane, Rossington, Doncaster, DN11 0PS. Prepared by Environmentally Sound Limited, dated 31st March 2022. (Version 2) Section 8.

²⁵ BS 3746:2009, Determination of L_w from L_p using enveloping surface method, British Standards Institute

levels measured show a 7 dB increase in comparison to the Shredder under existing loads. This increase is above the minimum 5 dB identified by the Environment Agency and 4 dB higher than the consultant's original estimate of the impact of the increased load due to the proposed variation which was just 3 dB.

- 3.15 Source data for operational plant to the north of the test sample building was not included within the NIA. The consultant states that it has not been included within the report due to the plant not being operational during the measurement period. This is not a valid reason to exclude operational plant from a BS 4142 impact assessment. It is our opinion that sound levels from this plant should be included within the BS 4142 assessment as there is a risk that these sources could contribute to the overall impact at the nearest NSRs.
- 3.16 The consultant has 'calibrated' their model based on measurements of sound levels (L_{Aeq} , dB) undertaken at the existing NSRs on Cutter Lane. Separate models have been created using this method based on background sound level measurements from the northern and southern measurement locations. This method has led to an overestimation of sound sources modelled on the site.

Consultant's calculation method & assumptions

- 3.17 The consultant has used SoundPLAN (Version 8.2) acoustic modelling software to predict BS 4142 specific sound levels at the nearest NSRs in accordance with calculation methodology set out within ISO 9613-2:1996²⁶.
- 3.18 The consultant has assumed a flat topography across their model due to LIDAR data showing raised areas within the new residential development area.
- 3.19 The consultant's modelling appears to be incorrect. Noise contour plots of the existing sound climate show a likely specific sound level of 80dB at first floor receptors of the nearest NSRs. The consultant has shown the measurement location for the Shredder within their models. When the modelled specific sound level at the measurement point is compared with the physical measurements of the L_{Aeq} from the Shredder, the model appears to show a specific sound level which is 30 dB higher than that measured by the consultant. Paragraph 5.1 of the consultant's NIA details L_{Aeq} sound level measurements undertaken on Site during Site operations. Measurements show approximate specific sound levels on site of 80 dB. This does not agree with specific sound levels modelled by the consultant which show at this measurement location that specific sound levels are between 95-100 dB based on the contour lines of their model.
- 3.20 We are unable to confirm the reason for this increase in the specific sound levels as we are unable to interrogate the consultant's models due to these not being provided in an openable format. It is our assumption that the consultant has used source data based on their calibrated sound levels as mentioned in paragraph 3.17 of this report.
- 3.21 The consultant has not set out their modelling assumptions within the NIA and we are unable to verify their calculations as openable modelling files have not been provided. The consultant has not complied with the technical requirements described in Environment Agency guidance²⁷, which sets out 'Information you must submit to the Environment Agency in a noise impact assessment that uses computer modelling or

²⁶ ISO 9613-2: 1996. Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation

²⁷ [Noise impact assessments involving calculations or modelling - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-impact-assessments-involving-calculations-or-modelling)

spreadsheet calculations.'

Acoustic feature corrections

- 3.22 The consultant has applied a 3 dB acoustic feature correction, to account for just perceptible impulsivity. The consultant has stated that as this was a metal recycling site rather than a breakers yard, the metal is already in small fragments.
- 3.23 The Environment Agency disagrees with the proposed acoustic feature correction. Due to the nature of the Shredder and operations to process load and ship waste on Site there is a high probability of highly perceptible impulsive and tonal sound content. If impulsivity is highly perceptible a +9dB correction should be applied for that feature alone. This opinion is supported by the consultant's comment in section 7.1 of the NIA which states "*Although the shredder reduces the scrap metal to smaller pieces, the noise is still substantial*".
- 3.24 It should be noted that an acoustic feature correction has only been applied for existing operations at the Site and not for the proposed variation in throughput.
- 3.25 The Environment Agency's assessment of the acoustic feature correction does not change the outcome of a significant adverse impact based on existing operations at the Site.

Mitigation

- 3.26 The consultant has modelled existing mitigation in use at the Site and constructed at the new residential development to the west of the Site. The acoustic barrier around the Site has been modelled to a height of 5 metres and the acoustic barrier associated with the housing development has been modelled to a height of 6 metres.
- 3.27 When modelling specific sound levels from the proposed variation, the consultant has modelled masonry brick walls to the Shredder building on the northern, western and southern facades based on a 250mm thick construction.
- 3.28 The consultant has not included the height or proposed sound reduction index (SRI, R_w dB) of the proposed mitigation within their NIA, so the Environment Agency is unable to confirm the SRI of the proposed mitigation used by the consultant.

Context

- 3.29 The consultant has not clearly set out their argument for the use of context to reduce the impact of sound emitted from the Site.
- 3.30 The consultant has indicated a significant adverse impact is likely based on the rating sound level for existing operations being calculated as 14 dB above the stated background sound level.
- 3.31 In section paragraph 6.1 of the NIA the consultant has applied context to current operations at the Site stating '*Although this assessment indicates a likelihood of significant impact, the recycling site was established at this location for over 50 years and planning permission for housing alongside was granted in the last 5 five (sic) years*'.

- 3.32 The Environment Agency notes that it is the responsibility of the operator of a permitted facility to ensure that noise impacts are prevented and minimised, in line with the EPR 2016, the aims of the Noise Policy Statement for England (NPSE), the National Planning Policy Framework (NPPF) and Environment Agency guidance.
- 3.33 The NPPF paragraph 188 clarifies the distinctions between the planning and environmental permitting regimes, stating “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”
- 3.34 The Environment Agency also notes that the Environment Agency guidance states: “If your facility has not caused noise problems in the past but your circumstances have changed, (for example, if a new residential development is built closer to the site boundary) you may have to take action to prevent (or where that is not practicable, minimise) actual or potential noise pollution.”
- 3.35 The Environment Agency disagrees with the use of context as part of the NIA portion of the Application to reduce the impact of sound from the Site at the nearest NSRs based on the following reasons:
- The Site is operational at the weekend, Saturday 07:30-12:30
 - Sound emissions from the Site are likely to be both impulsive and with tonal content
 - Based on modelling undertaken by the consultant a high percentage of houses within the new development will suffer from a significant adverse impact from the Site
 - There is no intrinsic link between the receptors and the Site
 - Complaints regarding noise have been received by the Environment Agency based on current operations on the Site from existing NSRs.
 - The assessed residual sound level is 10dB below the modelled specific level, so is unlikely to ‘mask’ Site operations.

BS4142 Impact Assessment Conclusion

- 3.36 The consultant has not undertaken a BS4142 assessment of the likely impact due to sound emissions from the proposed variation at the Site. The consultants aim for the NIA was to show that sound level emissions arising from the proposed variation do not exceed the existing sound level emissions, rather than assessing the impact of noise arising from the existing and proposed variation as set out within Environment Agency guidance, which states: *‘Your noise impact assessment must consider all the noise resulting from the proposed variation – the existing site and the variation together. Show both components clearly and then add them together to give a new total for site noise at the receptors. The impact assessment will be based on this new value, known as the ‘specific level’ in BS 4142’.*
- 3.37 Additionally, the consultant has based all specific sound levels on the lowest value within their noise contour bands (which have a 5 dB range) rather than detailed results of

specific sound levels at each receptor. This leads to a risk that the consultant's predicted specific sound levels could represent an underestimate and be inaccurate by up to 5 dB.

- 3.38 The BS4142 assessment based on the existing sound climate uses a background sound level of L_{A90} 50 dB. The Environment Agency has determined that the background sound level of 50 dBA has been assessed from measurements undertaken while the Site was operational. The use of background sound levels influenced by the Site noise is contrary to BS 4142 requirements and Environment Agency guidance (Step 2: off-site monitoring survey²⁸).
- 3.39 Within the NIA conclusion, the consultant has mentioned a 3 dB increase in Shredder noise. This increase does not agree with the consultants' own measurements of the sound of the Shredder on Site. Within Appendix A the consultant has detailed an increase of 7 dB in levels based on a comparison of the L_{Aeq} sound levels measured with the Shredder operating at a higher throughput to the Shredder as currently operated.
- 3.40 Within the consultant's conclusions they mention levels of 55 dB based on modelling of the increased load on the Shredder. The Environment Agency has reviewed the SoundPLAN models provided within the NIA, all models show typical specific sound levels of over 80dB at the nearest NSRs.

Audit Conclusion & Recommendations

- 3.41 The submitted NIA does not assess the impact of sound from the proposed variation of the Site's operations to the requirements as set out by the Environment Agency, which is in accordance with the BS 4142 assessment methodology.
- 3.42 The consultant has assessed the existing impact using methodology set out within BS 4142, but only to an existing NSR on Cutter Lane and has not considered the impact at the new residential development next to the Site, which is currently under construction.
- 3.43 The consultant has concluded that the existing operations have an adverse impact at the existing NSR on Cutter Lane. The consultant has proposed the use of context to reduce the impact of sound from a significant adverse impact to an adverse impact.
- 3.44 Although the consultant has modelled and compared the specific sound levels to the existing impact of sound from the Site, the consultant has not undertaken a BS 4142 assessment of the impact from the proposed variation.
- 3.45 The consultant has assessed the existing impact to have a rating sound level in excess of the background sound level by over 14dB. If the assessment is undertaken based on the background sound level identified by the Environment Agency and includes a minimum +9 dB acoustic feature correction, this excess over the background sound level increases to 28 dB. This is a significant adverse impact at the existing NSRs with the excess over the background sound level likely to be even more significant at the new residential development. Significant adverse impacts of this numerical nature suggest that there are potential compliance issues with the existing operations, which is backed up by the fact that complaints have been raised in relation to the existing operations.
- 3.46 The Environment Agency cannot rule out the potential for a significant adverse impact

²⁸ [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits)

at existing and new noise sensitive receptors, as a result of the variation proposed in the Application.

- 3.47 The NIA as submitted does not show a clear understanding of the use of BS 4142 to assess industrial noise along with the guidance on undertaking NIA for permitting published by the Environment Agency.
- 3.48 The Environment Agency has reviewed three separate versions of the NIA, attended a meeting with the consultant, and provided clarity to the consultant on the relevant Environment Agency guidance (.gov.uk guidance pages, specific pre-application documents including a NIA advice document and a noise management plan (NMP) template). Despite this, the consultant has not submitted a NIA which can be used for the full and proper determination of this Application. The Environment Agency considers that it is not now appropriate for it to accept any further revisions of the NIA in support of this Application. It is the Environment Agency's opinion that granting the Application would lead to a significant adverse impact from noise based on the submitted NIA.

Determination of Best Available Techniques

Dust

Applicants must comply with the requirements to use best available techniques to prevent or minimise dust emissions.

BAT 14 In order to prevent or, where that is not practicable, to reduce diffuse emissions to air, in particular of dust, organic compounds and odour, BAT is to use an appropriate combination of the techniques given below.

These techniques can be summarised as:

BAT 14a – Minimising the number of potential diffuse emission sources

BAT 14b – Selection and use of high integrity equipment

BAT 14c – Corrosion prevention

BAT 14d – Containment, collection, and treatment of diffuse emissions

BAT 14e – Dampening

BAT 14f – Maintenance

BATc14g – Cleaning of waste treatment and storage areas

BAT 14h – Leak detection and repair (LDAR) program

BAT 14 further states “Depending on the risk posed by the waste in terms of diffuse emissions to air, BAT 14d is especially relevant”.

14	Technique	Description	Applicability
d.	Containment, collection and treatment of diffuse emissions	<p>This includes techniques such as:</p> <ul style="list-style-type: none"> • storing, treating and handling waste and material that may generate diffuse emissions in enclosed buildings and/or enclosed equipment (e.g. conveyor belts); • maintaining the enclosed equipment or buildings under an adequate pressure; • collecting and directing the emissions to an appropriate abatement system (see Section 6.1) via an air extraction system and/or air suction systems close to the emission sources. 	<p>The use of enclosed equipment or buildings may be restricted by safety considerations such as the risk of explosion or oxygen depletion. The use of enclosed equipment or buildings may also be constrained by the volume of waste.</p>

The Environment Agency considers that the nature and quantities of the wastes proposed to be accepted at the Site and the waste handling, treatment and storage operations proposed to be undertaken demonstrate there is a significant risk posed by diffuse emissions to air and hence the Environment Agency in its assessment of compliance to BAT standards regards

BAT 14d to be not only “especially relevant” but also of key and primary relevance in this determination.

This is further justified by the number of complaints made by the local community relating to diffuse emissions to air and the representations received from our public consultation on this Application. It is therefore our view that the treatment of all potentially dusty and odorous wastes within a building or similarly fully contained structure is required in order to demonstrate BAT as the facility moves from a waste operation to an installation. The building in order to comply with BAT14d would also need to maintain the enclosed equipment or buildings under an adequate pressure.

The proposed operation does not meet BAT 14d. The main noise emanates from the shredder activity. The shredder is within a building that is not fully enclosed with a conveyer system that mainly operates outside of the building.

Whilst the shredder is not fully enclosed the equipment and activities remaining outdoors would include a Heavy Duty Screen Terex Finlay 883+ Spaleck (mobile screening and separation). All of these activities outdoors are capable of causing fugitive dust emissions. The operational controls on these activities are not, in our view, robust enough to control fugitive releases from the treatment of waste.

There appears to be a fundamental lack of appreciation in the Application that when the facility moves from a waste operation to an installation, all the activities covered within that installation must then meet the requirements of BAT – not solely the new or increased activities that take the operation over the permitting threshold into an installation. So all of the activities permitted on the Site must meet BAT. It is not sufficient to meet BAT for the new additional waste tonnage alone and retain partial outdoor treatment of the original tonnage of waste for which the Applicant is currently permitted.

If treatment of waste outside of a building was previously permitted for the Applicant, this would have been deemed appropriate for the scale of the operation and the management of the environmental risks at that time. This is no longer the case due to the additional residential development in closer proximity to the Site and the increase in throughput that is being applied for.

It is not necessarily always the case that the presence of a building ensures that the waste treatment activities are carried out in accordance with BAT. The construction, properties and operation of that building must themselves be of a standard to demonstrate BAT such as highlighted in BAT 14d:

- storing, treating and handling waste and material that may generate diffuse emissions in enclosed buildings and/or enclosed equipment (e.g. conveyor belts);
- ‘maintaining the enclosed equipment or buildings under an adequate pressure’;
- ‘collecting and directing the emissions to an appropriate abatement system (see Section 6.1) via an air extraction system and/or air suction systems close to the emission sources.’

The Environment Agency is not satisfied that there is sufficient evidence presented in the Application documents, including the individual management plans, that the building itself would satisfy these BAT requirements. The building is not enclosed on all 4 sides. Given this, the BAT option, as an example, of the building providing negative pressure and a dust extraction system to collect dust could never be attainable with the current building structure.

The Applicant has also not demonstrated that the alternative measures to enclosed treatment of waste are capable of providing the same or better level of protection than a building or enclosure would.

Whilst there is some evidence that the Applicant will implement a number of activities and operations that will manage airborne emissions in a limited way, there is no evidence that these would have the effect of preventing, or where that is not practicable, reducing emissions to air as required by BAT 14 in the absence of a fully contained building for all waste treatment activities at the higher waste throughput.

The mechanisms that the applicant is proposing to demonstrate compliance with BAT 14, detailed in their BAT report dated 26/02/2021 updated 17/03/2022, are not in themselves robust or comprehensive enough to prevent, or if not practicable reduce diffuse emissions to air in the absence of enclosing all treatment activities within a building.

BAT 14 is clear that enclosing the process in a building is a BAT option to control emissions including dust and odour. Therefore total enclosure is an available technique. Our view is that where an installation is proposed very close to houses, the BAT 14 option of total enclosure is likely to be required to guarantee that emissions are fully controlled at all times. In some cases where emissions could in theory be controlled but the Environment Agency has doubts about whether this is achievable in practice, we can issue a permit and then take action if issues occur. However in this case given the failure of the Applicant to adequately demonstrate compliance with BAT 14, the distance from the Site to sensitive receptors and the sensitivity of the area, the Environment Agency need to be confident from the outset that pollution would not occur. In simple terms, we do not have that confidence in relation to the Application proposals.

A totally enclosed system would clearly reduce emissions compared to the current proposals. The local authority has confirmed that there are concerns with dust in this location. Therefore it is important in accordance with BAT to ensure that any operations in this location are designed to prevent and where that is not practicable to reduce emissions and the impact on the environment as a whole. That can mean imposing higher standards than the Environment Agency have previously imposed at this Site or elsewhere.

The Application does not demonstrate BAT 14d in this very sensitive location.

General BAT conclusions for the mechanical treatment of waste

Section 2.1.1. Emissions to air

BAT 25. In order to reduce emissions to air of dust, and of particulate-bound metals, Polychlorinated biphenyls (PCBs) and polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/Fs), BAT is to apply BAT 14d and to use one or a combination of the techniques given below.

- a. Cyclone
- b. Fabric filter
- c. Wet scrubbing
- d. Water injection into the shredder

Only BAT 25c can be relevant in relation to the Application as there are no channelled emissions from the operation of the shredder and as a fully enclosed building is not proposed this type of mitigation is not currently achievable. The shredder is an electric shredder with no stack. In BAT 25c the waste to be shredded is damped by injecting water into the shredder. The amount of water injected is regulated in relation to the amount of waste being shredded (which may be monitored via the energy consumed by the shredder motor). The waste gas that contains residual dust is directed to cyclone(s) and/or a wet scrubber. This option is not something that is proposed with the current shredder. The Applicant's justification for this is that these processes do not work on fine metal material, however the Applicant has provided no evidence to support this statement.

Noise

BAT Section 1.4.

Noise and vibrations BAT 17. In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to set up, implement and regularly review a noise and vibration management plan, as part of the environmental management system, that includes all of the following elements:

- I. a protocol containing appropriate actions and timelines;
- II. a protocol for conducting noise and vibration monitoring;
- III. a protocol for response to identified noise and vibration events, e.g. complaints;
- IV. a noise and vibration reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.

A noise management plan has been provided. The latest revision is Appendix 28 Noise Management Plan (NMP) Apr 2022 (V3).²⁹ However the noise management plan has not been approved as there remains elements where we consider that the plan remains inadequate. For example, whilst the NMP contains a complaints procedure there are no protocols for monitoring or a noise and vibration reduction programme.

The applicability of BAT 17 is restricted to cases where a noise or vibration nuisance at sensitive receptors is expected and/or has been substantiated. This is applicable for this Application. The application of, and compliance with, BAT 17 remains unresolved as any monitoring required is dependent on a NIA that has been agreed, which is not the case.

BAT 18. In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to use one or a combination of the techniques given below.

- a. Appropriate location of equipment and buildings
- b. Operational measures
- c. Low-noise equipment
- d. Noise and vibration control equipment

²⁹ Appendix 28 (V3) – Noise Management Plan – Morris & Co Apr 2022 (V3)

e. Noise attenuation

Depending on the risk posed in terms of mitigation BAT 18d and BAT18e are especially relevant.

18	Technique	Description	Applicability
d.	Noise and vibration control equipment	This includes techniques such as: (i) noise reducers; (ii) acoustic and vibrational insulation of equipment; (iii) enclosure of noisy equipment; (iv) soundproofing of buildings.	Applicability may be restricted by a lack of space (for existing plants).
e.	Noise attenuation	Noise propagation can be reduced by inserting obstacles between emitters and receivers (e.g. protection walls, embankments and buildings).	Applicable only to existing plants, as the design of new plants should make this technique unnecessary. For existing plants, the insertion of obstacles may be restricted by a lack of space. For mechanical treatment in shredders of metal wastes, it is applicable within the constraints associated with the risk of deflagration in shredders.

The building housing the shredder is only partly enclosed. The conveyor belt section is not enclosed. There is currently insufficient noise attenuation and the noise attenuation proposed in the NIA is not proven. Based on the proposed mitigation measures a risk of a significant adverse impact is still likely to occur due to the proposed increased throughput at the Site.

The Application does not demonstrate BAT 18d and BAT 18e in this very sensitive location .

Other issues not resolved.

The Application has been refused on the principal reasons of dust and noise emissions, as explained above. There are however a number of additional issues in relation to the Application that the Applicant has not yet provided information that satisfies us. Should the Applicant decide to re-apply for a variation of the Permit in the future these matters will also need to be addressed. As the Environment Agency has decided to refuse the Application on the principal issues of dust and noise emissions we consider it to be unreasonable to put the Applicant to the expense of trying to resolve these additional issues at this time. Accordingly, we have not identified the issues below as reasons for refusal but remain dissatisfied with the information the Applicant has provided to date.

Additional information would be required in the Odour Management Plan (OMP), particularly in relation to the odour monitoring given the proximity of the new housing development. Additional information would also be required on the Fly Management Plan (FMP) to ensure robustness and fitness for purpose. Although Mechanical Biological Treatment waste (MBT) is only proposed to be received as emergency contingency, odour and flies have been reported in the past when the Site has accepted redirected waste.

Further information would be required in the Fire Prevention Plan (FPP) as the procedures for managing fire water remain unclear. Additional information and appropriate calculations would also be required to enable water supply calculations and fire separation distances to be determined.

If the Agency considered that the Application could potentially be granted, it would be necessary to consider these plans further and for additional information and evidence to be provided in order to determine and accept compliance with BAT.

Further information would also be required in order to explain how the increase in throughput would be realised operationally given that no infrastructure changes are proposed on Site and the Site footprint is not changing. This remains unclear and further justification on how the Applicant would ensure that any increase in throughput would not result in storing and handling more waste on Site than the Site infrastructure could allow would need to be provided.

National Incident Recording System

The National Incident Recording System (NIRS) is the Agency's incident recording system, whereby members of the public, business or other authorities, may report environmental incidents, 24 hours a day and 365 days of the year to ourselves. Each NIRS report is given a unique incrementing reference number or where it relates to amenity issues at a regulated site, each element reported will be provided with a reference and counted as a separate incident, for example, a member of the public reporting dust and a foul smell coming from operations at a permitted facility, would generate two incident numbers.

From January 2019 to 25/11/2022, the Environment Agency logged 618 NIRS reports within 1km of the Site in the Bankwood Lane area of New Rossington.

210 of these are where reporters have attributed the issues to the Site. The reports are related to odour and dust but also noise and the nuisance caused by flies. It is important to note however, that at this present time, substantiation of the source has not been possible.

Type	Total Incidents
Flies	70
Odour	59
Noise	38
Dust	25
Suspected permit breach	7
Other	5
Vermin	3
Burning of waste	1

Fire	1
Invasive species	1
Grand Total	210

The volume of reports does however demonstrate the importance of having a robust Environmental Management System (EMS) and procedures that can appropriately control potential emissions such as odour, dust, flies and noise. Therefore any proposed changes to any waste operation, require a great deal of scrutiny.

Consultation Process

The Application was received and determined as a substantial variation to the existing permit and deemed a High Public Interest site (HPI).

The Application has been advertised and consulted upon in accordance with the Environment Agency's Public Participation Statement (PPS). The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our decision is summarised in Annex 1 of this document.

Copies of all consultation responses have been placed on the Environment Agency public register.

We placed an advertisement in Doncaster Free Press on the 3rd February 2022 for comments by the 3rd March 2022. We also published this Application by a notice placed on our webpages on GOV.UK (Citizens Space) on the 3rd February 2022 which contained all the information required by the PPS.

We sent copies of the Application to the following bodies, which include those with whom we have "Working Together Agreements":

1. UK Health Security Agency - Environmental Hazards and Emergencies Department
2. Doncaster Council Chief Executive
3. Doncaster Council - Environmental Health
4. Doncaster Council – Planning Department
5. Doncaster Council Public Health
6. Severn Trent Water Limited
7. South Yorkshire Fire and Rescue
8. Food Standards Authority

No responses were received from the following bodies:

6. Severn Trent Water Limited
7. South Yorkshire Fire and Rescue
8. Food Standards Authority

Our Decision

In addition, and as stated previously, the information provided in pursuance of the Application has been inadequate. Importantly, this is despite the Applicant being given ample opportunity to formally submit additional information to address the lack of technical detail within the Application. Despite requesting further information to duly make the Application and serving two Schedule 5 notices requiring further information, the Application submission is still deficient in several important areas such that the Agency cannot favourably determine the Application based on the information currently submitted.

We have a duty to protect the environment and ensure appropriate standards and management systems are in place prior to allowing such a significant increase to the scale of the activities on Site.

Given the information provided we consider that the Applicant has not demonstrated that the proposed operations and infrastructure meet the criteria for BAT. An installation permit can only be issued where we are satisfied that the applicant is applying BAT. This is one of the key requirements of environmental permitting and one of the key differences for an existing facility permitted for waste activities moving to an installation permit. It is not the case that existing standards permitted in a waste permit would be accepted in an installation permit where the more stringent requirement to demonstrate BAT applies.

We consider that the proposed management of dust and noise are inadequate to minimise the potential for environmental impact if the Application were to be granted. The Application is refused on the following grounds:

Noise:

- The NIA entitled 'Noise report for Tom Morris and Co. (Handlers) Limited (Version 3)' prepared by Environmentally Sound Limited) and submitted as part of the Application has not undertaken a BS 4142:2014+A1:2019 assessment of the likely impact of sound from the operations that would occur under the proposed variation to the Permit.
- The NIA has not assessed the likely impact to the new residential development under construction to the west of the Site. The new residential development can be considered to be the nearest noise sensitive receptors to the Site and it is our opinion that the proposed variation to the operations at the Site will lead to a significant adverse impact on these new receptors.
- The Noise Management Plan contains insufficient abatement measures in relation to the shredding treatment process, being carried out inside a part enclosed building is not acceptable.

As such the Application does not meet BAT in relation to BAT 18d and BAT 18e.

Dust:

The Applicant has not satisfactorily demonstrated they are using BAT for preventing or minimising emissions and impacts on the environment and human health from dust emissions. In this case, BAT is to prevent, or where that is not practicable, reduce diffuse emissions to air,

in particular of dust, through the containment, collection and treatment of diffuse emissions using techniques such as:

- The storage, treating and handling of waste material that may generate diffuse emissions in enclosed equipment or an enclosed building.
- Collecting and directing diffuse emissions to an appropriate abatement system.

As such the Application does not meet BAT in relation to BAT 14d and BAT 25c.

Section 108 Deregulation Act 2015 - 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 100 of that Act in deciding whether to grant this Application.

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. 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.

Annex 1 - Consultation

Consultation, web publicising and newspaper advertising responses

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, newspaper advertising and the way in which we have considered these in the determination process.

Responses from organisations

Response received from UK Health Security Agency - Environmental Hazards and Emergencies Department.

Brief summary of issues raised
<p>The main emissions of potential concern were fugitive emissions of particulate matter (dust) from shredding operations and the transport and storage of material, and nuisance associated with noise, odour and pests. UKHSA is aware of a history of complaints from nearby residential properties related to dusts, noise, odour and pests associated with sites operating in Bankwood Lane Industrial Estate, including this applicant.</p> <p>Comments related to the applicant's assessments and documents</p> <ul style="list-style-type: none">• The applicant's Environmental Risk Assessment concludes that "the site will not pose a significant risk of harm to sensitive receptors in the vicinity of the site due to the location of the site, the control measures in place, and the strict management measures in place." However, residual risks associated with fugitive dust, noise, and odour in the Environmental Risk Assessment itself are considered medium, noting residential neighbours are within 50m of the site• The document, dated July 2020, requires updating to reflect changes on-site and new controls mentioned in the applicant's various management plans (e.g., partial enclosure of the shredder, proposed processing/treatment building, change in grades of materials processed on site) <p>Recommendations</p> <ul style="list-style-type: none">• The application indicates that the enclosure of processing and storage areas within a building is planned, but not yet implemented. This may need to be addressed, as it is a relevant control of fugitive emissions• The applicant's Environmental Risk Assessment considered risks to be medium from noise from shredder and plant operations. Noise consultants' assessments of current operations in a later report dated November 2020 identified potential adverse daytime impacts at residential properties to the south but did not reflect the subsequent partial enclosure of the shredder or the construction of closer residential properties to the west. An additional report dated December 2021 suggested further focus on the shredder as the most significant noise source on site (in relation to the potential need for further enclosure to mitigate noise). The assessments provided focus on the

context at the time and do not address the implications of continued residential development around the site or the proposed increase in throughput (with an associated potential increase in noise from plant and vehicle movement)

- Given dust is stated in the EA's May 2021 newsletter to be the main issue associated with the site and there is a history of local complaints, the dust management plan should address deposition monitoring at the site perimeter and off-site. The Environment Agency is best-placed to consider whether this is required routinely or reactively in the event of continued complaints
- The applicant's management plans should also address off-site monitoring carried out by third parties and its integration with on-site monitoring and controls (this applies to dust and also noise, odour and pest nuisance)
- The applicant's management plans should address operational liaison with other operators on the Bankwood Lane Industrial Estate, given that there are foreseeable requirements for a joined-up investigation and response to environmental incidents
- The applicant states that a "Fire Prevention Plan is in place for the site and the changes requested with this application do not increase the risk, change the waste types, storage areas or make any change to the content of the FPP". Given that the variation seeks to increase capacity from 75,000 to 180,000 tonnes per year the Environment Agency should confirm that the current plan does reflect future storage areas and necessary separation distances, quarantine areas and so on
- Given the proximity of residential properties, it would be prudent for the FPP to address potential off-site impacts, particularly the potential need for warning, informing and protective actions related to the closest residential properties
- Dust and odour issues were reported in the past when the site accepted redirected waste, which led to a requirement for additional controls. If the site increases throughput, the close proximity of residential properties and history of complaints are a concern, and controls on-site must be sufficient to prevent adverse impacts off-site.

Summary of actions taken or show how this has been covered

We have audited the Management Plans and the Noise Impact Assessment submitted by the Applicant and we have not approved these as we determined that the Applicant had not provided suitable evidence of mitigating the risk from noise or dust emissions from the increased operations. We are also not satisfied that they have adequately addressed the emissions from the Site in accordance with BAT requirements. We have therefore decided to refuse the Application.

Whilst the odour and fire protection issues were not specified as reasons for refusal, the respective management plans submitted have not been approved as we have decided to refuse the Application on other grounds. While the odour management plan³⁰ and the fire protection plans³¹ were updated as a consequence of the service of Schedule 5 Notice No.2, they remain unapproved, as explained in the body of the Decision Document above.

³⁰ Odour Management Plan V6 dated December 2021

³¹ Fire Prevention Plan V8 dated March 2022

Response received from Doncaster Council - Environmental Health

Brief summary of issues raised

Confirmed the current planning permission restricts the total quantity of waste and other recyclable material imported on to the site to 75,000 tonnes per annum. Were this application to be allowed then it would mean that the total quantity of material imported on to the site could more than double. A variation to the existing planning permission would also be required.

Environmental Health have strong concerns that noise arising from the shredding process will have a significant impact on the adjacent residential properties. Residential properties are new to the area and are still under construction. Although the residential development has an acoustic barrier to protect against noise from Morris Metals it was designed and constructed on the basis of the existing noise levels arising from the site.

There have also been issues relating to odour and dust arising from the site. The increase in processing may result in those issues returning. The new houses, being adjacent to the site boundary, are considerably closer to the process than sensitive receptors have been in previous years. I note the inclusion of the dust and odour management plans with the application but I am aware that similar plans have been in place in the past but incidents have still occurred. In the future more residents would be affected by such incidents.

Although not within the scope of the application it should be noted that the Council continues to receive complaints relating to the number of HGVs that access the industrial estate on Bankwood Lane. While Morris Metals are not solely responsible for all of these vehicles they do contribute significantly towards the number. An increase in throughput such as that proposed will significantly increase the number of HGVs using Bankwood Lane. There have also been past issues where HGVs waiting to access the Morris site have been unable to do so and have been forced to queue on the public highway, causing significant traffic disruption. As there is very little 'on-site' parking at Morris Metals there is a strong likelihood that this problem will recur as more HGVs try to access the site.

Summary of actions taken or show how this has been covered

We have audited the management plans including those for odour and dust and the Noise Impact Assessment submitted by the Applicant and we have not approved these as we determined that the Applicant had not provided suitable evidence of mitigating the risk from noise or dust emissions from the increased operations. We are also not satisfied that they have adequately addressed the emissions from the Site in accordance with BAT requirements. We have therefore decided to refuse the Application.

Whilst the odour issues were not specified as a reason for refusal, the odour management plan submitted has not been approved as we have decided to refuse the Application on other grounds. However, while the odour management plan was updated as a consequence of the service of Schedule 5 Notice No.2, it remains unapproved, as explained in the body of the Decision Document above.

The local planning authority is responsible for determining land use through the planning application process, this includes transport. Consideration of increased traffic movements beyond the Installation boundary is outside the scope of our determination of the Application.

Response received from Doncaster Council – Planning Department

Brief summary of issues raised

The planning permission is also subject to a number of conditions. Notably, condition 16 states:

The total quantity of waste or recyclable materials imported on to the Site shall not exceed 75,000 tonnes per year. The reason for this condition was in the interests of protecting local amenity and highway safety as required by Policies CS1 and CS14 of the Core Strategy.

From a planning perspective, the most significant change would be the increase in tonnage, as this would breach condition 16 of the original planning permission. In order to comply with planning legislation, the application would need to apply for a variation of condition under the provisions of section 73 of the Town and Country Planning Act 1990 (as amended) in order to lawfully increase the amount of waste processing.

However, considering that the increased capacity and potential changes to the nature of the waste processing may have impacts on other aspects of the development, it may be that an entirely new planning application is required. For example, there may be a requirement for additional HGV parking, for new buildings to internalise the increased waste processing, or for a more substantial acoustic barrier. The local planning authority considers that the change could have wide-ranging implications which may trigger the need for a new full planning application.

Regardless of whether the applicant applies for a variation of condition or an entirely new planning permission, any proposal for the intensification of processing activities at the site would be assessed according to the following material planning considerations:

- Impact of additional HGV movements on traffic, highway safety and emissions
- Any additional generation of noise, fumes, dust, odours, vibration or litter
- Impact of any associated operational development on the character of the area

The local planning authority anticipates that any subsequent planning application may generate controversy, as nearby residents have previously raised concerns over traffic impacts and environmental disturbance. Proposals to more than double the processing capacity of the site would have to be carefully considered to ensure that the amenity of neighbouring residents is not compromised.

Overall, the local planning authority does have some concerns over the intensification of the site, in relation to the material considerations set out above. In preparing this consultation response, I have liaised with other departments at Doncaster Council, who would be likely to input into the determination of any subsequent planning application. The following comments have been received:

Planning Policy (Minerals and Waste)

Ongoing work on the Waste Needs Assessment for South Yorkshire is demonstrating that there is not a need for increased waste or waste transfer capacity in the region, as South Yorkshire is making good progress towards achieving net self-sufficiency. Over the reporting period, the region has more than sufficient capacity with regards to net self-sufficiency for facilities for processing in preparation for reuse and recycling, inert recycling, other treatment and energy recovery, and soil treatment over. When viewed in terms of total arisings and existing capacity, South Yorkshire currently provides waste management capacity that exceeds total arisings: as such, additional capacity is not required. Increases to the waste processing capacity of sites can also be seen to increase the amount of residual waste that needs processing. From a policy perspective, increased capacity is therefore not supported.

Environmental Health

It is my understanding that our Environmental Health department has already sent comments to the Environment Agency. However, for the sake of clarity, their position can be summarised as follows:

- Noise arising from the shredding process could significantly impact upon residential properties
- The existing acoustic barrier has been designed and constructed on the basis of existing noise levels, possibly reducing its effectiveness
- The increase in processing may result in the return of previous issues over dust and odours
- An increase in throughput will significantly increase the number of HGVs using Bankwood Lane, which could cause traffic disruption, especially where HGVs are forced to queue on the public highway (the Council already receives complaints relating to HGVs, although these do not relate solely to Morris & Co.)

Public Health

Public Health would wish to seek clarity on the potential impacts on workers and residents. Public Health are aware of numerous complaints in relation to the Bankwood Lane Industrial Estate. The increased capacity is likely to increase dust, noise and odour. As such, clear plans should demonstrate how any existing and additional issues will be mitigated against to ensure residents' health and wellbeing is not affected. Public Health would want to see evidence that working practices have improved under the current permit before any increase in waste is permitted.

Public Health also highlights the UK Health Security Agency (UKHSA) report with regard to the Fire Prevention Plan for the site. There have been two large fires in the space of less than a year at another Morris & Co. site in Doncaster. Therefore, Public Health would wish to understand the reasons for the fires, how lessons learned will be reflected at the Rossington site, and what measures will be put in place to fully reduce the risk of fire. The Fire Prevention Plan should set out the process the company will put in place to warn neighbouring residents in the event of a fire.

Transportation

It is not clear how significant an increase in HGV traffic may be generated, but proposals to shred over 75T per day and increase annual throughput to 180,000 tonnes per year would undoubtedly result in an increase in traffic on Bankwood Lane and West End Lane, which is already an area of concern for local residents. Should a planning application be submitted

for any element of this proposal, full details of traffic movements (possibly a Transport Assessment) would be necessary in order to fully assess the impact on our highway network.

Pollution Control

As this is a purpose built site, with hardstanding, there is little concern from a contaminated land point of view. The potential risk to controlled waters should be covered by the Environment Agency permit in this instance.

With regard to air quality, the increase in emissions through increased vehicular movements should be assessed against the air quality regulations. Conditions would likely be requested should a future planning application be submitted to seek permission for the increase in tonnage.

Summary

In conclusion, Doncaster Council's approval as local planning authority will be required in order to increase the tonnage of waste processed at the Morris & Co. site on Bankwood Lane, in addition to the variation to the Environment Agency permit. This would take the form of either a variation to condition 16 of planning permission 16/01811/FUL, or an entirely new planning application (depending on the nature and extent of associated changes to site usage and/or operational development).

At present, the local planning authority has considerable concerns over the implications for increased environmental disturbance to residents, as well as potential strain on the highway network through the increased HGV movements.

Summary of actions taken or show how this has been covered

We have audited the Management Plans and the Noise Impact Assessment submitted by the Applicant and we have not approved these as we determined that the Applicant had not provided suitable evidence of mitigating the risk from noise or dust emissions from the increased operations. We are also not satisfied that they have adequately addressed the emissions from the Site in accordance with BAT requirements. We have therefore decided to refuse the Application.

Whilst the odour and fire protection issues were not specified as reasons for refusal, the respective management plans submitted have not been approved as we have decided to refuse the Application on other grounds. While the odour management plan³² and the fire protection plans³³ were updated as a consequence of the service of Schedule 5 Notice No.2, they remain unapproved, as explained in the body of the Decision Document above.

The local planning authority is responsible for determining land use through the planning application process, this includes transport. Consideration of increased traffic movements beyond the Installation boundary is outside the scope of our determination of the Application.

³² Odour Management Plan V6 dated December 2021

³³ Fire Prevention Plan V8 dated March 2022

Response received from Doncaster Council Public Health

Brief summary of issues raised

The Director of Public Health is not in favour of the permit being extended concerns raised regarding numerous complaints in relation to the Bankwood Lane Industrial Estate. The increased capacity is likely to increase dust, noise and odour therefore the Director of Public Health would like to see clear plans as to how any existing and additional issues will be mitigated against to ensure residents health and wellbeing is not affected. We would want to see evidence that working practice has improved under the current permit before any increase in waste is permitted. The Director of Public Health would also like to reiterate the UKHSA report with regard to the Fire Prevention Plan for the site. Although a different site, there have been two large fires in the space of less than a year at a Morris and Co metals site in Doncaster. Therefore Public Health would like to understand the reasons for the fires, how lessons learned will be reflected at the Rossington site and what measures will be put in place to fully reduce the risk of fire. As part of the Plan we would expect to see the process the company will undertake to warn residents in close proximity if a fire breaks out.

Summary of actions taken or show how this has been covered

We have audited the Management Plans including those for dust, odour and fire and the Noise Impact Assessment submitted by the Applicant and we have not approved these as we determined that the Applicant had not provided suitable evidence of mitigating the risk from noise or dust emissions from the increased operations. We are also not satisfied that the Applicant has adequately addressed the emissions from the Site in accordance with BAT requirements. We have therefore decided to refuse the Application.

Whilst the odour and fire protection issues were not specified as reasons for refusal, the respective management plans submitted have not been approved as we have decided to refuse the Application on other grounds. While the odour management plan³⁴ and the fire protection plans³⁵ were updated as a consequence of the service of Schedule 5 Notice No.2, they remain unapproved, as explained in the body of the Decision Document above.

Representations from individual members of the public

The consultation responses received from individual members of the public were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically questions were raised which fall within the jurisdiction of the planning system. Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues which fall within the scope of our regulatory powers.

³⁴ Odour Management Plan V6 dated December 2021

³⁵ Fire Prevention Plan V8 dated March 2022

Of the 177 public responses received the following amenity areas of concern were raised. The responses raised many of the same issues.

Nuisance Concern	Number of times referred to in consultee responses	As a Percentage
Smells/ Odour	97	30%
Traffic / Vehicle movements	82	25%
Noise and Vibration	38	12%
Dust	31	10%
Flies / Pests	25	8%
Air Pollution / Health	20	6%
Fire	15	5%
Proximity	7	2%
House Value	5	2%
Working outside Hours	3	1%
Other	3	1%

Summary of issues raised

<p>Odour</p> <p>Brief summary of issues raised</p> <p>Major concerns relating to odour emanating from the Site. 30% of the responses mentioned odour as being a concern. Even with the current operations there is a concern from the residents, particularly in the summer when people living in the vicinity will want to have their windows open and be enjoying their gardens and nearby outdoor environment.</p>
<p>Summary of actions taken or show how this has been covered</p> <p>The Odour Management Plan was implemented in 2017 when the Site was handling the following grades which had the potential to cause odour related issues:</p> <ul style="list-style-type: none"> • Mixed Cans/Used Beverage Cans (UBC) • Non-ferrous Mixed Biological Treatment (NFMBT) • Ferrous Mixed Biological Treatment (FMBT) <p>During 2020, these grades have been transferred to other Morris & Co sites and thus the Site no longer receives these grades on a regular basis. They would only be delivered to the Site if the other Morris & Co sites were unable to accept the material. On a daily basis, the Site now receives ferrous metals removed from bottom ash. As the material has already been through an incinerator process at high temperature, there are no sources of food that could generate odour issues.</p> <p>Whilst the odour was not deemed a reason for refusal the management plans submitted have not been approved as we have decided to refuse the Application on other grounds. The Odour Management Plan was updated as a consequence of the service of Schedule 5</p>

Notice No. 2 But remains unapproved, as explained in the body of the Decision Document above.

Traffic

Brief summary of issues raised

Concern has been raised on the increased levels of traffic movement on roads which are unsuitable or too close to housing. Concern has been raised over the number of additional traffic movements on already congested roads. Concerns have been raised about noise, odour and dust from traffic associated with the Site and how this poses a risk to public safety and health.

Summary of actions taken or show how this has been covered

The local planning authority is responsible for determining land use through the planning application process, this includes transport. Consideration of increased traffic movements beyond the Installation boundary is outside the scope of our determination of the Application.

On-Site noise is relevant to our determination and has been considered elsewhere in this document – see Key Issues section.

The planning permission for Morris Metals does restrict the number of vehicle movements in and out of the Site. If the Applicant wished to change this they would need to vary the planning permission to increase the number of vehicle movements permitted each day.

Noise

Brief summary of issues raised

Concern raised about the noise from the Site operations, the impact from traffic and in particular HGV lorries using the Site.

Summary of actions taken or show how this has been covered

On-Site noise is relevant to our determination and has been considered elsewhere in this document - see Key Issues section.

Dust

Brief summary of issues raised

Concerns raised about dust emanating from the operations on Site. Concerns raised about mud and debris being tracked out or spilled onto the public roads.

Summary of actions taken or show how this has been covered

Dust is particularly relevant to our determination and has been considered elsewhere in this document - see Key Issues section.

Flies / Pests

Brief summary of issues raised

Concern raised that the surrounding area is already being infested with flies and other pests that could become a health issue and spoiling the enjoyment of the surrounding area. In particular in the summer when people living in the vicinity will have their windows open and be enjoying their gardens and nearby outdoor environment.

Summary of actions taken or show how this has been covered

MBT is only received on the Site as an emergency contingency, During 2020, MBT was transferred to other Morris & Co sites and thus the Site no longer receives these grades on a regular basis. They would only be delivered to the Site if the other Morris & Co sites were unable to accept the material. On a daily basis, the Site now receives ferrous metals removed from bottom ash. As the material has already been through an incinerator process at high temperature, there are no sources of food that could attract or harbour flies.

Air Pollution / Health

Brief summary of issues raised

Concerns have been raised as to the health impact of the Installation from emissions of dust and other pollutants, on people with existing conditions such as asthma, particularly the impact on children. Concern raised about the impact this Site could have on the users of the local environment.

Summary of actions taken or show how this has been covered

The issue of dust has been assessed by the Agency and is one of the reasons we have decided to refuse the Applicant's Application - see Key Issues section.

Fire

Brief summary of issues raised

Concerns raised over other known instances of fires at similar sites in their area.

Summary of actions taken or show how this has been covered

The material received on the Site on a regular basis (incinerator metal and steel cans) is non-combustible. The majority of the material has already been through an incinerator at

extremely high temperatures, there is nothing left in the material to combust. The Site has a fire prevention plan that has previously been agreed and was updated as a consequence of the service of Schedule 5 Notice No. 2, though it remains unapproved as explained in the body of the Decision Document above.

Proximity

Brief summary of issues raised

Concerns raised of the unsuitable close proximity of the Site to the nearby housing development.

Summary of actions taken or show how this has been covered

The issue of proximity in relation to the next door housing development is acknowledged and has been addressed as part of other issues such as noise and dust and we have decided to refuse the Applicant's Application for these reasons - see Key Issues section.

Effect on house prices

Brief summary of issues raised

Concerns have been raised that the value of existing properties and land would be affected.

Summary of actions taken or show how this has been covered

Depreciation of property prices and/or land is not an issue under the Environment Agency's remit. The Environment Agency is responsible for ensuring that its legislative obligations are met and that the activities at the installation do not have an unacceptable impact on the environment or human health.

Operating outside of permitted hours

Brief summary of issues raised

Concerns raised over operations being carried out outside of operational hours.

Summary of actions taken or show how this has been covered

The Installation will be inspected by the Environment Agency to ensure compliance with the Permit. This can include both announced and unannounced visits and the frequency of inspection will be based on what we consider appropriate. The Applicant is required to comply with the Permit conditions. Any breach in Permit conditions is an offence and would be subject to appropriate enforcement action in accordance with the Environment Agency's Enforcement and Sanctions Guidance.

We will do this by carrying out audits of the Applicant's procedures, regular announced and occasional unannounced inspections, adding or changing conditions in the Permit if required, requiring the Applicant to inform us if they fail to comply with any operating conditions, investigating non-compliance with any condition of the Permit; and taking enforcement action if needed, including issuing notices, prosecuting serious breaches or potentially revoking the Permit.

The setting of operating hours is a consideration for the planning authority and is not addressed as part of the environmental permitting process.

Extent of local opposition

It is acknowledged that there is a high level of local opposition and this should be taken into account in the determination of the Application. We have to make our decision based on the environmental and health impacts of any proposal. We carefully considered all representations made on this basis. We can only refuse the application if we consider the environmental impacts are unacceptable. As discussed previously the Environment Agency is of the opinion that an impact from both noise and dust is likely and could have an unacceptable impact on the local environment and human health.