

## Permitting Decisions - Bespoke Permit

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We have decided to grant the permit for Larkshall Mill Aggregate Manufacturing Facility operated by OCO Technology Limited.

The permit number is BP3702MC.

The application is for a hazardous waste facility. The facility treats air pollution control (APC) residues across three treatment lines. The waste treatment activity is supported by associated activities governing waste acceptance, storage, handling, and raw material used in the process. There is a permitted facility currently in operation at this site; permit number EPR/KB3305ME allows the acceptance and storage of waste and subsequent treatment consisting of physical sorting or separation into different components for disposal, recycling or reclamation. This permit will be surrendered, and the proposed development comprises an increase in the tonnage of hazardous waste permitted from the approved 30,000 tonnes per annum to 100,000 tonnes for use in the manufacture of carbon negative aggregates.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

### Purpose of this document

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

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise, we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit.

## Decision considerations

### Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

### Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

### Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local Authority - Environmental Health
- Local Authority - Planning
- Health and Safety Executive
- Fire & Rescue
- Director of Public Health and United Kingdom Health Security Agency (UKHSA)

The comments and our responses are summarised in the [consultation responses](#) section.

### Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.

## **The regulated facility**

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', and Chemical waste: appropriate measures for permitted facilities.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

## **The site**

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility.

The plan is included in the permit.

## **Site condition report**

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports

## **Nature conservation, landscape, heritage and protected species and habitat designations**

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

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

We have not consulted Natural England.

The decision was taken in accordance with our guidance.

## **Environmental risk**

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

## **General operating techniques**

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

## **Noise and vibration management**

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

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

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

## **Dust management**

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

## **Raw materials**

We have specified limits and controls on the use of raw materials and fuels.

## **Waste types**

We have specified the permitted waste types, descriptions, and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

## **Pre-operational conditions**

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

There is a permitted facility currently in operation at the site location; permit number EPR/KB3305ME allows the acceptance and storage of waste and subsequent treatment consisting of physical sorting or separation into different components for disposal, recycling or reclamation. A preoperational measure has been included to ensure the cessation of all activities associated with this permit.

Pre-operational measure for future development have been included to support process trials for treatment. Following successful process trials and approval from the Environment Agency, approved waste types may be accepted on site for the purposes of treatment, without the need for further permit variations.

## **Improvement programme**

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

We have included an improvement programme to validate an assessment provided with the application. The Operator shall undertake a noise assessment during normal operations in accordance with the procedures given in BS4142:2014.

## Emission Limits

Emission Limit Values (ELVs) based on Best Available Techniques (BAT) have been added for the following substances:

Parameter	Limit (including unit)	Reference period	Monitoring frequency	Monitoring standard or method
Particulates	5 mg/m <sup>3</sup>	Average value of 3 consecutive measurements of at least 30 minutes each	Every 6 months	BS EN 13284-1
Total volatile organic compounds (TVOC)	No limit set	Average value of 3 consecutive measurements of at least 30 minutes each	Every 6 months	BS EN 12619
NH <sub>3</sub>	No limit set	Average value of 3 consecutive measurements of at least 30 minutes each	Every 6 months	EN ISO 21877

## Monitoring

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

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

## Reporting

We have specified reporting in the permit.

## Management System

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

## **Technical Competence**

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme

We are satisfied that the operator is technically competent.

## **Previous performance**

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

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

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

## **Financial competence**

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

## **Growth duty**

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-

compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

## **Consultation Responses**

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

### **Responses from organisations listed in the consultation section:**

Response received from Local Authority – Environmental Health.

Brief summary of issues raised: No objection or comment.

Summary of actions taken: N/A

Response received from Local Authority – Planning.

Brief summary of issues raised: No objection or comment.

Summary of actions taken: N/A

Response received from Health & Safety Executive.

Brief summary of issues raised: No objection or comment.

Summary of actions taken: N/A

Response received from Fire & Rescue.

Brief summary of issues raised: No objection or comment.

Summary of actions taken: N/A



Response received from Director of Public Health and United Kingdom Health Security Agency (UKHSA).

Brief summary of issues raised: No significant concerns.

Summary of actions taken: N/A