

Permitting Decisions- Variation

We have decided to grant the variation for Land Recovery Limited Hazardous Waste Facility operated by Land Recovery Limited.

The variation number is EPR/PP3839YT/V005.

The variation is for:

- operation of a new waste treatment process for conditioning of cement kiln dust (CKD) and cement kiln bypass dust (BKD) as an additional S5.3A1(a)(vi) activity with permit activity reference AR5
- addition of new waste codes for acceptance of waste for under activity AR5 and other existing activities including:
 - AR1 S5.3A1(a)(vi) – Physical screening of hazardous waste
 - AR2 S5.3 A1 (a) (ii) Hazardous waste washing facility.
 - AR4 S S5.6 A1 (a) (i) Hazardous waste transfer facility.
 - AR9 waste operations - Non-hazardous waste transfer & treatment facility
- consolidation of the standard rules (SR) 2015 No 10 permit EPR/CB3602CY into permit EPR/PP3839YT under activities AR9, AR2 and AR3 with cessation of the standard rules permit.
- an increase in the total combined waste throughput capacity for the installation and waste operations from 350,000 to 555,000 tonnes per annum (tpa).

There are no changes to the range of hazardous properties of wastes accepted, no changes to the maximum tonnage of waste stored at any one time and no changes to the installation boundary.

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Decision considerations

Confidential information

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

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

Identifying confidential information

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

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

Consultation

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

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Health and safety Executive (HSE)
- Local Authority Environmental Health (Stoke-on-Trent City Council)

No responses were received.

The regulated facility

We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1.

We considered this with respect to consolidation of the SR 2015 No 10 permit EPR/CB3602CY.

The consolidation of permit EPR/CB3602CY (the SR permit) adds the waste operations of the SR permit and, a limited range, of the waste types to permit EPR/PP3839YT under the permitted bespoke waste operation activity AR9 (previously referenced as AR8). The consolidation results in the addition of two new waste recovery and disposal operations descriptions R4 and D14 to AR9

and adds 75,000 tpa waste throughput into the consolidated permit for the AR9 activity, bringing the sites total combined waste throughput to 555,000 tpa under this variation.

We confirmed that the site boundary for the SR permit is within the permitted installation boundary and both permits are operated by the same operator. We have decided to consolidate the operations under the SR permit and the SR permit will cease. There is no requirement for the operator to surrender the SR permit.

The application requested operation of the new waste treatment process for conditioning of cement kiln dust (CKD) and cement kiln bypass dust (BKD) as an additional S5.3A1(a)(ii) activity:

‘Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities—

(ii) physico-chemical treatment.’

We reviewed the description of the activity and decided that this is not the most suitable activity description. We decided that the new activity is an additional S5.3A1(a)(vi) activity:

‘Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities—

(vi) recycling or reclamation of inorganic materials other than metals or metal compounds.’

We made this decision considering that the intention of the new process is to recover the CKD and BKD rather than to treat for the purpose of disposal.

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

The site

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

This shows the extent of the site of the facility.

The plan is included in the permit.

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

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation,

landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

There are two statutory protected conservation sites within 10 km of the installation: Midland Meres and Mosses Phase 2 Ramsar Site is 9.2 km to the northwest and Metallic Tileries, Park House Site of Special Scientific Interest (SSSI) is 1.3 km to the southwest of the installation. There are a number of non-statutory protected ecological sites within 2 km of the installation: three Local Nature Reserves (LNR), six Local Wildlife Sites (LWS) and two Ancient Woodland sites.

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 changes associated with the variation and consolidation result in no changes to the range of hazardous properties of wastes accepted, no change to the maximum tonnage of waste stored at any one time and no change to the installation boundary.

Dust emissions

The wastes accepted for treatment in the new CKD and BKD conditioning process are dusty wastes. We have reviewed the risk of dust emissions from this waste and associated activities and are satisfied they will be appropriately addressed by the following controls.

CKD and BKD are accepted in road tankers and discharged into silos. The transfer to the silo is by way of a sealed coupling to prevent fugitive emissions of dust. CKD and BKD are conditioned by controlled addition of water in a batch process to produce either: a part-neutralised wet alkaline slurry or a neutralised material which is allowed to set before crushing on site.

The silo transfer to the mixing system and the conditioning process are fully enclosed until the wet products are deposited in the conditioning plant storage area. The part-neutralised product has a moisture content of approximately 12% to 14% and remains highly alkaline but does not set. The material does not transmit dust during movement and vehicles collecting the material are sheeted to prevent ingress of rainwater. The operator has updated their Dust Management Plan to include the new treatment facility (007-701-E_DMP_v2-2). The permit limits the total storage capacity (240 tonnes or 130 m³) and duration (1 month) for these products to ensure there is no build-up of treated waste products.

Water emissions

There are no emissions to water from the new CKD and BKD conditioning process. The silo, conditioning process and product storage area is served by a sealed drainage system and collected rainwater is re-used on-site.

Noise Emissions

The CKD and BKD conditioning process and associated product storage area have the potential to result in noise emissions. We have reviewed the risk of noise emissions from these associated activities and are satisfied they will be appropriately addressed by the following controls.

The conditioning process and associated product storage area are surrounded by a 4m high sleeper wall to the east and south of the process.

To demonstrate these controls will be effective the operator provided a revised noise impact assessment (NIA) which includes the new CKD and BKD conditioning process and takes into account the increased throughput capacity for the installation as a result of the variation. The revised NIA (701_010_NIA_v1.4) has informed an updated Noise Management Plan (007-701-I-NMP_v1.4). We have audited the NIA and reviewed the NMP. We have decided that noise from the variation alone is predicted to not change the predicted noise impacts from existing operations at any nearby sensitive receptor (NSR). We consider the changes due to the variation to be low risk with respect to the potential for impacts from noise.

We did not agree with the operator's predicted low noise impact for Cloughwood Way for existing site activities and have determined that an adverse impact is more appropriate for this receptor. Considering the context of this predicted impact and the lack of substantiated noise complaints for this receptor we are satisfied that the techniques described in the NMP are adequate to prevent significant impact.

General operating techniques

The application includes a review of the operating techniques for managing chemical waste against the relevant standards and guidance which include the [BAT Conclusions for Waste Treatment](#) and the guidance for [Chemical Waste: Appropriate measures for permitted facilities](#).

The revised ERA, NIA and NMP referenced in the Environmental risk section of this document have been included as Operating Techniques in the permit.

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.

Operating techniques for emissions that do not screen out as insignificant

Emissions of noise cannot be screened out as insignificant. We have assessed whether the proposed techniques are Best Available Techniques (BAT).

The new CKD and BKD conditioning process and the increase in waste throughput capacity permitted by this variation do not change the predicted noise impacts from existing operations at any nearby sensitive receptor (NSR). We consider the changes due to the variation to be low risk with respect to the potential for impacts from noise.

As noted in the section on Environmental risk, we did not agree with the operator's predicted low noise impact for Cloughwood Way for existing site activities and have determined that a potential risk of adverse impact from existing site activities is more appropriate for this receptor. We have reviewed the potential risk and, taking into consideration the context of this predicted impact and the lack of substantiated noise complaints for this receptor, we are satisfied that the techniques described in the revised NMP (007-701-I-NMP_v1.4) are BAT and are adequate to prevent significant impact.

The proposed techniques for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. The permit conditions enable compliance with relevant BAT reference documents (BREFs) and BAT Conclusions.

Noise and vibration management

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

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

We have approved the noise 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'.

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

Fire prevention plan

We haven't requested a Fire Prevention Plan at this time, but we will request one in the future if we consider the site poses a risk of fire.

The applicant has updated the existing Fire Prevention Plan to accommodate the change in site layout associated with the new CKD and BKD conditioning process. We have updated the reference to the Fire Prevention Plan in the Operating Techniques table in the permit to this current version (3925-701-D version 2.2).

We have not assessed the updated Fire Prevention Plan as we do not consider the fire risk to be increasing as part of this variation.

Dust management

We haven't requested a Dust Prevention Plan at this time, but we will request one in the future if we consider the site poses a risk of dust.

The applicant has updated the existing Dust Prevention Plan to accommodate the change in site layout associated with the new CKD and BKD conditioning process. We have updated the reference to the Dust Prevention Plan in the Operating Techniques table in the permit to this current version (007-701-E_DMP_v2-2).

We have reviewed the parts of the updated Dust Prevention Plan which are relevant to this variation. We have reviewed the changes in accordance with our guidance on emissions management plans for dust.

We consider that the changes to the dust and emission management plan relating to this variation are satisfactory and we approve these changes.

We have approved the relevant changes to 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](#)'.

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

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.

Waste types

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

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

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

We made these decisions with respect to waste types in accordance with [BAT Conclusions for Waste Treatment](#), the guidance for [Chemical Waste: Appropriate measures for permitted facilities](#) and [Guidance on the classification and assessment of waste \(1st Edition v1.2.GB\) Technical Guidance WM3](#).

Emission limits

No emission limits have been added, amended or deleted as a result of this variation. There are no existing point source emissions to air or water for this installation. The changes associated with the variation and consolidation do not add any new point source emissions to air or water.

Reporting

We have added reporting in the permit for the following parameters:

- Part neutralised wet product from AR5
- Set product from AR5

We have added annual reporting requirements for these two products from the new CKD and BKD conditioning process (AR5). We have added these reporting requirements as these are new treated waste products for the installation, they are intended for two different markets, have differing shelf-lives and differing requirements for further on-site processing (as described in the Environmental risk section).

We have required annual reporting of production quantities for the two products which is in keeping with our typical reporting requirements for annual production/treatment for waste installations.

We made these decisions in accordance with the [BAT Conclusions for Waste Treatment](#) and the guidance for [Chemical Waste: Appropriate measures for permitted facilities](#).

Management system

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

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

Technical competence

Technical competence is required for activities permitted. The changes associated with this variation do not change the level of technical competence required.

The operator is a member of the CIWM/WAMITAB scheme.

We have reviewed the operator's technical competence and noted that the operator holds the required continuing competencies (CC) for hazardous waste but does not hold the CC for treatment of non-hazardous waste (TMNH) under waste operation AR9.

In accordance with our procedures we have required the operator to obtain the required TMNH at their next CC test date (current CC expires 08/09/2025).

Growth duty

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

Paragraph 1.3 of the guidance says:

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

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

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