

Permitting Decisions- Variation

We have decided to grant the variation for GAP Waste Management operated by P A Moody Recycling Limited.

This variation authorises the following changes:

- the addition of a new 5.3 A(1)((a)(ii) activity of a hazardous plastic separation plant;
- the addition of a new DAA to bulk up VOCs gasses from fridge and insulation panels;
- the addition of two permitted waste codes to the waste tables for hazardous plastics and hazardous insulation panels and
- an increase to the permitted installation boundary.

There have been no changes in the number of emission points or the total quantity of waste treated annually at the site.

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:

- UK Health Security Agency - Response received.
- Local Authority (Gateshead Environmental Protection) – No response received.
- Health and Safety Executive - No response received.
- Local Fire Service - No response received.

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

The regulated facility

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

The extent of the facility 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.

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

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 not within our screening distances for these designations.

Environmental risk

We have reviewed the operator's risk assessment, DSEAR assessment, and HAZOP study 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 reviewed relevant guidance is Commission Implementing Decision (EU) 2018/1147 of 10 August 2018 establishing best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council, Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste, (WEEE): appropriate measures for permitted facilities, Non-hazardous and inert waste: appropriate measures for permitted facilities, Treating metal waste in shredders: appropriate measures for permitted facilities and Chemical waste: appropriate measures for permitted facilities and HSE Standards.

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

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will

aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Fire prevention plan

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.

The operator stated that the thermal insulation panels are not readily flammable. As a best practice, they will be handled and treated in the same manner as cooling appliances and flammable materials. The storage duration of the insulation panels has been limited to three months.

The plan sets out alternative measures that we consider meet the objectives of the Fire Prevention Plan guidance.

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

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

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 permit.

Raw materials

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

Raw materials and fuel description	Specification
Diesel	--
Hydraulic oils	--
Grease	--
Water	--
Nitrogen	--

Waste types

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

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

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

We have excluded the following wastes for the following reasons:

17 06 04 insulation materials other than those mentioned in 17 06 01 and 17 06 03. The operator confirmed that all insulation panels accepted at the site will be hazardous. On this basis this waste code was excluded.

Other considerations:

19 12 04 plastic and rubber. The operator requested to add this waste code to the waste operation for non-hazardous plastics separation plant (AR10). After reviewing the previous permit, this waste code is already in the permit and will carry over to be accept for AR10.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

Monitoring has not changed as a result of this variation.

Reporting

We have added/amended reporting in the permit to include:

- WEEE processed.
- Ferrous metal recovered.
- Non-ferrous metal recovered.
- Other fractions recovered.
- Non-metallic shredded metal recovered.

We made these decisions in accordance with Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities and Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste.

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 operator provided some of their management system documentation and additional evidence of their credentials. Their environmental management systems is accredited to ISO 9001:2015, 14001:2015 and 45001:2018.

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

Technical competence

Technical competence is required for activities permitted.

The operator is 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.

Financial competence

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

Financial provision

We are satisfied that the operator has made the necessary financial provision.

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.

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 UK Health Security Agency.

Brief summary of issues raised: Concerns are related to the risk of fire at the site and other emissions to air that are not otherwise covered by emissions limits.

Summary of actions taken: Following the consultation comments we asked the operator to adding clarification and amend the tanks and insulation panels storage area, and update inconsistencies with the tank’s sizes and firefighting water supply.

Additionally, we requested that all actions suggested in the DSEAR and HAZOP assessment be implemented, and that the operator provide evidence that these actions have been taken. We are now satisfied the Fire Prevention Plan meets the measures and objectives set out in the Fire Prevention Plan guidance.

This variation does not change the operator's emissions to air.