

Permitting Decisions- Variation

We have decided to grant the variation for Huyton Transfer Station operated by FCC Recycling (UK) Limited.

The variation number is EPR/JB3633RP/V006.

The permit was issued on EPR/JB3633RP.

The variation is for the addition of a waste operation for the transfer and storage of non-hazardous waste. The site can accept up to 120,000 tonnes per annum of Mixed Dry Recyclables (MDR), residual Municipal Solid Waste (MSW) and other wastes from household, commercial and industrial sources for bulking within the building prior to transferring off-site for further recovery and/or recycling. All delivery, handling, storing and loading of wastes into vehicles will be undertaken within the building.

The main features of the permit are as follows:

The site is permitted to accept non-hazardous waste for the pre-treatment prior to incineration. The permit contains a Section 5.4A(1)(b)(ii) activity for shredding of waste and production of Refuse-Derived Fuel (RDF) within the building. The facility when operational pre-treats up to 120,000 tonnes per year of waste primarily to produce a Refuse Derived Fuel (RDF) which is baled and stored prior to being sent for incineration.

A waste operation for the transfer and storage of non-hazardous waste is also included within the permit. The total amount of MDR and MSW and other wastes as part of the new transfer activity stored at any one time in the building will be 1,000 tonnes

The site activities are as follows:

Installation and directly associated activities

- AR1 - S5.4 A(1) (b) (ii) - Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving pre-treatment of waste for incineration or co-incineration.
- AR2 - Storage of waste pending recovery or disposal
- AR3 - Storage of processed materials
- AR4 - Raw materials storage
- AR5 - Discharge of drainage water from operational areas
- AR6 - Discharge of surface water

Waste operation

- AR7 – Storage and transfer of non-hazardous waste

The Site is situated 620m north-northwest of Junction 6 of the M62, approximately 2.5km to the southwest of Prescot. The River Mersey is located over 7.2km to the southeast at its closest point and leads to the Mersey Estuary over 15km to the west. National Grid Reference of the center of the site is SJ 45870 90085. The nearest residential receptors to the Site are houses located within the residential area around Logwood Rd 395m west-southwest from Site. St. Gabriel's Primary School is located 780m northwest.

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.

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
- 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 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:

- Local Authority – Environmental Protection Department
- Director of Public Health
- UKHSA
- Fire & Rescue

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'.

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 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.

The plan is included in the permit.

Site condition report

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

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 impact assessment

In determining the application we have considered the Environmental Statement.

Environmental risk

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

The operator's risk assessment is satisfactory.

Operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance 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.

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.

Odour management

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

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

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

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

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.

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'.

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.

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.

A pre-operational condition has been included to address the need of an approved Fire Prevention Plan prior to activities on site commencing.

At least 4 weeks prior to commissioning of activity AR7 - Storage, bulking and transfer of non-hazardous waste the operator shall submit a written Fire Prevention Plan (FPP) to the Environment Agency for assessment and written approval.

The plan shall identify all potential sources of fire risk within the permitted area and include measures to prevent fires and minimise the risk of pollution from fires in accordance with the Fire Prevention Plan guidance and template.

The FPP must contain but not limited to:

- Evidence that the automated penstocks have been installed.
- Drainage improvements as detailed in drawing ref. 27942/C-001 have been completed.

Once approved, the operator shall implement the Fire Prevention Plan in accordance with the Environment Agency's written approval.

The operator must implement any proposals identified within the plan in accordance with the Environment Agency's written approval and within the approved timescales.

Improvement programme

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

The operator shall undertake a review of all operational areas of the site including areas that are currently covered by an impermeable surface and sealed drainage systems. The review shall ascertain their state and determine if the design and construction of the impermeable surface and sealed drainage systems are in line with or equivalent to the standards required in CIRIA Report C736. The report of the review shall be certified by a suitably qualified engineer and submitted to the Environment Agency for approval together with details of any improvements required including but not limited to;

- The installation of new impermeable surfacing and sealed drainage systems which meet the requirements of CIRIA Report C736 or equivalent standard.

The operator shall implement the measures in accordance with the Environment Agency's written approval.

Emission limits

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

Management system

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.

A full review of the management system is undertaken during compliance checks.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the ESA/EU skills scheme.

We are satisfied that the operator is technically competent.

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 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, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from UKHSA.

Brief summary of issues raised: None.

Summary of actions taken: No action needed.

Response received from the Director of Public Health.

Brief summary of issues raised: None.

Summary of actions taken: No action needed.

Response received from Knowsley MBC.

Brief summary of issues raised: The preliminary response did not raise any issues. A secondary response was received stating *“On further review there is a concern in relation to odour, whilst the odour plan proposes mitigation and prevention measures, the site has been the subject of a number of complaints in the past in relation to odour and flies, and there is a concern for the purposefulness of the building to be able to contain the issues.”*

Summary of actions taken: As detailed within the section on odour management the odour management plan has been reviewed in accordance with our guidance on odour management.

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

Waste will be dealt with on a first in first out basis and will typically spend no longer than 7 days on site. All wastes are stored within the building.

Wastes with a potential to cause odour have been assessed within the OMP and controls are in place.

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’.