

Permitting Decisions- Variation

We have decided to grant the variation for Bridgnorth Recycling Facility (BRF) operated by Veolia ES UK Limited.

The variation is for additional hazardous waste codes to the section 5.3 activity for hazardous WEEE treatment. The variation also adds a physical treatment waste operation for the recycling of non-hazardous waste. The waste operation will utilise the same assets as the Section 5.3 activity and the only addition to infrastructure is a mini shredder.

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

- highlights [key issues](#) in the determination
- 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.

Key issues of the decision

- legal operator

The Environmental Permitting (England and Wales) Regulations 2016 requires a permit is issued to a legal operator (as defined). The legal operator must have sufficient control of the operation and competence to operate.

It was highlighted during our assessment of the application that there were two different legal operators within the same permit boundary. Bridgnorth Recycling Facility and the new non-hazardous waste operation (EB3005KB) are operated by Veolia ES UK Limited. The Transfer Station and HWRC (EAWML/102423) are operated by Veolia Shropshire Limited.

The application provided was misleading in that this situation was not adequately detailed, this caused significant delays to the determination and permitting process. Documents provided with the application would refer to the IWMF or BRF which are not the same sites. This overlap caused confusion in relation to drainage, fire prevention and duty of care.

The Regulations state there can be more than one legal operator

- joint operators of one activity and
- different operators separately running different parts of one activity (in installations this is known as a multi activity permit).

The application and operators do not meet the above requirements. Contractual arrangements were cited as a reason not to be able to combine permits under one legal operator. For growth duty we have allowed this variation to be issued but we acknowledge that the legal operator issue needs permanent resolution and encourage Veolia to address this.

To address the legal operator requirements and where responsibilities lie the operator provided maps, schedules for joint responsibility and fire prevention plan with this application between Veolia ES UK Limited (02481991) and Veolia ES Shropshire Limited (06256563). These maps, schedule and fire prevention plan have been incorporated into the permit operating techniques and clearly distinguish between responsible operators. This allows all permits to be regulated and enforced.

- Transfer Station Bay used to store BRF waste plastics

During the determination and discussions with local area, there is currently an agreement in place with the operators at the IWMF. The agreement allows the BRF to store waste plastics in a dedicated bay within the transfer station. The

agreement allows the plastic waste to remain responsibility of Veolia ES UK Ltd and there is no duty of care paperwork for the transfer. During the application maps and emails were provided asking this bay to be included within the BRF permit. We do not permit the bay within the Transfer Station to be used for storing waste plastics from the BRF and these documents are not included in the operating techniques.

This agreement will not form part of this permit and remain an Area agreement with the Operators. The agreement to store plastic waste by BRF at the transfer station can be revoked by Area at any time.

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

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Shropshire Council – Env Protection -

environmental.protection@shropshire.gov.uk;

Shropshire Council – Planning - planning.southern@shropshire.gov.uk

Shropshire Fire and Rescue Service - Enquiries@shropshirefire.gov.uk

Shropshire Council – Public Health - rachel.robinson@shropshire.gov.uk

UKHSA - envpermitting@ukhsa.gov.uk

HSE - concerns@hse.gov.uk

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 plans which we consider to be satisfactory.

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

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 not within our screening distances for these designations.

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 Best Available Techniques (BAT Waste Treatment) and non-hazardous and inert waste: appropriate measures for permitted facilities 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.

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 transfer station is used as tertiary fire water containment and this is detailed within the fire prevention plan. The FPP, schedule of responsibilities and maps of responsibilities between the legal operators is incorporated into the permit allowing this variation to be issued.

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.

Dust management

The operator requested some waste chapters and codes for the non-hazardous waste operation which were indicative of dusty wastes.

- 10 11 03 waste glass-based fibrous materials
- 12 01 05 Plastic shavings and turnings
- 12 01 03 Non-ferrous filings and turnings
- 12 01 02 Ferrous filings and turnings
- 19 01 02 Ferrous materials removed from bottom ash

The site lies 170m away from a sensitive receptor and we required a Dust Emissions Management Plan to manage this risk to be submitted for assessment. A DEMP was provided but this did not require assessment after the operator removed all the waste chapter and codes of dusty wastes, removing the risk. The DEMP provided has not been assessed and has not been incorporated into the operating techniques S1.2.

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

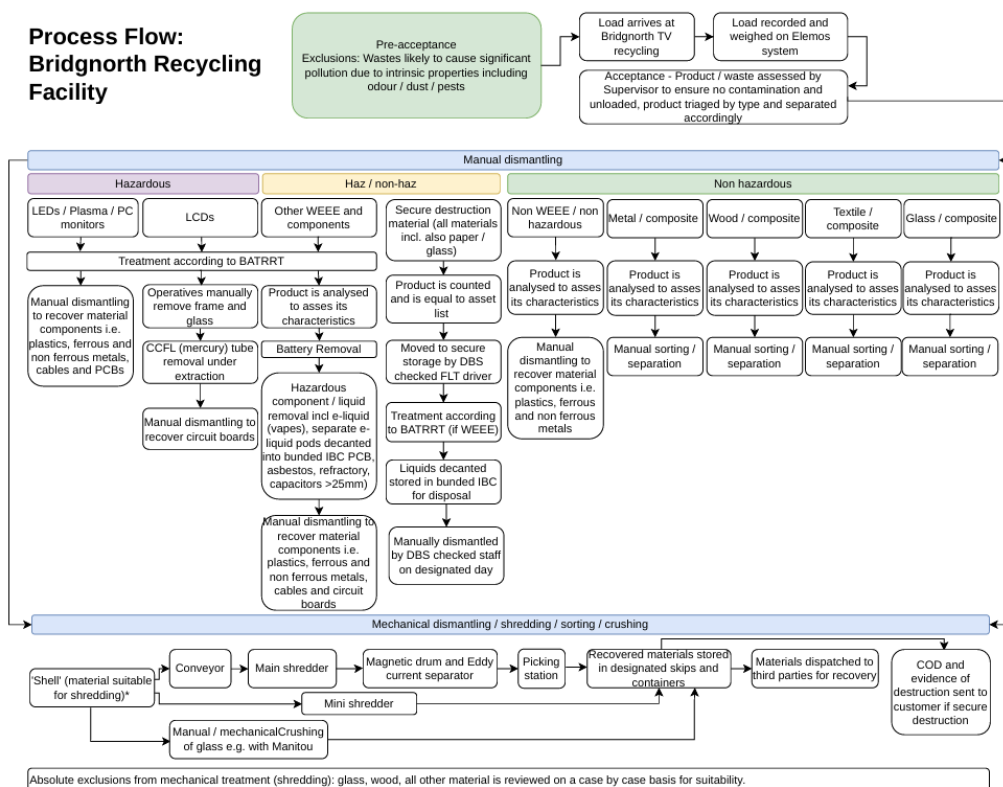
- the environmental risk assessment is acceptable.

Through the determination and assessment process the operator has removed several waste chapters and codes from this application.

For the Section 5.3 activity limited to WEEE the operator had initially requested 21 additional codes. Through the assessment process the operator removed several codes which were not similar in nature for WEEE treatment, increased pollution risk and were not applicable. We have assessed and agreed 8 hazardous waste codes for this activity, some with restrictions detailed below.

For the non-hazardous waste operation, the operator has initially requested 135 waste chapter codes, with 68 codes requested being 99 codes. Some of these codes represented dusty, liquids, gels, odorous or combustible wastes. The initial codes applied for prompted for DEMP to be provided as detailed in DEMP section.

Through the assessment process the operator has removed several codes which are not suitable or applicable for the processes or capabilities at the site. Waste codes are not applied to permits unless they are expected and can be processed.



We do not accept justifications that certain codes are listed in SR permits or exemptions or that operators may envisage that they may be asked to accept in the future.

We have agreed 32 non-hazardous waste codes for this activity, some with restrictions as detailed below.

We have restricted the following wastes for the following reasons

Section 5.3 installation

- 16 01 04 End of Life Vehicles is restricted to ebikes. Electronic bikes and scooters are coded as end-of-life vehicles but do not pose the same risk as other ELV's and are WEEE items. This prevents any other end of life vehicles being accepted at the installation. This limits wastes to WEEE in line with the installation activity.
- 16 01 21 Hazardous components other than those mentioned in 16 01 07 to 16 01 11, 16 01 13 and 16 01 14. This code is restricted to satellite navigation equipment and other permanent vehicle electronics. This prevents any other hazardous components from end-of-life vehicles being accepted at the installation. This limits wastes to WEEE in line with the installation activity.
- 19 12 11 Other wastes from mechanical treatment of wastes consisting dangerous substances. This code is restricted to solid hazardous WEEE removed from material recycling facilities. This limits wastes to WEEE inline with the installation activity.

Non-hazardous waste operation

- 03 01 05 sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04. This is restricted to allow pre and post-consumer products made from wood. This prevents loose, dusty wastes being accepted and is line with the dismantling activity permitted.
- 17 09 04 mixed construction and demolition waste other than those mentioned I 17 09 01, 17 09 02 and 17 09 03. This is restricted to window frames or similar composite assemblages/units. This prevents loose, dusty wastes being accepted and is line with the dismantling activity permitted.
- 19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 13 05. This is restricted to whole non-hazardous WEEE items from material recycling facilities. This prevents loose, dusty wastes being accepted and is line with the dismantling activity permitted.

We made these decisions with respect to waste types in accordance with appropriate measures guidance for the WEEE sector and non-hazardous waste as well as the List of Waste Regulations and WM3 guidance on EWC codes.

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 reporting in the permit for the following parameters:

Waste returns for the non-hazardous waste operation

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 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. We have noted the past poor performance, namely a previous significant (category 2) oil pollution incident from Bridgnorth IWMF. Through investigation of this incident the oil pollution event could not be contributed to an individual entity on the site.

The maps and schedules for joint responsibility between Veolia ES UK Limited (02481991) and Veolia ES Shropshire Limited (06256563) incorporated into this permit clearly distinguish between responsible operators. This allows poor performance, compliance and enforcement to be carried out by the Regulator.

Taking this into account, we do have concerns about operator competence, but we have considered this and on balance we have decided to grant the variation to the permit. The maps and schedules of responsibility provided with this

application resolves this issue pragmatically while still allowing the operators to continue to operate. We take compliance with our permits very seriously. We will be monitoring the site, and if performance is poor, then appropriate enforcement action will be taken, and we will reconsider the Operator's suitability to hold a permit.

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 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:

The main concern was in relation to emissions of Hg (Mercury), dust and POP's. UKHSA found Environmental Risk Assessment and Fire Prevention Plans appropriately considered hazards and mitigation. UKHSA recommended a robust complaints procedure is in place.

Summary of actions taken:

In terms of the emissions of Hg, dust and POP's there is no increase in throughput or storage at the installation for hazardous waste or treatment. POP's procedure is within the permit, and BAT assessments show abatement of emission to air is met. There is no change to abatement or air composition from this variation. Waste codes have been restricted within the waste operation to prevent the acceptance of dusty wastes to the site, minimising the risks of dust. There is an EMS operated under an approved scheme for CMS, this is compliant with BAT and provides a written complaints procedure for complaints.

Response received from **Shropshire Council Planning**

Brief summary of issues raised: no objections within the scope of planning permission

Summary of action taken: None