

Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Land at Croft Quarry operated by OCL REGENERATION LIMITED.

The application is for to treat up to 150,000 tonnes of asphalt waste containing coal tar from highway maintenance works per annum with up to 23,000 tonnes stored at any one time.

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.

Key issues of the decision

We raised some genuine concerns regarding drainage calculations provided by the operator initially. The applicant has now provided a revised Surface Water Management Plan and supporting operational procedures which address the drainage concerns identified during the determination process. The revised submission includes a detailed drainage strategy demonstrating that all potentially contaminated runoff generated within the operational areas will be collected via sealed drainage systems and directed to dedicated containment tanks. The drainage assessment has been updated using verified catchment areas and revised tank capacities, and confirms that runoff from the impermeable operational surfaces will be retained on-site without discharge to ground, surface

water or sewer. The assessment demonstrates that runoff can be contained within a combination of underground storage tanks and the impermeable bunded operational area during both storm events and more extreme rainfall scenarios.

Concerns regarding drainage network connectivity, storage capacity, exceedance containment and operational management have also been addressed through the provision of revised site drainage plans, storage calculations and management procedures. The applicant has confirmed that all operational areas are constructed as impermeable surfaces draining to sealed containment systems, supported by routine inspections, tank level monitoring, rainfall forecasting, alarm systems and procedures for maintaining available storage capacity prior to heavy rainfall events. The Environmental Management System requires additional inspections before, during and after storm events, together with arrangements for tankering and removal of collected water where required. On this basis, the applicant has demonstrated that the proposed drainage infrastructure and management controls are capable of containing and controlling potentially contaminated runoff and preventing uncontrolled releases to the environment.

Decision considerations

Confidential information

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

We consider that the inclusion of the relevant information on the public register would not prejudice the applicant's interests to an unreasonable degree.

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 – Leicestershire County Council
- Health and safety executive – HSE

No responses were received.

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’, Appendix 2 of RGN2 ‘Defining the scope of the installation’, Appendix 1 of RGN 2 ‘Interpretation of Schedule 1’, guidance on waste recovery plans and permits.

The extent of the facility 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.

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, 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, 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.

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 BAT Reference document and 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.

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.

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.

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

We have included a pre-operational condition requiring the operator to submit a commissioning plan/report for approval before commencing operations of hazardous asphalt waste containing coal-tar (AWCCT) treatment activity under AR1, AR2, AR3 and AR5. The enhanced treatment facility has not yet been constructed, and therefore sufficient evidence was not available at the time of permit determination to demonstrate that the final design, construction specifications, containment infrastructure, drainage systems and pollution control measures will operate as proposed. The pre-operational condition will ensure that the completed facility, associated engineering controls and monitoring arrangements are independently verified and approved by the Environment Agency prior to operation, providing confidence that the activity can be carried out without causing pollution of the environment.

Emission Limits

We have decided that emission limits are not required in the permit.

Emission from a 60kva generator is quite minimal. The site has a sealed drainage system and there are no emissions to water. Dust management plan in

place, if complaints are received regarding dust in the future, dust management plan can be amended by area serving a notice through condition 3.2 of 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.

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

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.