Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Harrimans Lane operated by Donald Ward Limited.

The application is for a metal recycling facility for the treatment of non-hazardous metals in a hammer mill fragmentiser. The permit also allows treatment of Small Mixed WEEE, End of Life Vehicle depollution and a Metal Recycling. The facility is permitted to accept 480,000 tonnes of waste annually across all activities.

The permitted activities include:

Installation and directly associated activities

- Section 5.4 Part A(1)(b)(iv) - Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components;
- Section 5.3 A(1)(a)(ii) - Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment involving mechanical treatment of small mixed WEEE;
- Section 5.3 A(1)(a)(ii) - Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment involving mechanical sorting, segregation and grading of hazardous fractions resulting from the shredding of wastes containing ferrous and non-ferrous metals
- Section 5.6 A(1)(a) - Temporary storage of hazardous waste in facility with a total capacity exceeding 50 tonnes pending any of the activities listed in Section 5.1, 5.2 and 5.3;
- Storage of non-hazardous waste pending treatment;
- Physical treatment for the purpose of recycling - Manual and mechanical sorting, segregation and grading of non-hazardous fractions resulting from the shredding of wastes containing ferrous and non-ferrous metals;
- Physical treatment for purpose of recycling - Manual sorting and separation of small mixed WEEE prior to mechanical treatment under AR2;
- Physical treatment for the purpose of recycling - Manual and mechanical sorting, segregation and grading of non-hazardous fractions, resulting from the shredding of SMW;
- Raw material handling and storage.

Waste operations:

- End-of-Life Vehicle (ELV) storage, depollution and dismantling (authorised treatment) facility;
- Waste Electrical Electronic Equipment (WEEE) authorised treatment facility – the repair and refurbishment aspect of this waste operation has been mothballed;
- Metal Recycling.

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

Permit application overview

Donald Ward Limited is taking over the operation of this site following the liquidation of the previous permit holder. Before the previous permit was disclaimed, it was subject to a permit review programme through which a number of improvement conditions had been identified. These conditions have been incorporated into this permit and require the operator to review and upgrade the site's existing infrastructure.

Emission to Surface Water

The permit application includes two point source emissions to water: one to surface water and one to sewer. Both discharges are rainfall-dependent. The H1 assessment submitted with the application did not screen out the surface water discharge as insignificant. An improvement programme has therefore been included in the draft permit to address these discharges.

The improvement condition requires the operator to collect samples from emission points W1 and S1, update the H1 assessment and undertake modelling of each discharge where required. The operator must then propose mitigation measures where necessary.

Where the H1 assessment and/or modelling indicates that emissions of any assessed parameter are likely to cause a significant or adverse impact, the operator must cease further discharge of site effluent to sewer and/or surface water, as applicable. The operator must also submit proposals, including timescales, for managing the effluent to ensure that discharges have an insignificant impact on receiving waters.

Dust and emissions monitoring

The permit includes improvement conditions requiring the operator to address dust and emissions monitoring. The operator must conduct an diffuse emissions monitoring review, including monitoring at on-site locations such as the shredder residue storage areas and the TAPO plant. The operator must review the effectiveness of the facility's current diffuse emissions monitoring strategy and preventative measures, and propose any improvements with timescales for their implementation. The operator must also submit an updated DEMP to the Environment Agency for approval. This must include details of ongoing compliance monitoring for ambient dust emissions, action levels and the actions taken when emissions are identified.

The permit includes further improvement conditions requiring the operator to review emissions controls for the downstream conveyors from the metal shredder and the TAPO plant to ensure that the controls meet the requirements of the Environment Agency's guidance. Where necessary, the operator will update the controls for ambient dust emissions. This could include:

- limiting the drop height of material.
- using wind barriers.
- covering conveyor belts, including enclosure of transfer points.
- fitting spray nozzles or rubber flaps to the inlet and outlet of the shredder mill.
- using misting systems and wind barriers in areas with significant dust formation.

Finally, they are required to submit a report demonstrating the effectiveness of the facility's emission controls and proposals for any further ongoing monitoring.

Site condition baseline

A site condition report has been completed for the permit application. The site condition report does not include any baseline data for the condition of soil and groundwater. As such we have included an improvement condition in the permit which requires the operator to collect baseline data of the site and submit a written report of that to the Environment Agency.

Decision considerations

Confidential information

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

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 Planning Authority

Environmental Health

Health and Safety Executive

Sewer Undertaker

UKHSA

The comments and our responses are summarised in the consultation responses section.

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’ and Treating metal waste in shredders: appropriate measures for permitted facilities.

The extent of the facilities 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 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 not satisfactory. The decision was taken in accordance with our guidance on site condition reports.

We have advised the operator what measures they need to take to improve the site condition report. Currently the site condition report does not include the results of intrusive baseline sampling. The operator has detailed their intent to collect this information and update the site condition report. An improvement condition has been included within the permit to formalise this.

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 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 unsatisfactory and required additional Environment Agency assessment. Emissions to surface water have not screened out using the H1 tool. In order to rectify this, an improvement programme has been included within the permit as detailed within the key issues section.

General operating techniques

The operator has provided information to support compliance with the BAT Reference document. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with all BATc with the exception of BAT14 and section 6.3 of the Environment Agency's guidance - Treating metal waste in shredders: appropriate measures for permitted facilities.

As such IC4a and IC4b have been included within the permit requiring the operator to review of emissions controls relating to downstream conveyors from the metal shredder and the TAPO plant to ensure that they meet the requirements of the Environment Agency's guidance as detailed within the key issues section.

The operating techniques that the applicant must use are specified in table S1.2, S1.3 and S1.4 in the environmental permit.

Operating techniques for emissions that do not screen out as insignificant

Emissions of Cadmium, Mercury and Zinc cannot be screened out as insignificant. We have assessed whether the proposed techniques are Best Available Techniques (BAT).

The proposed techniques/emission levels 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, and Emission Limit Values (ELVs) deliver compliance with BAT-Associated Emission Levels (AELs).

We have therefore set the following alternative requirements, that the operator comply with the improvement programme for the assessment of the emission to surface water as detailed in the key issues section.

Operating techniques for emissions that screen out as insignificant

Emissions of ammonia, arsenic, chromium, iron, lead, nickel, tin and un-ionised ammonia as nitrogen have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

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.

Noise and vibration management

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

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

We have approved the noise and vibration 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 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.

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 table S1.2 of the environmental permit.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We have not approved the dust and emission management plan as there are updates to this document required. These have been specified within IC5 which requires the resubmission of a dust and emission management plan.

The operator must include within the revised dust and emissions management plan information on monitoring method, trigger levels, actions taken and locations as required in IC5 and subsequently Table S3.4 for ambient dust.

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.

We made these decisions with respect to waste types in accordance with Treating metal waste in shredders: appropriate measures for permitted facilities, Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities and End of life vehicles (ELVs): appropriate measures for permitted facilities.

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions.

PO1 has been included which requires the operator to produce pre-acceptance and acceptance criteria/checks for new waste codes added to the permit which contain oil. They must also detail how the wastes will be stored, run-off identified and managed. This must all be completed before waste codes 12 01 07*, 12 01 09*, 12 01 10* and 12 01 19* are accepted onto site.

Improvement programme

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

We have included an improvement programme to ensure that:

- **IC1 – Surface water and sewer emissions:** Emissions to surface water and sewer do not pose an unacceptable environmental risk, and relevant pollution parameters screen out as insignificant following environmental assessment.
- **IC2 – Water segregation and management:** Clean and potentially contaminated water streams are appropriately segregated. The operator is required to review and resubmit its site drainage plan to the Environment Agency for approval. The review must consider the feasibility of clean and dirty water segregation measures and options for the containment, treatment, recycling and reuse of water.
- **IC3a and IC3b – Ambient air monitoring:** An appropriate ambient air monitoring programme is established and implemented at the site. The operator is required to submit a proposed monitoring programme to the Environment Agency for approval and subsequently carry out monitoring in accordance with the approved programme. Following completion of the monitoring, the operator must submit a report summarising the results, assessing the effectiveness of the monitoring strategy and identifying any further improvements required.
- **IC4a and IC4b – Point source emissions of dust and particulates:** Point source emissions of dust and particulates are minimised and relevant plant and associated emission controls meet the requirements of section 6.3 of the applicable appropriate measures guidance.
- **IC5 – Dust and emissions management plan:** The operator is required to submit an updated Dust and Emissions Management Plan (DEMP).

Emission Limits

Emission Limit Values (ELVs) and equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added for the following substances:

Emission to Air:

- Dust

Emission to Water

- TOC
- COD
- Total suspended solids
- Hydrocarbon oil index
- Arsenic

- Cadmium
- Chromium
- Copper
- Lead
- Nickel
- Zinc
- Mercury

Emission to Sewer

- Hydrocarbon oil index
- Arsenic
- Cadmium
- Chromium
- Copper
- Lead
- Nickel
- Zinc
- Mercury

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been included in order to ensure that the emissions meet BAT and there are no exceedances.

We made these decisions in accordance with Best Available Techniques (BAT) Conclusions for Waste Treatment, Treating metal waste in shredders: appropriate measures for permitted facilities, Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities and End of life vehicles (ELVs): appropriate measures for permitted facilities.

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with Best Available Techniques (BAT) Conclusions for Waste Treatment, Treating metal waste in shredders: appropriate measures for permitted facilities, Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities and End of life vehicles (ELVs): 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.

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 CIWM/WAMITAB scheme

We are satisfied that the operator is technically competent.

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.

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 Nottingham City Council Planning.

Brief summary of issues raised: no response received.

Summary of actions taken: N/A.

Response received from Nottingham City Environmental Health.

Brief summary of issues raised: no response received.

Summary of actions taken: N/A.

Response received from Health and Safety Executive.

Brief summary of issues raised: no response received.

Summary of actions taken: N/A.

Response received from Severn Trent.

Brief summary of issues raised: no response received.

Summary of actions taken: N/A.

Response received from UKHSA.

Brief summary of issues raised: Impact of NO_2 emissions, exceedance of EQS for multiple metals within the surface water discharge assessment, site water abstraction and potential impacts upon this.

Summary of actions taken:

Impact of NO_2

Within the permitted activities there are no combustion activities and there are no sources of NO_2 emissions.

Exceedance of EQS

The assessment of the surface water emission has been reviewed as part of the determination. As highlighted within the key issues section of this document, an improvement programme has been included within the permit to address the exceedances.

Site water abstraction

Further information on the protection provided to the abstraction point was requested as part of the schedule 5 notice. The operator detailed that "*with regards the Abstraction and SPZ on site, these are specifically protected by being an enclosed system. Access from ground level is via a sealed cover to the pump and groundwater*".

Representations from individual members of the public

Brief summary of issues raised:

- Risk of fires
- Dust emissions
- Operator competence
- Litter
- Odour
- Traffic movements
- Noise
- Impact on wildlife

Summary of actions taken:

Risk of Fire:

The fire prevention plan submitted as part of the application has been fully assessed against the requirements of Fire prevention plans: environmental permits - GOV.UK. The fire prevention plan meets the requirements of this guidance and as such has been incorporated into the operating techniques.

Dust emissions:

A number of controls are in place on site to control emissions of dust. Dust suppression is also in use on site. Emissions of dust have been assessed as part of the application. Any improvements required are being addressed within the improvement conditions of the permit.

Operator Competence:

The operator’s competence has been assessed as part of the application. Technical competency requirements have been met by the operator. On going competence and compliance with the permit conditions will be reviewed continually by the local teams.

Litter:

The concerns raised related to litter generated by vehicles and their drivers, not litter generated on site. This element is not within the remit of the Environment Agency to assess. Besides, the permit is being issued newly to Donald Ward and we cannot attribute the activities of the previous operator to them.

Odour:

Odour from the site has been reviewed as part of the application. The site is not accepting odorous wastes and the risk of odour from the site is deemed low.

Traffic movements:

Vehicle movements outside of the site are not within the remit of the Environment Agency to assess and control. This falls to the Local Planning Authority.

Noise:

Noise impact of the site has been assessed as part of the application. The operator submitted a noise impact assessment as part of their application documents. This was assessed by the Environment Agency noise specialists and found to be sufficient. Noise compliance will be an element of the site operations which will be routinely reviewed as part of the local teams checks.

Impact on wildlife:

The impact on wildlife and habitats has been considered as part of the application. The application is not within our screening distances for any designated sites. The submitted environmental risk assessment assessed the sites potential to impact air, land and water and considered the wider natural environment and this was deemed satisfactory.