Permitting Decisions - Variation

We have decided to grant the variation for Stanley Street Transfer Station operated by Cleansing Service Group Limited.

The variation number is EPR/HB3108TY/V003

We consider in reaching that decision we have considered all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

A summary of the proposal is as follows.

The variation allows an increase in the amount of healthcare waste (some of which is hazardous waste) being stored and repackaged at the facility. This means some of the waste operations now become an installation with listed activities under Schedule 1 and subject to BAT. The scheduled activities permitted for the installation are: Section 5.3 Part A(1)(a)(iv) the repackaging of hazardous waste, Section 5.3 Part A1(a)(iii) blending and mixing of hazardous waste, Section 5.3 Part A(1)(a)(ii) washing of empty hazardous waste containers, and crushing of empty drums and containers, and Section 5.6 Part A(1)(a) temporary storage of hazardous waste with a total capacity exceeding 50 tonnes. Healthcare waste is subject to repackaging before transfer via trans-frontier shipment (TFS) to specialist facilities abroad.

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

The key issues for this determination are the appropriate measures required to enable the handling and storage of hazardous waste at this permitted site. If the operator can comply with (BAT) the appropriate measures required to enable the treatment of hazardous waste and control emissions from the washing and shredding of containers.

While the listed activities are new to the permit, the facility will continue to carry out the same activities as before that includes storage, repackaging, washing, and crushing. There are no significant changes to the existing infrastructure, and the site has sufficient storage capacity and containment measures to accommodate this proposal. The total amount of waste accepted at the site (annual throughput) remains at 75,000 tonnes per year.

The waste operations include the storage and treatment of non-hazardous waste. As the material is a waste, there is a requirement for the Operator to also meet the standards of our guidance “Chemical waste: appropriate measures for permitted facilities” published 18 November 2020. The Operator has undertaken a review of these measures and demonstrated Best Available Techniques as summarised in their supporting information.

In particular, the key risks in this case are likely to be fugitive emissions, which are minimised by meeting the appropriate measures outlined in Section 4 of the guidance - Waste storage, segregation and handling appropriate measures.

Washing and crushing of waste

We have imposed an Improvement condition to ensure that fugitive emissions (dust, VOCs, and odour) from the drum washing and drum crushing plants and all appropriate measure are in place to control emissions. This is discussed below.

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:

- Council Planning Services
- Environmental Health
- Public Health England and Director of Public Health
- Health and Safety Executive

The site

The site was previously a waste facility and is now an installation because of the addition of the listed activities. These allow an increase in the amount of hazardous waste that is treated and stored at the site.

The Operator has provided a plan which we consider to be satisfactory. There are no changes to site boundary. The Operator has confirmed the site condition is the same as the original baseline, and the Site Condition Report has been updated accordingly.

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 within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and 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 as there are no changes to the emissions or infrastructure because of this variation.

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 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.

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.

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.

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.

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 (Table S1.3, IC1) to ensure that that fugitive emissions including dust, VOCs and odour from the drum washing and drum crushing plants and all appropriate measure are in place to control emissions. As an installation this is required in accordance with “Chemical waste: appropriate measures for permitted facilities” published 18 November 2020, We consider this is appropriate in relation to the small scale of these operations and the risk. The report will show if any abatement is required and if so require it to be implemented, subject to our approval.

Reporting

We have added a condition to the permit which requires quarterly reporting of waste returns.

Previous performance

We have assessed Operator competence. There is no known reason to consider the applicant will not 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 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

Responses received from:

- UK Heath Security Agency 9/06/2022

Summary of issues raised:

No objections to the proposal as long as the operator complies with the permit conditions

Summary of actions taken**: No action required.**

We did not receive any further responses from the other consultees.