

Environment Agency permitting decisions

Bespoke permit (Tier 2)

We have decided to grant the permit for Unit C, Kingmoor Park operated by Cubby Construction Limited.

The permit number is EPR/CB3200TS

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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
Operator		
Control of the facility	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 EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	The operator has provided a description of the condition of the site. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED – guidance and templates (H5). On site infrastructure will prevent any contamination to groundwater.	✓
Biodiversity, Heritage, Landscape and Nature	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Conservation	This meant the applicant was unable to qualify for the SR2010No12 because of the location criteria as the site is within 500m of the River Eden (SSSI) and Special Area of Conservation (SAC). The site is located approx. 450m from this conservation site. A H1 Risk assessment was carried out by the operator which addresses the impacts on the SSSI and SAC Receptors. The risk assessment concluded that the operation will not have a significant effect on the site. We agreed with this decision We have therefore not formally consulted on the application. The decision was taken in accordance with our guidance.	
Environmental Risk Assessment and operating techniques		
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 used by the operator and compared these with the relevant guidance notes. The proposed techniques for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.	✓
The permit conditions		
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. The acceptable wastes for this permit are in line with those in the Standard Rules permit SR2010No12.	✓
Incorporating the application	We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process. These descriptions are specified in the Operating Techniques table in the permit.	✓
Operator Competence		
Environment	There is no known reason to consider that the operator	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
management system	will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	
Technical competence	Technical competency is required for activities permitted. The operator has three employees registered on a training course with CIWM for the EPOC dated 9/10 December 2014. The named competent person is Tommy Cubby .	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.
(Newspaper advertising is only carried out for certain application types, in line with our guidance)

Response received from
Public Health England – 09/03/2015 by Letter from Dr Rajinder Pnaiser
Brief summary of issues raised
We recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health such as fugitive emissions from vehicle movements and dust generation from processing of inert waste material.
However, in this particular process operation it appears that emissions to air will have a negligible impact to public health if controlled adequately and PHE is reassured that the applicant has measures in place to dampen and supress any emissions should they arise.
Summary of actions taken or show how this has been covered
Dust suppression measures have been included in the applicants operating techniques. There is a condition in the permit that is intended to control dust emissions, condition 3.2.

No other consultation responses were received