Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Towens of Weston Limited

Towens Kleen Kutt Yard
Land off Springway Lane
Westonzoyland
TA7 0JS

Permit number

EPR/NP3729SJ

Towens Kleen Kutt Yard
Permit number EPR/NP3729SJ

Introductory note

This introductory note does not form a part of the permit

The main features of the permit are as follows.

This permit is for an inert and non-hazardous waste treatment and transfer site, accepting mainly soils, to then be used on flood defence works in the Somerset Levels. Infrequent treatment through sorting, separating, crushing, screening, and blending may take place using mobile plants on a campaign basis. The operations will take place on a hardstanding, permeable surface. There are no point source emissions from the site. The site is bordered by Langmead and Weston Level SSSI. The site is also within 13km of Middlezoy Areodrome.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	**Date**	**Comments**
Application EPR/NP3729SJ/A001 received	Duly made 09/08/2023	Application for soil and aggregate storage with physical treatment
Response to 1st Schedule 5 notice dated 30/08/2023	Responded on 26/09/2023	Updated Noise Impact Assessment, Noise Management Plan and Dust Emissions Management Plan. Information related to Habitats Assessment including EMS and ERA.
Response to 2nd Schedule 5 notice dated 12/10/2023	Responded on 01/12/2023	Updated Noise Impact Assessment, Noise Management Plan and Dust Emissions Management Plan. Information related to Habitats Assessment and site plan.
Response to RFI dated 21/12/2023	Responded on 22/12/2023	Confirmation of waste code restrictions.
Response to 3rd Schedule 5 notice dated 13/02/2024	Responded on 23/02/2024	Updated Noise Impact Assessment and Noise Management Plan
Response to 3rd Schedule 5 notice dated 13/02/2024	Responded on 13/03/2024	Updated Noise Impact Assessment and Noise Management Plan
Response to RFI dated 27/03/2024	Responded on 03/04/2024	Updated site boundary plan
Permit determined EPR/NP3729SJ	Issued on 20/06/2024	Permit issued to Towens of Weston Limited.

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

EPR/NP3729SJ

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

Towens of Weston Limited ("the operator"),

whose registered office is

Plot 2 Warne Road
Weston Super Mare
North Somerset
BS23 3UU

company registration number 04319664

to operate waste operations at

Towens Kleen Kutt Yard
Land off Springway Lane
Westonzoyland
TA7 0JS

to the extent authorised by and subject to the conditions of this permit.

Name	Date
Laura Asbury	**20/06/2024**

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

1.1.1 The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and

(b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.

1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

1.2.1 The operator shall take appropriate measures to ensure that:

(a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and

(b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and

(c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.

1.2.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 Operations

2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").

2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in red on the site plan at schedule 7 to this permit.

2.3 Operating techniques

2.3.1 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

2.3.2 If notified by the Environment Agency that the activities are giving rise to pollution, the operator shall submit to the Environment Agency for approval within the period specified, a revision of any plan or other documentation ("plan") specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan , and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by the Environment Agency.

2.3.3 Waste shall only be accepted if:

(a) it is of a type and quantity listed in schedule 2 table S2.1; and

(b) it conforms to the description in the documentation supplied by the producer and holder.

3 Emissions and monitoring

3.1 Emissions of substances not controlled by emission limits

3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

3.2 Odour

3.2.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

3.2.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, submit to the Environment Agency for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;

(b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.3 Noise and vibration

3.3.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

3.4 Pests

3.4.1 The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.

3.4.2 The operator shall:

(a) if notified by the Environment Agency, submit to the Environment Agency for approval within the period specified, a pests management plan which identifies and minimises risks of pollution, hazard or annoyance from pests;

(b) implement the pests management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

3.5 Fire prevention

3.5.1 The operator shall take all appropriate measures to prevent fires on site and minimise the risk of pollution from them including, but not limited to, those specified in any approved fire prevention plan.

3.5.2 The operator shall:

(a) if notified by the Environment Agency that the activities are giving rise to a risk of fire, submit to the Environment Agency for approval within the period specified, a fire prevention plan which prevents fires and minimises the risk of pollution from fires;

(b) implement the fire prevention plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

4 Information

4.1 Records

4.1.1 All records required to be made by this permit shall:

(a) be legible;

(b) be made as soon as reasonably practicable;

(c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and

(d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:

(i) off-site environmental effects; and

(ii) matters which affect the condition of the land and groundwater.

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.

4.2.2 Within one month of the end of each quarter, the operator shall submit to the Environment Agency using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

4.3 Notifications

4.3.1 The Environment Agency shall be notified without delay following the detection of:

(a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;

(b) the breach of a limit specified in the permit; or

(c) any significant adverse environmental effects.

4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.

4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

(a) any change in the operator's trading name, registered name or registered office address; and

(b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

(a) any change in the operator's name or address; and

(b) any steps taken with a view to the dissolution of the operator.

In any other case:

(a) the death of any of the named operators (where the operator consists of more than one named individual);

(b) any change in the operator's name(s) or address(es); and

(c) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

4.3.5 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:

(a) the Environment Agency shall be notified at least 14 days before making the change; and

(b) the notification shall contain a description of the proposed change in operation.

4.4 Interpretation

4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

Schedule 1 – Operations

Table S1.1 activities	
Description of activities for waste operations	**Limits of activities**
R3: Recycling/reclamation of organic substances which are not used as solvents R5: Recycling/reclamation of other inorganic materials R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced)	Treatment of wastes consisting only of manual and mechanical sorting/separation, screening, crushing and blending of waste for recovery as a soil, soil substitute or aggregate. Secure storage of wastes listed in Table S2.1 pending treatment. Storage of wastes listed in table S2.1 shall not exceed 75,000 tonnes in total at any one time. No more than 75,000 tonnes of waste shall be treated per year. Subject to any other requirements of this permit wastes shall be stored for no longer than or 3 years prior to recovery.

Table S1.2 Operating techniques		
Description	**Parts**	**Date Received**
Application	Physical treatment of non-hazardous waste: Non-hazardous and inert waste: appropriate measures for permitted facilities.	07/03/2023
Response to 2nd Schedule 5 Notice dated 12/10/2023	Approved Dust Management Plan consisting of the following document: Dust and Emissions Management Plan; Document reference: Towens Kleen Kutt DMP 24-11-23; Dated 24/11/2023; Revision 3.0	01/12/2023
Response to 3rd Schedule 5 Notice dated 13/02/2024	Approved Noise Management Plan consisting of the following document: Noise and Vibration Management Plan, Section 8.0 Appendices; Document reference: R10174-1 Rev 4; Dated 23/02/2024; Revision 4.0	23/02/2024

Schedule 2 – Waste types

Table S2.1 Permitted waste types and quantities for Physical treatment of non-hazardous waste	
Maximum quantity	**The total quantity of waste accepted at the site for the above activity shall be less than 75,000 tonnes a year.**
Waste code	**Description**
01	**WASTES RESULTING FROM EXPLORATION, MINING, QUARRYING, AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS**
01 01	**Wastes from mineral excavation**
01 01 02	Wastes from mineral non-metalliferous excavation
01 04	**Wastes from physical and chemical processing of non-metalliferous minerals**
01 04 08	Waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	Waste sand and clays
17	**CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)**
17 01	**Concrete, bricks, tiles and ceramics**
17 01 01	Concrete
17 01 02	Bricks
17 01 03	Tiles and ceramics
17 01 07	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
17 03	**Bituminous mixtures, coal tar and tarred products**
17 03 02	Bituminous mixtures other than those mentioned in 17 03 01
17 05	**Soil (including excavated soil from contaminated sites), stones and dredging spoil**
17 05 04	Soil and stones other than those mentioned in 17 05 03
17 05 06	Dredging spoil other than those mentioned in 17 05 05
17 05 08	Track ballast other than those mentioned in 17 05 07
17 09	**Other construction and demolition wastes**
17 09 04	Mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03
19	**WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE**
19 02	**Wastes from physico/chemical treatments of waste (including dechromatation, decyanidation, neutralisation)**
19 02 06	sludges from physico/chemical treatment other than those mentioned in 19 02 05
19 03	**Stabilised/solidified wastes**
19 03 05	Stabilised wastes other than those mentioned in 19 03 04
19 03 07	Solidified wastes other than those mentioned in 19 03 06
19 05	**Wastes from aerobic treatment of solid wastes**
19 05 03	Off-specification compost

Table S2.1 Permitted waste types and quantities for Physical treatment of non-hazardous waste	
Maximum quantity	**The total quantity of waste accepted at the site for the above activity shall be less than 75,000 tonnes a year.**
Waste code	**Description**
19 12	**Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified**
19 12 09	Minerals (for example sand, stones)
19 12 12	Aggregates only
19 13	**Wastes from soil and groundwater remediation**
19 13 02	Solid wastes from soil remediation other than mentioned in 19 13 01
19 13 04	Sludges from soil remediation other than those mentioned in 19 13 03
20	**MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS**
20 02	**Garden and park wastes (including cemetery waste**
20 02 02	Soil and stones

Schedule 3 – Emissions and monitoring

There are no emission limits or associated monitoring requirements.

Schedule 4 – Reporting

There is no reporting under this schedule.

Schedule 5 – Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution	
To be notified within 24 hours of detection	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection unless otherwise specified below	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value and uncertainty	
Date and time of monitoring	

(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection unless otherwise specified below	
Measures taken, or intended to be taken, to stop the emission	

(c) Notification requirements for the detection of any significant adverse environmental effect	
To be notified within 24 hours of detection	
Description of where the effect on the environment was detected	
Substances(s) detected	
Concentrations of substances detected	
Date of monitoring/sampling	

Part B – to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any unauthorised emissions from the facility in the preceding 24 months.	

Name*	
Post	
Signature	
Date	

* authorised to sign on behalf of the operator

Schedule 6 – Interpretation

“accident” means an accident that may result in pollution.

“Annex I” means Annex I to the Waste Framework Directive.

“Annex II” means Annex II to the Waste Framework Directive.

“application” means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“authorised officer” means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

“D” means a disposal operation provided for in Annex I to the Waste Framework Directive.

“emissions to land” includes emissions to groundwater.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the activities, either from the emission points specified in schedule 3 or from other localised or diffuse sources, which are not controlled by an emission or background concentration limit.

“EP Regulations” means The Environmental Permitting (England and Wales) Regulations SI 2016 No.1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“groundwater” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“groundwater protection zones 1 and 2” have the meaning given in the document titled "Groundwater Protection: Policy and Practice" published by the Environment Agency in 2006.

“List of Wastes” means the list of wastes established by Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste.

“pests” means birds, vermin and insects.

“R” means a recovery operation provided for in Annex II to the Waste Framework Directive.

“Waste code” means the six digit code referable to a type of waste in accordance with the List of Wastes and in relation to hazardous waste, includes the asterisk.

“Waste Framework Directive” or “WFD” means Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste, as read in accordance with Schedule 1A to the Environmental Permitting (England and Wales) Regulations 2016.

“year” means calendar year ending 31 December.

When the following terms appear in the waste code list in Schedule 2, table S2.1, for that table, they have the meaning given below:

“hazardous substance” means a substance classified as hazardous as a consequence of fulfilling the criteria laid down in parts 2 to 5 of Annex I to Regulation (EC) No 1272/2008.

“heavy metal” means any compound of antimony, arsenic, cadmium, chromium (VI), copper, lead, mercury, nickel, selenium, tellurium, thallium and tin, as well as these materials in metallic form, as far as these are classified as hazardous substances.

“PCBs” means

- polychlorinated biphenyls

- polychlorinated terphenyls
- monomethyl-tetrachlorodiphenyl methane, Monomethyl-dichloro-diphenyl methane, Monomethyldibromo-diphenyl methane
- any mixture containing any of the above mentioned substances in a total of more than 0,005 %by weight.

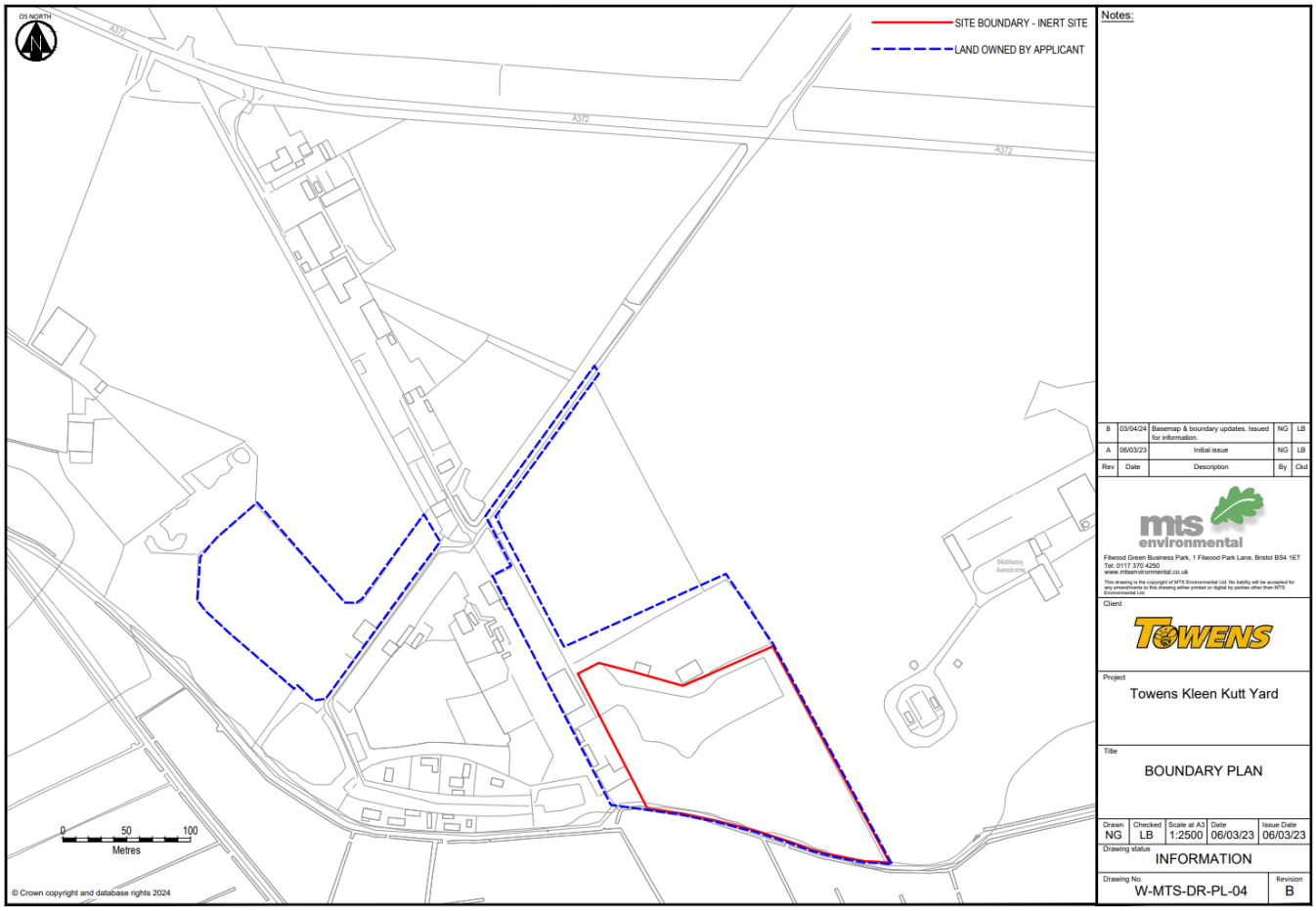
“transition metals” means any of the following metals: any compound of scandium, vanadium, manganese, cobalt, copper, yttrium, niobium, hafnium, tungsten, titanium, chromium, iron, nickel, zinc, zirconium, molybdenum and tantalum, as well as these materials in metallic form, as far as these are classified as hazardous substances.

“stabilisation” means processes which change the hazardousness of the constituents in the waste and transform hazardous waste into non-hazardous waste.

“solidification” means processes which only change the physical state of the waste by using additives without changing the chemical properties of the waste.

“partly stabilised wastes” means wastes containing, after the stabilisation process, hazardous constituents which have not been changed completely into non-hazardous constituents and could be released into the environment in the short, middle or long term.

Schedule 7 – Site plan



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