

# Environment Agency permitting decisions

## Bespoke permit

We have decided to grant the permit for Benwick Road Industrial Estate operated by East Anglian Resources Limited.

The permit number is **EPR/BB3802CP**

This environmental permit allows the operator to store and treat inert and non-hazardous waste wood to produce woodchip. The environmental permit allows the operator to treat waste by sorting, cutting, pulverising, shredding, and chipping. The total quantity of waste that can be accepted on the site under this permit shall not exceed 30,000 tonnes per year.

There are no point source emissions under this permit.

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.

This is a draft decision document, which accompanies a draft permit. It explains how we have determined the application, and why we have included specific conditions in the draft permit we are considering issuing to the applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the applicant's proposals.

The document is in draft at this stage, because we have yet to make a final decision. Before we make this decision we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us on the proposed application. We will make our final decision only after carefully taking into account any relevant matters in the responses we receive. Our mind remains open at this stage, although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any information that is relevant to the issues we have to consider. However unless we receive information that leads us to alter the conditions in the draft permit we will issue the permit in its current form.

## 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**

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

DRAFT

## **Key issues of the decision**

### **Background to the facility**

East Anglian Resources Limited have applied for an environmental permit to store and treat inert and non-hazardous waste wood to produce woodchip.

The facility will accept up to 30,000 tonnes per year of the following non-hazardous waste types for the purpose of producing woodchip:

- plant-tissue waste (wood and bark only)
- wastes from forestry (wood and bark)
- waste bark and cork
- sawdust, shavings, cuttings, wood, particle board and veneer
- waste bark and wood
- wooden packaging
- wood
- mixed construction and demolition wastes
- biodegradable waste (wood and bark only)

### **Fire**

The storage and treatment of wood waste poses a potential fire risk. The operator has submitted a Fire Prevention Plan which we have approved and deemed to be compliant with the Environment Agency's fire prevention plan guidance. The site has also been inspected by Cambridgeshire Fire and Rescue Service and no issues were reported. The Environment Agency's approach to regulating fire risk and the fire history of this site is addressed in Annex 2 of this document.

### **Dust**

Potential dust emissions from the site have been raised as the main concern by members of the public. The operator currently has the following control and mitigation measures in place to ensure that dust within the site boundary is controlled and contained within that boundary:

- addition of water to shredder and roads to suppress dust movement
- use of dust and debris netting at the site boundary
- use of dust-suppressant sprays
- reduction of drop heights
- restriction on vehicle speeds
- covering of loaded vehicles
- wind-protection
- stockpile management

We have requested the operator to provide us with a comprehensive dust management plan (DMP) within one month of issue of the permit. The objective of the DMP is to ensure fugitive emissions of dust are controlled on site. This DMP will be assessed by the Environment Agency for its compliance with sector guidance and use of the best available techniques for managing dust. Once approved, the operator will be required by their permit to fully comply with their DMP. If future dust complaints are reported and substantiated and sufficient mitigating steps are not instigated by the operator this could result in enforcement action. The Environment Agency's approach to regulating fugitive dust emissions, the dust history of this site and details of complaints received are addressed in Annex 2 of this document.

DRAFT

## 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
<b>Consultation</b>		
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 consultation responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
<b>Operator</b>		
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.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
<b>The site</b>		
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>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).</p>	
<p>Biodiversity, Heritage, Landscape and Nature Conservation</p>	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>The site is located within 200 m of a local nature reserve</p> <ul style="list-style-type: none"> <li>• Railway Lakes Nature Reserve</li> <li>• Lattersey Field Local Wildlife Site</li> <li>• Protected species</li> </ul> <p>The waste consists of clean wood and therefore its treatment will not result in the deposit of phytotoxic material on the Railway Lakes Nature Reserve. The treatment of the woodwaste will result in the production of dust however the operator has procedures in place to minimise the risk of dust dispersal including the addition of water to suppress dust movement and the use of dust and debris netting at the site boundary.</p>	<p>✓</p>
<b>Environmental Risk Assessment and operating techniques</b>		
<p>Environmental risk</p>	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>	<p>✓</p>
<p>Operating techniques</p>	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.</p>	<p>✓</p>

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The key measures proposed by the applicant are described within the following supporting documentation with the permit application.</p> <ul style="list-style-type: none"> <li>• Fire Prevention Plan amended 06 July 2015</li> </ul>	✓
<b>The permit conditions</b>		
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> <li>• Waste types accepted at the site are restricted to inert and non-hazardous wastes.</li> </ul> <p>We made these decisions with respect to waste types in accordance with:</p> <ul style="list-style-type: none"> <li>• Environment Agency TGN EPR 1.00 How to Comply with your Environmental Permit</li> </ul>	✓
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>An improvement condition has been added requiring the operator to submit a comprehensive Dust Management Plan for the approval by the Environment Agency within one month of issue of the permit. This will ensure the appropriate measures are in place to prevent fugitive emissions of dust from the site.</p>	✓
Incorporating the application	<p>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.</p> <p>These descriptions are specified in the Operating Techniques table in the permit. The management plans</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>incorporated in the permit are:</p> <ul style="list-style-type: none"> <li>• Fire Prevention Plan amended 06 July 2015</li> </ul>	
<b>Operator Competence</b>		
Environment management system	There is no known reason to consider that the operator 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	<p>Technical competency is required for activities permitted.</p> <p>Bobby Tribe has an Operator Competence Certificate for the Treatment of waste wood for recovery (4MTMTR6).</p> <p>The operator is a member of an agreed scheme.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
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.

- Cambridgeshire Fire & Rescue Service
- Wildlife Trust for Bedfordshire Cambridge and Northamptonshire
- Fenland District Council Planning Department
- Fenland District Council Environmental Health

Response received from Cambridgeshire Fire & Rescue Service
The Cambridgeshire Fire & Rescue Service were asked to carry out a fire audit on the site.
Brief summary of issues raised
The audit was undertaken on 30/09/2014. It found the management of the site to be good, with all paperwork covering fire risk assessment, policy statement, staff training and emergency procedures to be satisfactory. The site compliance manager was questioned regarding several aspects of storage, water supplies, run off following fire fighting operations and emergency procedures and his responses were deemed satisfactory by the Fire Services auditor. No issues were raised by the audit.
Summary of actions taken or show how this has been covered
No further action needed

Response received from Wildlife Trust for Bedfordshire Cambridge and Northamptonshire
The Wildlife Trust were consulted on the impact of the site on the Railway Lakes Nature Reserve, but no comments were received.
Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
No further action needed

Response received from Fenland District Council Planning Department
The Fenland District Council Planning Department were consulted but no comments were received.
Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
No further action needed

Response received from Fenland District Council Environmental Health
Fenland District Council Environmental Health were consulted but no comments were received.

Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
No further action needed

**Consultation Responses from members of the public at initial application stage**

The Environment Agency undertook the following Public Notification arrangements:

- EA website notification, between 09/10/2014 and 06/11/2014.
- Publishing of all documents relevant to the determination process on the Public Register.

No responses were received from members of the public following notification.

**Reporting a fire incident or making a dust complaint**

The Environment Agency is able to receive complaints through the incident hotline, by letter and directly through to the office. Our recommended method is via the incident hotline for efficiency (we advise that complainants should not use e-mail to report an incident, as this could delay our response). The Environment Agency commits to responding to incidents in line with their Common Incident Classification Scheme guidance.

We try to respond where we can (provided the complaints are not isolated anonymous complaints), and undertake proactive monitoring if it is deemed necessary in order to substantiate the nature, origin and extent of the odour complaint.

The Environment Agency monitors the Operator’s complaints records as part of compliance and routine incident response commitments.

**History of Fire complaints at this site**

We have received a single complaint (see below) regarding a fire at East Anglian Resources Limited. We are aware of a number of fires in adjacent units which do not form part of the East Anglian Limited permitted area.

On 09/01/2015 the operator reported a small, smouldering fire in the less than 10mm woodchip pile in the north east corner of the site. In consultation with Cambridgeshire Fire & Rescue and the Environment Agency it was agreed that this was best dealt with by way of a controlled burn. The Operator routinely measured temperatures within the stockpile to warn of any increase in the severity of the fire and damped down as appropriate. The fire was contained and eventually extinguished without any significant offsite impact. The fire was also reported by a nearby business the following day.

## Fire Action Plan and mitigation

The Operator holds a Fire Prevention Plan (document reference East Anglian Resources Ltd. Fire Prevention Plan dated 06/07/2015) which has been approved by the Environment Agency. This fire plan is deemed compliant with the Environment Agency's guidance "Fire prevention plans Version 2, March 2015".

To ensure early notification of a potential fire the Operator employs out of hours security and has five thermal imaging cameras covering the site. The cameras can be viewed remotely and will alarm via mobile phone.

The Operator is investigating the provision of dedicated fire hydrants.

The FPP includes the following control measures:

- Control of sources of ignition
- Detection of heating in processed chip stockpiles
- Protection from wind
- Stock rotation
- Details of water supplies and machinery for detecting and suppressing fires

The Fire Action Plan was assessed and approved by the Environment Agency on 6 July 2015. Following an inspection on 7 September 2015 by the Environment Agency the site was deemed to be operating in full compliance with their Fire Prevention Plan.

The operator is aware that if complaints relating to fire incidents are substantiated, then they would need to take steps to address the issues. This could include adopting additional fire abatement measures, and possibly even suspension or revocation of the permit if fire risk remains an issue.

## History of dust complaints at this site

There have been dust complaints relating to this site during the determination period and these have been investigated by the Environment Agency and the operator in line with the procedures outlined above.

Incident number	Date	Substantiated	Action taken
1270521	21/8/2014	Yes	Site requested to improve procedures. Drop heights minimised.
1283150	01/10/2014	No	
1317987	04/03/2015	No	Unannounced visit 9/3/2015. No

Incident number	Date	Substantiated	Action taken
			dust observed leaving site.
1331038	22/04/2015	No	
1331595	23/04/2015	No	Investigated by Fenland District Council.
1339729	26/05/2015	Yes	Site requested to improve dust management by, increasing wetting of yard and adding mesh fencing.
1344615	12/06/2015	Yes	
1345198	15/06/2015	Yes	Formal dust management plan requested.
1350400	01/07/2015	No	
1353824	10/7/2015	No	
1354419	13/7/2015	No	
1375936	17/9/2015	No	Visited site following day, dust observed outside of operational area when loading lorry. Improved procedures requested.

### Dust monitoring

Dust complaints are assessed in accordance with our Common Incident Classification Scheme and investigated accordingly. Since May 2015 we have visited the site on 7 occasions. Wood dust has been seen to be generated on site on a number of occasions, primarily during loading and unloading of lorries and from the re-suspension of settled dust by vehicle movements. Dust of a similar nature has been observed offsite and on parked cars but it has been difficult to determine a direct correlation.

Measures have been taken by the Operator to reduce dust emissions including:

- Reduction in stockpile height to reduce wind blown dust

- Reduction in drop height
- Additional water feed on shredder input
- Directional 'dust buster' water spray
- Wetting the yard area to reduce suspension
- Reducing vehicle speeds in the yard

Fenland District Council have also undertaken dust monitoring but this was in relation to other matters and was not suitable to determine whether the site was the source of wood dust on or around the estate

### **Dust Management Plan and mitigation**

An improvement condition has been added to this bespoke permit requiring the operator to submit a comprehensive Dust Management Plan (DMP) for the approval of the Environment Agency within one month of issue of the permit. The DMP will detail a range of control measures to be used to manage dust emissions in a variety of circumstances. This will be assessed and approved by the Environment Agency, for its adequacy for managing the potential for dust emissions from the site.

The operator is aware that if dust complaints are substantiated then they would need to take steps to address the issues. This could include adopting additional dust abatement measures and ultimately suspension or revocation of the permit if dust remained an issue.