

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy and we would welcome feedback as to how we might improve our decision documents in the future.

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Preliminary information and use of terms

We gave the Applications the reference numbers EPR/AB3007XN/T001 & EPR/AB3007XN/V002. We refer to the Applications together as “the **Application**” in this document in order to be consistent. Where we are specifically referring only to one or the other of the applications we refer to the Transfer or Variation Application as appropriate

The number we propose to give to the permit is EPR/AB3007XN. We refer to the permit as proposed to be varied and transferred “the **Permit**” in this document.

The Applications were duly made on 23/04/2013.

The Applicant is Street Fuel Limited. We refer to Street Fuel Limited as “the **Applicant**” in this document. Where we are talking about what would happen after the Permit is transferred and varied, we call Street Fuel Limited “the **Operator**”.

Street Fuel Limited’s proposes to have an existing permit transferred to them and then varied. The waste operation is located at: Berth 6, Basin 3, Chatham Dockyard, Gillingham, Kent, ME4 4SR. We refer to this as ‘the **waste facility**’ in this document.

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1 Our decision

We are minded to transfer the permit to the Applicant and vary the permit. This will allow them to operate the existing permitted waste facility for a household, commercial and industrial waste transfer station and treatment with some additional waste streams.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

The varied permit contains conditions taken from our standard Environmental Permit template including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the permit, we have considered the Application and accepted the details are sufficient and satisfactory to make the standard condition appropriate.

2 How we reached our decision

The Applications were duly made on 23/04/2013. This means we considered it was in the correct form and contained sufficient information for us to begin our determination but not that it necessarily contained all the information we would need to complete that determination: see the key issues section.

We have not received any information in relation to the application that appears to be confidential in relation to any party other than some financial accounts of the company received following a request for information which have not been placed on the public register (see below for more detail). All other information has been placed on the public register.

We carried out consultation on the Application taking into account the Environmental Permitting Regulations and our statutory Public Participation Statement and our own Regulatory Guidance Series (RGS) note 6 for determinations involving sites of High Public Interest.

We advertised the Application using a notice placed on our website, which contained all the information required by the regulations, including telling people where and when they could see a copy of the Application.

We placed a paper copy of the Application and all other documents relevant to our determination including additional information received during determination on to our Public Register at Orchard House, Endeavour Park, London Road, Addington, Kent, ME19 5SH. We also sent a copy to Medway

Council for its own Public Register. Anyone wishing to see these documents could do so and arrange for copies to be made.

We sent copies of the Application to the following bodies, including those with whom we have "Working Together Agreements":

- Medway Council Planning Department
- Medway Council Environmental Health
- Public Health England
- Director of Public Health England
- Kent Fire and Rescue
- Peel Ports Medway (Ports Authority)

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly.

In addition to advertising the Applications, we undertook an extended public consultation. Public drop-ins were held at St Mary's Island Community Centre on the 20th and 25th of September 2013 and our consultation was extended until the 30th September to give people more time to respond.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 2. We have taken all relevant representations into consideration in reaching our determination.

Although we were able to duly make the Applications and carry out consultation, we did in fact need more information in order to determine it and issued requests for more information on 03/06/2013, 05/06/2013, 19/06/2013, 25/06/2013, 08/07/2013, 20/08/2013, 09/09/2013, 25/11/2013 and issued information (Schedule 5) notices on 04/09/2013, 09/10/2013 and 16/10/2013. A copy of each information notice and their requests were placed on our public register, along with the responses when received other than where the information contained was regarding the companies finances.

Having carefully considered the Application and all other relevant information we are now putting our draft decision before the public and other interested parties in the form of a draft variation document, together with this explanatory document. As a result of this stage in the process, the public was provided with all the information that is relevant to our determination, including all the original Application and additional information obtained subsequently, and we have given the public two separate opportunities (including this one) to comment on the application and its determination. We will consider all relevant representations we receive in response to this consultation and will amend this explanatory document, as appropriate, to explain how we have done this when we publish our final decision.

We have carried out the determination taking into account all applicable European Directives. We address some of the major legal requirements directly where relevant in the body of this document.

We consider that in transferring and varying the permit, it will ensure that the operation will comply with all of the relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

3 Description of the waste facility

The currently permitted activities at this facility include the transfer and treatment of various Household, Commercial and Industrial waste types to sort out and store materials suitable for onward recycling within the UK and the production of refuse derived fuel (RDF) which is then shipped to facilities abroad under trans frontier shipment. The current permit was issued on 24th August 2006 under the Environmental Protection Act and subsequently varied under the Environmental Permitting Regulations on the 07 July 2010 to include a wider range of waste types. The permit states that all treatment shall take place within a building and there are also restrictions on waste storage and the site surface is impermeable with a sealed drainage system. None of these requirements will change.

The types of waste treatment are not described in Table 2.1 of the current permit but comprise of manual sorting, separation, screening, crushing or compaction, shredding and palletising of different waste into different components for recovery. Treatment has now been described fully in Table 2.1 for clarity and to prevent any other treatment taking place.

The site is located on Chatham Docks and around 73m from the closest residential properties on the St. Mary's Island development. A site plan showing the boundary of the facility should be included in schedule 1 of the current permit but cannot be located on our systems. This variation will add an agreed site plan reflecting what we consider is the currently permitted area. The operator is required under the permit to carry out all permitted activities within the site boundary shown.

Structure of this document

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

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Annex 1:

Key Issues of the decision

This Application is for a transfer and variation of a household, commercial and industrial waste transfer and treatment facility permit. The varied permit will authorise the addition of 59 waste types from 3 principle areas:

1. Mixed Commercial and industrial wastes
2. Mixed Construction and demolition wastes
3. Segregated paper and cardboard.

There is no increase in total tonnages permitted from this variation.

The key issues are;

is the Applicant competent to hold the Permit and are the changes to the waste types proposed acceptable to prevent pollution and harm to human health.

Environmental Risk Assessment

As part of our assessment of the Application we have carefully considered the risk assessment provided by the Applicant. We consider that the risk assessment covers all the potential risks and sets out appropriate measures by way of mitigation from the addition of more waste types to the current permit; it is therefore satisfactory.

All the activities will be carried out on an impermeable surface with sealed drainage. Wastes will be stored in secure, dedicated containers which will be inspected daily. This will ensure that groundwater and surface water is protected.

Fugitive emissions will be minimised by the use of management systems (see odour, dust, pest and noise and vibration management plans), in addition all treatment activities will be carried out within a building which will reduce the likelihood of fugitive emissions.

To ensure that the mitigation measures are effective, the Operator will keep under review the management systems and carry out their own reporting and monitor complaints.

Condition 3.3 of the permit requires the Operator to have appropriate measures to prevent or where not practicable to minimise emissions not subject to emission limits. In the unlikely event the activities are giving rise to pollution, the Operator must submit for approval a plan identifying and minimising the risks of pollution from fugitive emissions and implement this plan.

Relevant Habitats, statutory designated sites and Protected Species:

The site is within 130m of a European Site of Special Scientific Interest and Ramsar called the Medway Estuary and Marshes. The site is also around 50m from protected habitats and species in the Medway Estuary. The original bespoke permit application in 2006 consulted with English Nature (responsible agency prior to the formation of Natural England) on the proposals for a waste operation and English Nature responded that there would be 'no likely significant effect alone or in combination providing that a litter fence is installed around the site to prevent waste paper reaching the site'.

We have reviewed our original assessment of the likely significant effects and are satisfied that the variation application to increase the number of waste types will not lead to an increase in the risk and that there will be no likely significant effect on any European site and no damage to any special features of any Site of Special Scientific Interest or Ramsar.

From internal screening there are no records of protected or rare species within the footprint of the site but there are records of species in the Medway Estuary. Management of wastes at the surface has the potential of pollution to sensitive receptors (species and habitats, including the streams with a pathway to the Medway Estuary) should any contaminated material (solid or liquid) enter the watercourses. Measures are contained within the permit and supporting documents to ensure this does not happen.

The Environment Management System and Table S2.1 details the mitigation measures that are in place to prevent escape of solid or liquid wastes from the site. There are also measures to control emissions to air. These measures are further discussed in the waste storage and risk assessment sections of Annex 1.

Given the low level of emissions that will occur we are satisfied that these measures will protect the European protected site and that there will be no adverse effect on any protected species and habitats.

Waste Storage:

All wastes (except RDF) will be stored in a building on an impermeable surface with sealed drainage.

Storage of RDF is specified in the limits of activities table 2.1 as follows:

Fully wrapped bales of Refuse Derived Fuel (RDF - EWC 19 12 10) may be stored outside on an impermeable surface with sealed drainage. The stored bales must not exceed the height of 5m. RDF must not be stored for longer than 6 months.

The limits are given as a result of advice given by Kent Fire and Rescue service and in line with Agency guidance for example the position statement on storage of RDF at docks (No.128) and TGN 7.01 reducing fire risk at sites storing combustible materials. The storage limits have been agreed with the operator and incorporated into their EMS and Table 2.3 operating techniques.

We are satisfied that these methods are appropriate and that the risk of pollution from the activities will be minimised by including these limits on storage of waste activities.

The operator must still comply with any limits on planning permissions relevant to their facility as well as with the Environmental Permit so effectively they need to comply with whichever controls are more stringent if the different regimes impose different requirements.

Operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. We are satisfied that we have sufficient information on the proposed operations to determine the Application for a variation to the permit.

We have specified that the applicant must operate the varied facility in accordance with the following documents contained in the Application and now in Table 2.3 as below:

Table 2.3 Operating techniques

Description	Parts	Date Received
Additional information	Response to request for information:	
	Odour Management Plan (revision 1.1 June 2013)	31/10/2013
	Noise & Vibration Management Plan (Revision 1.1 October 2013)	31/10/2013
	Dust Management Plan (revision 1.2 October 2013)	31/10/2013
	Emergency Response Plan (issue 2 dated 01/05/2013)	15/05/2013
	Risk Assessment (October 2013)	31/10/2013
	Pest Management Plan (October 2013)	31/10/2013
	Environment Management System (revision 1.4 November 2013)	02/12/2013
Technical Guidance note (TGN7.01) Reducing Fire Risk at sites storing combustible materials	All	

These documents contain techniques that will be used for the operation of the facility and have been assessed by the Environment Agency as providing controls that will protect the environment and human health.

In order to incorporate these techniques we have also added condition 2.3.1 to the permit.

Monitoring:

No monitoring is required for the activities, emissions or the environment. This variation does not change this requirement.

Updating some permit conditions

We have updated some of the previous permit conditions to those in the new generic permit template. The operator has agreed that these new conditions are acceptable. The conditions which are being updated relate to odour, noise and pests. This is to make sure that the permit is as robust as possible to prevent these emissions from causing amenity issues and pollution and giving us the best tools available to enforcement against during compliance inspections.

Table 2.1 Limits of activities

The current permit does not specify the treatment activities which may take place on site, to ensure that the permit is more robust, given the increase in the number of waste types being authorised we have updated this table to include a limit on the treatment activities. No new activities have been added in this variation only those that are already authorised by the existing permit and reflect the current treatment activities taking place on site. The operator has agreed this is acceptable and agrees to these limits being formalised in the varied permit.

We have also taken this opportunity to update the R codes. Since the original permit was written the code numbers have changed but they still have the same meaning.

Site plan

In agreement with the operator we have added a new site plan to the variation. Whilst there is no perceived change to the site boundary the original plan was missing from the documentation and in order to make the permit as robust as possible it was thought prudent to add an agreed plan which can then be enforced against. This is as with other changes is to ensure that the risk of the facility from the addition of waste types is minimised by strengthening the permit.

Waste types

We have specified in the varied permit the waste types which can be accepted to the regulated facility following the variation application.

We are satisfied that the operator can accept these waste types because:

- i) The wastes are all categorised as non-hazardous in the European waste catalogue and are capable of being treated at the facility.
- ii) The wastes are unlikely to contain harmful components that cannot be safely treated and stored at the facility.

The waste types to be added come from Mechanical Recycling Facilities and are the residues from this sorting process, they are therefore secondary sorted materials which carry a reduced risk of pollution.

The operator also has the necessary management controls in place which will ensure that these waste types can be accepted without causing harm to the environment or human health. This includes suitable waste acceptance procedures which will ensure the site only accepts wastes it is authorised for. All non conforming wastes will either be rejected or quarantined before being removed.

The quantity of waste to be accepted at the facility is not changing as a result of the permit application.

Environment Management System

We are satisfied that the operator has a management system which will enable them to comply with the permit conditions and new waste types. The decision was taken in accordance with RGN 5 on Operator Competence.

We are also satisfied that sufficient resources are available to the operator to ensure compliance with all the permit conditions (see financial provision below)

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 transfer of the permit.

The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.

Technical Competence

Technical competency is required based on the regulated facility types in the permit.

The operator is a member of an agreed scheme.

The operator satisfies the criteria in RGN 5 on Operator Competence.

The proposed technically competent manager holds relevant qualifications 4TMNH & 4TSH which are Wamitab operator schemes. The operator has proven that they have suitably qualified and technically competent staff who will be on site.

Relevant convictions

The National Enforcement Database has been checked to ensure that all relevant convictions have been declared at the time of making this application.

Relevant convictions were found and declared in the application. A post conviction plan was submitted by the operator and assessed as satisfactory, in it they identify the causes of the offences and the proposed measures to prevent reoccurrence such as changes to the management such as a site manager with Technical competence certificates who gives instructions to staff. There are also new working practices such as full audit trails for all waste accepted and removed from site and more information contained on the weighbridge tickets.

Following the public consultation drop in sessions a member of the public identified that in July 2013 Metropolitan Waste Management Limited who share a director with Street Fuel Limited had been given further convictions subsequent to the application being submitted. The applicant has now provided a post conviction plan for these convictions. This was assessed together with details of improved performance since the conviction and they were decided to be satisfactory.

Again this post conviction plan and the subsequent actions by the company has demonstrated that they have identified the causes of the offences and have proposed and implemented measures to prevent re-occurrence.

The operator satisfies the criteria in RGN 5 on Operator Competence.

Financial Competence

The financial ability of the Applicant to comply with the requirements of the Permit has been investigated and we consider that they will have the financial ability to comply with the permit. Other than statutory filed accounts which are in the public domain all other financial information provided by the company

and used for our assessment has been kept confidential and not placed on the public register. This was requested by the applicant in a submission on 10th October 2013 by e-mail. In considering this request we concluded that the information such as projected management accounts is commercially sensitive to protect the legitimate economic interest of the company and this outweighed the presumption in favour of including it on the public register.

The decision was taken in accordance with RGN 5 on Operator Competence and Defra Environmental Permitting Core Guidance section 13 in relation to commercial and industrial confidentiality.

Administrative issues

We are satisfied that the Applicant submitted Opra score is accurate. The score is 26.

The Opra score will be used as the basis for subsistence and other charging, in accordance with our Charging Scheme. OPRA is the Environment Agencies method of ensuring application and subsistence fees are appropriate and proportionate for the level of regulation required.

We are satisfied that appropriate management systems and management structures will be in place for this transferred and varied facility and that sufficient resources are available to the Operator to ensure compliance with all the permit conditions.

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Summary of the Key Issues

The risks to air and water are minimised by the use of the operating techniques and equipment proposed by the Applicant which we have assessed and found to be satisfactory. The existing facility has a good record of compliance, the variation to the permit will increase the number of waste types but not the annual tonnage of the facility, any additional risk will be offset by the improved regulatory controls and enforced through the permit conditions.

Annex 2: Consultation and web publicising

Advertising and Consultation on the Application

The Application has been advertised and consulted upon in accordance with the Environment Agency's Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our decision is summarised in this Annex. Copies of all consultation responses have been placed on the Environment Agency and Local Authority public registers.

The Application was advertised on the Environment Agency website from 23/07/2013 to 30/09/2013. Copies of the Application were placed in the Environment Agency Public Register at Medway Council, Gun Wharf, Dock Road, Chatham, ME4 4TR & The Environment Agency, Orchard House, Endeavour Park, London Road, Addington, Kent, ME19 5SH

The following statutory and non-statutory bodies were consulted:

- Medway Council Planning Department
- Medway Council Environmental Health
- Public Health England
- Director of Public Health England
- Kent Fire and Rescue
- Peel Ports Medway (Ports Authority)

1) Consultation Responses from Statutory and Non-Statutory Bodies

Medway Council – Environmental Protection Team (Environmental Health) 16/08/2013	
Brief summary of issues raised:	Summary of action taken / how this has been covered
Noise “There does not appear to be a noise management plan submitted with this application . . . I would recommend than an appropriate noise management plan be submitted and approved by the Environment Agency (EA) prior to such an application	A noise management plan has been submitted and compared to the relevant guidance notes. It was approved by the Environment Agency as suitable for this facility. The latest generic condition for noise and vibration will be used. This will

<p>being granted so that the EA can be satisfied that nearby sensitive receptors shall not be adversely affected by noise from such sites”</p> <p>“Furthermore, noise from the sites’ operational activities, should be minimised as best as practicably possible, in order to mitigate any potential on nearby residential receptors.”</p> <p>The council confirmed that there have been no complaints of noise nuisance within the past 3 years in relation to current waste streams with the previous company Nordic Recycling Limited. No informal or formal action has been taken in relation to noise. There are no local noise initiatives and the council is not aware of any action being taken against the previous or present operators about noise.</p>	<p>ensure maximum regulatory control. Condition 3.5 of the permit will control Noise and Vibration.</p> <p>As no complaints are recorded by the council this reinforces the view that a Noise management plan and improved noise conditions will be suitable controls for this emission. No monitoring will be deemed necessary.</p>
<p>Odour: I would recommend that suitably worded condition be added to incorporate the restrictions of the odour management plan should the application be granted</p>	<p>An odour management plan has been submitted and compared to the relevant guidance notes. It was approved as suitable for this facility. In addition condition 3.4 from the latest generic permit template has been added to the permit to incorporate the odour management plan. Finally since the consultation with Medway council the operator has requested to remove the waste types with the higher potential to be odorous from the Variation Application.</p>
<p>Dust: I would recommend that an appropriate Emissions Management Plan be submitted and approved by the EA prior to any application being granted so that the EA can be satisfied that nearby sensitive receptors shall not be adversely affected by dust and other emissions</p>	<p>A dust management plan has been submitted and compared to the relevant guidance notes. It was approved as suitable for this facility. Condition 3.3.1 and 3.3.5 taken from the latest generic permit template have been added to the permit which controls emissions management. In addition the dust management plan is added as an operating technique</p>

from the site.	through condition 2.3.1 and table 2.3 of schedule 2.
Conviction of Street Fuel Limited: I note that there has been a previous conviction for “illegal tipping of controlled waste”. The EA should be satisfied that the operator is considered to be a fit and proper person to hold such a permit	This relates to the Transfer. A post conviction plan has been submitted and approved in accordance with the relevant guidance notes. The operator is considered to be a fit and proper person.

Response Received from Public Health England 01/08/2013	
Brief summary of issues raised:	Summary of action taken / how this has been covered
<p>We recommend that any variation EP issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health:</p> <ul style="list-style-type: none"> • Emissions to air e.g. fugitive/nuisance dust; • Noise and vibration e.g. machinery and transport; and • Waste disposal and handling e.g. litter and debris. 	<p>The operator has submitted management plans for dust & noise and vibration, in addition the Environment Management system refers to waste disposal and handling and the potential for litter and debris. All of these documents have been assessed against the relevant guidance notes and approved .</p>
<p>PHE has no significant concerns regarding risk to health of the local population from this proposed facility and takes all appropriate measure to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.</p>	<p>In addition to the management systems we have updated some conditions in the permit for fugitive emissions to ensure the best possible regulatory control.</p> <p>In the unlikely event that the management systems do not control the emissions and the activities give rise to pollution due to noise or vibration outside the site, a revised relevant management plan will be required by the Agency for approval and implementation</p> <p>This will not conflict with the planning requirements and the Operator will need to comply with both regimes.</p>
<p>In relation to potential risk to public health, we recommend that the EA also consult the following relevant organisation (s) in relation to their</p>	<p>Local Authority has been consulted.</p> <p>There is no requirement to consult the Food Standards Agency, there is no</p>

<p>areas of expertise:</p> <ul style="list-style-type: none"> - The local authority - The Foods Standards Agency; where there is the potential for deposition on land used for growing food crops or animal rearing - The director of Public Health for matters relating to wider public health impacts. 	<p>potential for deposition on land used for growing food crops or animal rearing. In accordance with our working together agreements this application does not require consultation with this organisation.</p> <p>The Director of public health was consulted but there was no response.</p>
<p>Any additional information obtained by the EA in relation to these comments should be sent to PHE for consideration.</p>	<p>This draft decision document will be available to PHE.</p>

<p>Response Received from Peel Ports (Ports Authority) 05/08/13</p>	
<p>Brief summary of issues raised:</p>	<p>Summary of action taken / how this has been covered</p>
<p>No comments are raised. I have forwarded your letter to Peel Land and Property (Ports no.3) Limited which owns Chatham Docks and they will respond as appropriate</p>	<p>None needed</p> <p>No response received from Peel Land and Property (Ports No3.) Limited.</p>

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2) Consultation Responses from Members of the Public and Community Organisations

A total of 93 responses were received from:

- Chatham Maritime Trust
- St Mary's Island Residents Association (SMIRA) – David Taylor
- River ward Councillors Craig Mackinley and Andrew Mackness
- Individual members of the public

The consultation comments were wide ranging and a number of the issues raised were outside the Environment Agencies remit in reaching its permitting decisions. Specifically questions and responses were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission.

We can only consider comments which pertain to the management of this facility arising from the variation and transfer which is what the application relates to. For consultation comments that relate to matters beyond our regulatory control see section 3 below.

The drop-in events were attended by over 100 people of these 32 made comments in writing and left these at the event. These comments are also included below and in the figure given above.

Summaries of the consultation responses and how we have addressed them are as follows:

a) Human and animal health impacts:

A number of comments were received about the potential health implications and hazards of the current operations and proposals such as itchy eyes, respiratory difficulties, potential for the release of formaldehyde (a carcinogen) as a respiratory irritant and the effects on vulnerable people and animals (elderly, young, people with existing conditions and pets).

The Environment Agency has a statutory role to protect the environment and human health from all processes and activities it regulates. We assessed the effects on human health for this application to vary the permit through the Environmental risk assessment described in Annex 1 above. Whilst the activities on site are not changing in this case we have considered the new waste types and the potential to give rise to odour, noise and vibration, accidents and fugitive emissions to air and water and the impact this could have on human health and find the risk assessment to be satisfactory. Of particular note is that all treatment of waste will take place indoors which will ensure that there is little impact from fugitive emissions.

We have also consulted Public Health England and the Director of Public Health England who have raised no significant concerns providing conditions are in place in regards to emissions to air e.g. fugitive/nuisance dust; noise

and vibration e.g. machinery and transport; and waste disposal and handling e.g. litter and debris. We are satisfied that the additional wastes which we are permitting will not give rise to significant pollution or harm to human health. See Annex 2, 1 above in relation to the detail of Public Health England comments.

Formaldehydes will not be released by the activities and the site will only accept non-hazardous wastes.

b) Local Wildlife:

Concerns have been raised that the permitted activities may affect local wildlife and scavenging birds who might consume waste from the site.

See Annex 1 for details of assessment of European protected sites, habitats and species. In summary, the original application has assessed the risk to local wildlife and protected species from these activities. All waste stored outside will be baled and will not be available for scavenging birds to consume.

It is not considered that the management of these additional waste types will have an adverse impact and that all appropriate measures will be in place to minimise the impact.

A pest management plan has been submitted, we do not consider birds to be a particular issue because the activities largely take place indoors, however the pest management plan does include a treatment plan to prevent rodents and fly infestations.

c) Ground Water and land contamination

Concerns were raised that the risk to ground water had not been adequately addressed by the Applicant in their risk assessment given the increased number of waste types. It was also raised that the land would likely become residential in the future and we should 'resist contaminating the site further now'.

The current environmental permit specifies the storage requirement for waste and treatment at this facility. The risk assessment includes details of how the risks from potential spillages are going to be minimised. All activities and storage activities will take place on an impermeable surface with sealed drainage and containment, in this way fugitive emissions such as to ground water or land will be prevented.

The Applicant has submitted a drainage plan that details the surface water running to main sewer. As part of the permit condition we will enforce the standards of the site surface if necessary.

The site is on a minor aquifer and not a designated Source Protection Zone, as such there is no significant risk to potable water supplies.

Storage of fuels and chemicals on site will be regulated by the Control of Pollution (Oil Storage) Regulations 2001.

Spillages during transport outside the permitted site boundary are outside the scope of the permit, but are subject to other regulatory controls (Duty of Care).

d) Light pollution

Concerns have been raised that the site will create light pollution which may impact both local residents and wildlife.

The use of artificial lights on site is controlled by the planning permission and falls outside of the remit of this permit. In addition it is not thought that the addition a waste types being permitted through this variation application will lead to an increase in the need for lighting. No plans have been submitted to vary any lighting on site. The operating hours of the facility are given in their EMS.

e) Planning permission

Concerns have been raised that planning permission should not be permitted for this facility or that additional housing should not be permitted for housing so close to this type of activity.

Planning permission is not a consideration for a the determination of the Application. It is the Operator's responsibility to comply with both it's permit and the planning permission.

We have consulted the local planning authority at Medway Council on two occasions and received no comments.

Also see section 3 below on location of the site.

f) Suitability of the Risk Assessment:

Concerns have been raised about the adequacy of the Applicant's Risk Assessment, whether it identified all the risks and categorised them correctly and deals adequately with the severity. There was also concern that the assessment should take into account the quality and improvements to the local environment of St. Mary's Island.

We have reviewed the assessment, and we are satisfied it complies with our relevant guidance and that it identifies and covers all appropriate risks and that measures are in place to address them. The risk assessment takes into account the location of the facility and the potential receptors and quality of environment at this location currently. The Management Plans also identify and address in more detail certain risks such as dust, odour and noise.

g) Inadequate consultation

A number of individuals have raised concerns that the consultation has been inadequate due to lack of public awareness and that the scope of the consultation was inadequate with no direct consultation to residents.

Other residents were concerned that their comments would make no difference.

We carried out consultation on the Application taking into account the Environmental Permitting Regulations and our statutory Public Participation Statement.

We advertised the Application by a notice placed on our website, which contained all the information required by the regulations, including telling people where and when they could see a copy of the Application.

We placed a paper copy of the Application and all other documents relevant to our determination on our Public Register and also sent a copy to Medway Council for its own Public Register. Anyone wishing to see these documents could do so and arrange for copies to be made.

Following the original consultation period we decided to hold direct consultation with the public at two drop in sessions on September 20th 2013 and September 25th 2013. We informed all of the consultees who had responded up until this date and advertised with the local press and through St Mary's Island Residents Association (SMIRA). We also extended the consultation until the 30th September to allow for any further comments following this drop in sessions.

We are satisfied that the consultation was effective and appropriate.

h) Adequacy of the Environment Management System (EMS)

Concerns have been raised that the EMS does not contain the adequate level of information and that it is not suitable to deal with the hazards.

In addition concerns were raised as to whether the company would achieve the standards set out

We have assessed the revised EMS (Version 1.4) and we are now satisfied that it contains the necessary information. The EMS is a working document and can be altered through out the life of the permit, if appropriate condition 1.1.1 can be used to require amendments to prevent pollution or harm to human health. The EMS is incorporated as an operating technique through condition 2.3.1 and Table 2.3, this further strengthens the ability of the Environment Agency to require improvements to this document where required.

Annex 1 above refers to the financial standing of the company, we have no reason to believe that they will not have the manpower to achieve the standards set out in this document.

i) Impact on property value and insurance premiums

A number of comments have been made that the proposed activities will have a negative impact on property values or insurance premiums in the local area.

House prices and insurance premiums are not a consideration of the Environmental Permitting decision making process. In any event we do not consider that based on the impacts from the permitted activities authorised by the variation to this permit that there is any reason why property prices or insurance premiums should be affected.

j) Operator competence

A number of concerns have been raised about the Operator and their competence to run the operations on site.

The permit requires the Operator to have an appropriate management system and we will be ensuring they comply with their permit conditions as part of our compliance work. We have no reason to believe that they would not be able to comply with this requirement.

k) Distress/detrimental effect on local residents

A number of comments have raised concerns that the activities will cause distress to the local community and will have a detrimental effect on residents.

Whilst we understand people are concerned about the proposals, we have assessed the impacts, we do not consider that there are any objective grounds to consider that there will be any impact on health and nor do Public Health England. Nor do we consider there will be any significant pollution or any objective grounds to be concerned about detrimental effects.

The Environment Agency is satisfied that we have sufficient information to determine the application and that human health and the environment is protected.

l) Noise and Vibration pollution

Concerns have been raised that the activities will cause noise and vibration pollution, especially from vehicle breaking/metal recycling and crushing or construction and demolition material. One person wrote 'the processing of scrap metal is a noisy operation'.

The variation application request does not include waste codes for car/vehicle breaking and de-pollution. The only metal wastes being added to the permit are: metals from shaping and physical and mechanical surface treatment of metals and plastics, packaging, metals from construction and demolition and metals from waste management facilities from mechanical treatment of wastes and metals from municipal wastes. Cars and scrap metal will not be received or treated on this site, they will only treat and store waste residue from processing of cars at other facilities.

We are satisfied that the activities, if carried out as required by the Permit including compliance with the EMS and noise and vibration management plan, will not cause noise and vibration pollution.

Condition 3.5 of the permit controls Noise and Vibration and requires that emissions are minimised and, in the unlikely event that the activities give rise to pollution due to noise or vibration outside the site, a revised noise and vibration management plan will be required to be submitted to the Agency for approval and implementation.

The following measure will be used to control noise:

- Operations that are a risk of causing noise will be carried out within a building

Based upon the information provided we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise noise and vibration and to prevent pollution from noise and vibration.

m) Odour pollution

Concerns have been raised that the activities will cause odour pollution and that measures to control odour in the management system will be ineffective e.g. sniff tests and suppression methods. Mixed municipal waste types are

particularly mentioned as giving rise to odour. It was suggested that the prevailing wind was in the direction of the residential properties and that 21 days was too long for odorous waste to be stored.

Based upon the information in the application (namely the EMS and Odour Management Plans) we are satisfied that the appropriate measures will be in place to prevent pollution from odour such as:

- Odours materials will not be accepted and the loads rejected.
- Appropriate monitoring of odour will take place.

Since the public consultation the operator has agreed to remove the mixed municipal waste codes and all other codes which had the potential to cause odour from those they were originally seeking to include in the variation. The remaining waste types do not pose a high risk of causing odour, indeed the site is already being operated without causing complaints from this emission. In order that we can enforce the odour management plan we have added Condition 3.4 . This requires that emissions are minimised and, in the unlikely event it is necessary a revised odour management plan can be required to be submitted to the Environment Agency for approval and implementation.

Reference to meteorological data is given in the Odour management plan (OMP), whilst the prevailing wind is not mentioned it should not be a factor if odour is minimised at source and monitored in accordance with this document. If residents do experience odour the company have provided a complaint report form, complaints will then be acted upon.

In regards to the quoted 21 days for the storage of odorous waste, this is not mentioned in the odour management plan, all waste (odorous or otherwise) will be stored indoors, only baled and wrapped RDF can be stored outside, these measures will prevent odour. The OMP also states that household, commercial and industrial wastes which have the most potential for odour will be processed within 24 hours of receipt.

n) Dust and toxic fumes

Concerns have been raised that the activities will cause dust pollution and toxic fumes. There are also concerns about textile fibres in the air being released. It was also suggested that dust/air quality monitoring should be carried out in advance of operations commencing so that a base level could be established and then continually monitored to ensure there was no deterioration in conditions. It was stated that the prevailing wind was in the direction of residential properties which would carry dust more easily.

The addition of material crushing or construction and demolition waste materials is also suggested as giving rise to dust and toxic fumes.

All treatment of wastes will be taking place inside a building, this is stipulated in the permit and Environment Management System, we therefore do not consider that Dust monitoring is necessary.

The Agency believes that much of the dust complaints received by residence in this area are in relation to another local site which operates an exemption to the Environmental Permitting Regulations, this operation is coming to an end soon.

We do not consider that facility has caused significant dust emissions in the past and this will not increase with the addition of the waste types to be added under this variation application.

The operator has submitted a dust management plan which has been assessed against the relevant guidance notes and approved .

We have also included into the varied permit the latest generic conditions in relation to dust to ensure the most enforceable conditions.

We have also strengthened the storage and treatment activities in table 2.1 stating that other than baled RDF storage all storage and treatment activities must take place within a building.

Reference to meteorological data is given in the dust management plan (DMP), whilst the prevailing wind is not mentioned it should not be a factor if dust is minimised at source and monitored in accordance with this document. If residents do experience dust the company have provided a complaint report form, complaints will then be acted upon. As described above the treatment of waste will be inside a building and this is the main factor controlling this emission and make other factors such as prevailing winds less important when considering the potential for pollution from this emission. We are satisfied that controls relevant to the risks are being applied in this case.

o) Proximity to residential properties

Concerns have been raised about the proximity of these activities to residential properties. Many members of the public also pointed out a discrepancy in the application which refers to the closest residential property being 400m from the site, rather it should be 100m. One individual was concerned that waste operations should not take place this close to residential property.

The edge of the permitted area is about 73m from the closest residential property. The operational area will be around 160m from the closest residential property.

We have asked the operator to amend their documentation to reflect the actual proximity of residential properties to the operation; the amended

documents have been placed on the public register and reassessed in light of these consultation comments.

We did not decide on the location of the site. Land use is a consideration for the planners (see section 3 below). However we are satisfied that the measures to prevent emissions are satisfactory and will prevent significant pollution and harm to human health.

p) In combination effects with other operators

Concerns have been raised that this operation may act in combination with other waste and industrial facilities in the area create more dangerous and unacceptable emissions for local residents. One public response refers to the 'ongoing problem with noise and dust from various very unwanted activities the other side of Finsborough Down'

Another nearby exempt activity is due to end on the 31st October, this will reduce the risk of in combination effects with this operator. Each operator will be expected to prevent pollution from their activities. We are satisfied that this operation is putting in place measures to reduce its impact where possible and therefore will not cause any unacceptable in-combination effect .

q) Pests

Concerns have been raised that the activities will give rise to pests in particular flies, rodents & birds. At present concerned residents describe the flies as exceptionally high. Pests are described as being as result of mixed municipal waste.

In recent months there has been an incident of fly infestation at this location due to bales of waste being stored outside unwrapped.

Following consultation comments and the Environment Agency's own concerns following the incident described above a pest management plan has been requested and submitted to the Agency. This has been assessed against the relevant guidance notes and is satisfactory.

We have also included a new condition from the latest generic permit template. Condition 3.6 controls emissions from pests. We can also enforce through the operating techniques condition 2.3.1 and table 2.3 of Schedule 2.

Finally all mixed municipal waste streams have been removed from the list of requested waste codes.

r) Technical competence

Concerns were raised as to whether the company has the relevant technical competence in the form of CIWEM or Wamitab certificates. Concerns were also raised as to whether the technical competence and expertise to deal with the requirements of the permit would not be provided by Street Fuel Limited employees rather other associated companies.

The operator has provided evidence to 3 WAMITAB trained technically competent managers. We are satisfied that they meet the relevant criteria. See Annex 1 above.

s) Enforcement and compliance

Concerns have been raised about the difficulties in enforcing this operation from past experience (for e.g. woodchip incident) despite assurances and good intentions. There were also comments that the legal process to resolve problems takes too long.

The legal process is set by government. The Environment Agency always seeks to resolve problems as quickly as it can. This site is controlled with a permit which gives much more stringent controls than exist on the other site referred to which was operating under an exemption to the waste licensing regulations and was designated as low risk. The tools for enforcement and compliance are much greater in this case.

t) Fire risks/storage of paper

Concerns have been raised about the proximity of the site to a paper recycling site and the potential fire risk this might pose. Other concerns relating to fire risk referred to the flammable/combustible materials kept on site.

In addition concerns were raised that storing too much paper on site could be a fire risk. There was concern that the site was difficult to access for emergency services in the event of a fire especially out of hours. Would automatic fire suppression systems be required in the buildings especially for shredded tyres.

The operator has now submitted an Emergency Response Plan. The Agency has also attended a meeting on site with Kent Fire and Rescue Service to assess the site and plan. The findings of this meeting have been given to Street Fuel Limited and included in the management plan which is now a public register document. In a letter to the operator following the site visit Kent Fire and Rescue state that 'the premises currently demonstrate suitable and sufficient measures to satisfy the requirements of the legislation – The regulatory Reform (Fire Safety) order 2005' They advise that the operator create a Fire Risk Assessment as a separate document rather than an appendix to the emergency plan document, this will not prevent us issuing the variation as we are satisfied that the operator is already demonstrating suitable and sufficient measures to prevent and plan for a fire.

In Schedule 2 table 2.1 limits of activities table we have limited the storage of wrapped and balled RDF outside to prevent pollution and prevent the risk of a fire.

We have also included as an operating technique the Agencies latest Technical Guidance note (TGN 7.01) on reducing risk at sites storing combustible materials.

To summarise in consultation with Kent Fire and Rescue Service we do not consider that there is a risk to any nearby businesses such as paper recycling sites, Kent Fire and Rescue Service have assessed the waste types currently stored and proposed under the variation and have not considered it necessary to make any specific recommendations (such as fire suppression systems) beyond what is already on place at the facility.

u) Convictions against Street Fuel Limited Directors

Concerns have been raised about convictions of one of the directors of the Applicant and a conviction against another company that shared a director with the Applicant. Details of the Agency's assessment of all relevant convictions is given in Annex 1 above.

v) Performance of Street Fuel Limited directors at other waste facilities

Concerns were raised regarding the Applicants reputation in regards to breaches at other facilities who share directors with Street Fuel Limited. Concerns were also raised about the directors involvement with other short lived enterprises in recycling and other businesses.

Whilst we agree that this is of concern, we have noticed that the other associated sites have made significant improvements in performance since the latest persecution in July 2013.

w) Financial viability of Street Fuel Limited

Concerns have been raised about the financial viability of the Street Fuel Limited and their limited assets which would make them unsuitable as an operator and unable to meet the requirements of compliance.

Please see Annex 1 above for details of how we have investigated the financial viability of Street Fuel Limited to hold a permit.

x) Environmental accreditation of Street Fuel Limited

Concerns have been raised about the environmental accreditation of Street Fuel Limited and therefore their suitability to hold a permit.

Street Fuel Limited have provided their own management system which has been agreed as suitable for this facility – see annex 1 above.

y) Monitoring of emissions

Concerns have been raised that the monitoring and control of emissions put forward in the variation documents are insufficient and lacking in quantity and quality. Legal limits should be reviewed as it could have an adverse impact of the environment.

We have assessed the risks from the variation to the permit and we do not consider that any monitoring of emissions is required beyond those suggested

in the management plans. No emissions limits are needed in the varied permit. See Annex 1 above.

z) Site security

Concerns were raised that children play near the site and that site security would be required.

Having considered the information submitted in the application, we are satisfied that appropriate infrastructure and procedures will be in place to ensure that the site remains secure.

aa) Waste storage times

Concerns were raised that 5 days recorded in the EMS to process the waste material was too long and 21 days total storage time was also felt to be too long as the applicant has been previously prosecuted for storing for too long and having too much waste on site at any one time.

The EMS describes the storage arrangements for waste and states a maximum amount of waste on site at any one time. The amount of baled RDF that can be stored and the length of time for which it can be stored is limited both in the EMS and permit variation (see table 1.2 of the permit) We have assessed these measures and found them to be satisfactory. Limits on storage times for odorous waste if received are also given in the EMS and are satisfactory.

As with other concerns if these limits cause concern in the future the permit will allow us to review these documents and place greater controls on the company in regards to processing and storage times.

bb) Variation application type normal v substantial

Concerns were raised as to why this was a normal variation, due to the number of waste codes being added it was suggested it should be substantial.

Substantial variations are only relevant for Installation permits. In accordance with the Environmental Permitting Charging scheme and guidance this is a normal variation which is the highest level of variation for a waste tier 3 operation

cc) Deterioration of the Environment and enjoyment by residents/ visual impact

Visual impacts of facilities are a consideration of planning permission and do not form part of the Environmental Permit decision making process. See section 3 below.

dd) Outstanding legal action against Peel Ports PR9.

Peel Ports and their operations are not a consideration of this permit application, We can only assess and consider the operator and their ability to operate this site.

ee) Why is the facility necessary? Is intelligence shared with HM Gov to compare waste/fuel options that could benefit the UK?

. Need for the facility is not a consideration for the Permit. The role of the Environment Agency is to ensure that the facility can be operated without giving rise to significant pollution or harm to human health.

High level assessments of waste/fuel options is not a consideration of waste permitting, permitting data is used to influence decisions by the government and in turn influence future strategies in regards to waste and fuel options of the UK.

ff) Safety of this operation at a port

From our assessment safety of this operation is not of concern.

gg) Individuals object to any expansion to this operation given previous experience

Strength of public objections is not something we can take into account when determining a transfer or variation application. We carry out technical assessments of impacts and techniques described in the body of this decision document. We consult with the public in order that they can input into this process. Where details of previous experience has been given this has been taken into account when considering the relevant issues.

We did not decide on the location of this facility or its continued use given the changing circumstances of residential development in the area. The location is a relevant consideration only in so far as its potential to have an adverse environmental impact on communities or sensitive receptors that currently exist.

hh) Waste Types

Concerns have been raised about the waste types being accepted on site in light of the wood incident where wood set on fire in November 2011 at another facility not linked to this permit.

Concerns were raised about the resulting RDF(refuse derived fuel) and the risks associated with it.

In Annex 1 above we have given then reasons why we believe that the waste types being added are acceptable. The list of wastes to be added has changed considerably since the initial consultation with the public, the draft variation notice specifies the wastes we are minded to allow the site to accept. Very few wood wastes are now listed. Regardless, incidents at another other facility are not relevant to this Application as there are different controls and operators. In addition Kent Fire and Rescue have visited this facility and commented on the application and have no concerns (see above).

The Agency has requested and assessed the risks of treating waste to make RDF and the storage of this waste type and we are satisfied that it will be carried out in a manner which will not harm the environment or human health.

ii) Littering

Concerns have been raised about littering as a result of mixed municipal waste handling

Mixed municipal waste will no longer be permitted under this variation as it was removed by the operator in their revised list provided to the Agency on the 05th November 2013 and now on the public register.

Incoming waste will be delivered in covered vehicles or containers. Waste will mainly be stored and treated inside a building, the only waste stored outside will be baled to prevent escape and the risk of other emissions.

jj) Asbestos in building materials

Concerns have been raised that Asbestos may be contained in building material being brought to site and processed leading to a potential health hazard.

Asbestos waste is not permitted under this variation notice. If asbestos was received at the site the rejected load procedure would be implemented as described in the EMS or the material would be quarantined and removed from site as soon as possible. No asbestos would be treated.

kk) Use of permit conditions

Comments were received requesting that the Agency use the most stringent conditions in the permit to prevent future problems.

We have updated some of the previous permit conditions to those in the new generic permit template. The conditions which are being updated in relation to odour, noise and pests, are to make sure that the permit is as robust as possible to prevent these emissions from causing amenity issues and pollution and giving us the best tools available to enforcement against.

3) Other matters outside the scope of this permit Application that the public have commented on which may be more relevant to Applications for other permissions.

Location of the site:

Decisions over land use are matters for the planning system. The location of the site is a relevant consideration for Environmental Permitting, but only in so far as it's potential to have an adverse environmental impact on communities or sensitive environmental receptors. The environmental impact is assessed as part of the determination process and has been reported upon in Annex 1.

Concerns and suggestions that the site should be moved to a more suitable location or that they should not be permitted close to housing and primary schools should be a matter for the planning system.

This is an issue mainly pertaining to land use and visual amenity issues which are addressed through planning however we have reviewed this as part of our determination.

It is beyond this permit application for the Agency to compare and contrast alternative sites with this location. The application is for this specific location and alternatives are not for the Agency to consider.

Vehicle access to the site and traffic movements/supporting infrastructure:

Concerns have been raised about the increase in traffic movements and the potential damage to the infrastructure of the basin walls

These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process.

This variation application does not increase the annual tonnage to be accepted at this site and as such we do not anticipate any increase in vehicle access as a result of this application. No comments were received from any statutory consultees on this matter.

Ship cargo loading times:

Concerns have been raised regarding noise pollution from ship cargo loading times. This is outside of the Environmental permit decision making process and is a planning permission consideration for the Port. This activity is not regulated by this permit application. Operating times for ship loading are given in the EMS as 24 hours in line with planning permission.

Operating hours:

Concerns have been raised about the operating hours of the current permitted activities which will be exacerbated by the proposed variation. There are concerns about the use of lights at night, noise and lack of control over operations at night. The operating hours are stipulated in the planning permission and as such will not be directly set in the permit conditions. Whilst we do not impose limits on operational hours any operations which do take place must not cause pollution and different standards may apply at different times of day i.e. more noise may be acceptable in the day during working hours than late at night. The potential for noise pollution has been identified and addressed by the operator in their EMS. The actual operating times will however remain subject to the planning permission and as such are not controlled specifically by the permit conditions.