

Blaby District Council
Licensing & Regulatory Committee

Date of Meeting	15 November 2023
Title of Report	Environmental Permit for Sand Cast Lead Conservation Limited
Report Author	Environmental Health, Housing & Community Services Group Manager

1. What is this report about?

- 1.1 This report is to advise members of the work undertaken in relation to an application submitted for an environmental permit for a business within the district. The report is being brought before this Committee in response to petitions from residents submitted to Full Council on 18th April 2023.

At the meeting of Council it was referred to the Environmental Services Manager and the Licensing and Regulatory committee to consider.

2. Recommendation

- 2.1 That the contents of this report are noted by Members.

3. Reason for Decision Recommended

- 3.1 In response to the petitions from residents submitted to Full Council on 18th April 2023 it is appropriate that Members are aware of the concerns of local residents regarding this specific Environmental Permit application. The report details the work undertaken, process followed and decisions made by authorised Officers of the Council.

4. Matters to consider

- 4.1 Background

The Environmental Permitting (England and Wales) Regulations 2016 (the Regulations) form the basis of regulatory and enforcement action for permitted processes across the UK. There are specific guidance notes relating to individual process types which allow for Local Authority regulation in conjunction with the Environment Agency and their Local Authority Environmental Permitting Unit.

The aim of the Regulations is to streamline the legislative system for industrial and waste installations into a single permitting structure for those activities which have the potential to cause harm to human health or the environment.

There are 34 permitted installations regulated by Blaby District Council, these range from petrol stations, to mobile crushers, to Croft Quarry. All of the installations within Blaby District are known as Part B activities.

The Part B installations are permitted under this regime to control emissions related to air only.

The Environmental Permitting Regulations require operators to obtain a permit in order to:

- protect the environment and human health
- deliver permitting and compliance effectively and efficiently in a way that provides increased clarity and minimises the administrative burden on both the regulator and the operators of facilities
- encourage regulators to promote best practice in the operation of regulated facilities.

A permit is a document issued by a local authority allowing a person to operate an installation or mobile plant subject to conditions. A permit will not be granted if the local authority considers that the applicant will not be the person who will have control over the operation of the installation or mobile plant.

The operator must, after the grant of the permit, ensure that the installation or mobile plant is operated to comply with the conditions of the granted permit.

The role of the regulator (Blaby District Council) is to ensure that the requirements of the permit are complied with.

Sand Cast Lead Conservation Ltd determination of permit.

An environmental permit application was received from the operator of Sand Cast Lead Conservation Ltd for parts of his business process. The application was deemed to be received late (i.e. the business was already trading) so the additional fee was applied to the application as a consequence of this (allowed for within the Regulations).

An initial consultation process was started, as required by the Regulations, but was terminated on 6th March 2023 by the Environmental Services Manager following the discovery of an administrative error in the process.

The Environmental Services Manager (ESM) undertook a site visit on 8th March 2023 to discuss the application with the Operator, scrutinise the application form and request additional information.

During this time the ESM also contacted other Local Authorities for guidance on permitting a non-ferrous foundry process as Blaby District Council has not permitted a process of this nature before.

Taking into account the knowledge of heightened resident concerns in the local area a decision was taken to consult on a radius of 300m from the application site to ensure multiple receptors were consulted – this included: 324 local addresses, the local Primary School, Parish Councillors, the United Kingdom Health Security Agency (UKHSA) , the Environment Agency (EA) and the application was also noted on the Council's website.

A copy of the application form and the Process Guidance note were made available for public view by appointment at the Council Offices throughout the consultation period.

We received 27 comments, 1 petition that had been held at the local Primary School, 1 petition from local residents and the application in the Council offices was viewed by 5 members of the public.

Consultation comments were received the UKHSA, who requested further information in relation to the process. This was provided by the applicant and sent to the UKHSA.

Throughout the consultation period the Environmental Services team were in contact with the EA, who were used as a "Critical Friend" role to review the application documents and provide guidance on the conditions issued at part of the permit.

During this time the Operator also had a stack emissions test carried out and the results were provided to the Council – showing a Lead level of 0.002 mg/m³ Total Particulate Matter level of 0.03* (*this figure is only applied to readings that are lower than the limit of detection)

At the close of the consultation, the decision was made to grant the issue of a Permit with conditions to allow for appropriate regulation.

A limit of ≤ 1 mg/m³ has been imposed on the Permit to ensure any lead emissions are within safe limits.

A limit of 4 mg/m³ has been imposed on the Permit to ensure that Total Particulate Matter emissions are within safe limits.

These more stringent limits have been implemented following guidance from the Industrial Emissions Directive 2010/75/EU (Integrated Pollution Prevention and Control), which places lower limits on this type of activity than stated in the Process Guidance Note.

Following the grant of the Permit, Officers have risk assessed the process utilising a DEFRA approved tool and it has been determined that quarterly inspections will take place to ensure compliance with the Permit conditions.

The Process has been given a High-risk rating, with the next risk-based compliance assessment due to take place in January 2024.

4.2 Relevant Representations

Relevant Representations received from members of the public and statutory consultees were considered in the determination of this application.

4.3 Appropriate Consultations

The initial consultation was terminated on 6th March 2023 due to an administrative error.

A second consultation took place over a 30 day period beginning on 14th March 2023.

4.4 Significant Issues

Relevant legislation and technical guidance notes are used by the Environmental Services team to determine any permit application received.

The technical guidance notes also state that wherever possible, the Council should work with the business to enable a permit to be issued allowing the business to trade but with appropriate permit conditions limiting emissions to air.

There are no issues relating to Human Rights, Human Resources, Equalities, Public Health Inequalities and Climate Local.

5. Other significant issues

- 5.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

6. Appendix

- 6.1 None

7. Background paper(s)

- 7.1 The Environmental Permitting (England and Wales) Regulations 2016
- 7.2 Process Guidance Note 2/04(13) Statutory guidance for iron, steel and non-ferrous foundry processes Revised: July 2013
- 7.3 Environmental permitting: Core guidance For the Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No 1154) Last revised: March 2020
- 7.4 Best available techniques (BAT) reference document for the non-ferrous metals industries
Industrial Emissions Directive 2010/75/EU (integrated pollution prevention and control)

8. Report author's contact details

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