

Stuart Maroney

Date: 28/02/2025

By email only

Dear Mr Maroney,

Pre application advice – Enhanced service

Pre-application reference EPR/BP3320LB/P001

Site: Teesport Waste Metal Facility, PD Ports, Middlesbrough, TS6 6TN

Thank you for your pre application enquiry on 27/09/2024.

I am pleased to provide you with your pre-application advice. This advice is based on the information provided on your pre application advice form and emails recorded on the following dates:

- Email on 05/12/2024, 16/12/2024, 17/12/2024, 28/01/2025

Environment Agency guidance <https://www.gov.uk/guidance/surface-water-pollution-risk-assessment-for-your-environmental-permit> for collecting data for new discharges states:

‘As there will be no effluent monitoring data for new discharges, the tests will have to be run using the estimated data from the applicant. For Annual Average (AA) Environmental Quality Standards (EQS), these data need to be either estimated average effluent concentrations, or a number of individual sample results (minimum of 12) from on-site tests or a proxy site (a similar sized site and manufacturing process which is likely to have a similar discharge), which will need to be averaged, taking less than values at face value (for example, <10 is assumed to be 10). For Maximum Allowable Concentrations (MAC) (or 95 percentile) EQS, you will require a maximum concentration for each substance.’

The applicant will need to ensure that all potential contaminants from the area are included within the results and that justification is provided of how the data is representative if it is not actual sample data from the site.

The proposed discharge point(s) are in a part of the estuary classified as Transitional and Coastal (TraC) waters.

Please note that EQSs can be different for TraC waters versus for freshwaters as detailed in the above EA guidance.

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Guidance regarding the initial state of the assessment:

'Phase 1 Screening test for TraC Waters is:

- Does the concentration of the substance in the discharge exceed 100 percent of the EQS?
- Is the discharge to a location with restricted dilution/dispersion characteristics?
- Is the discharge either to a location less than 50m offshore from where the sea-bed is at Chart Datum or to a location where the sea-bed is less than 1m below Chart Datum?
- This test is likely to fail and stage 2 modelling is required if:
 - a. the outlet pipe (discharge point) is never submerged or
 - b. the outlet pipe is only submerged during part of a tidal cycle or
 - c. there is less than 1 m of water above the pipe at the lowest tide level.
- Is the Effective Volume Flux (EVF) of the discharge greater than the appropriate site-specific limit (known as the Allowable Effective Volume Flux, or AEVF)? The EVF is a measure of the pollutant load and is described in detail in Section 2.4. This method uses the discharge flow rate, substance concentration and EQS to estimate the approximate size of the zone of EQS exceedance (mixing zone).

As both discharge points are into the Teesmouth and Cleveland Coast SSSI and SPA, any substance that is found in the effluent in concentrations that exceed their relevant EQSs (or PNECs for substances without EQS but that do have ecotoxic properties), i.e. true TraC Test 1, will need to go to direct modelling and the screening tests will not apply.

The "H1 Software Tool" can be requested from the National Customer Contact Centre (NCCC) and can be used to run all the screening tests automatically. We will also accept other spreadsheets/tools which have been used to carry out the screening calculations, provided that the calculations used and the results are clear and easy to interpret.

Operators should have their effluents analysed by a UKAS-accredited laboratory, and any substance with one or more measured results above the minimum reporting value (MRV) in the discharge should be run through the screening.

Effluents should be analysed for any hazardous chemicals and elements which may be present in the effluent. For a trade or process industry, the substances may be added to the process, form part of the process, be generated as a waste product by the process, or be concentrated in the effluent following evaporation or other losses. Substances may also be known contaminants in products which are used in the process.

An additional note regarding obtaining background data for the assessment:

TraC Waters Background Data

If you do not have background data, please e-mail enquiries@environment-agency.gov.uk and request the information required. Background concentrations can also be obtained from [Open WIMS data](#).

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For new discharges, the mean background data should be obtained at or near to the discharge point(s).

For existing discharges, the background data should be sufficiently distant from the discharge points to ensure that they are not influenced by the instantaneous discharge plume.

For estuaries where the background quality can vary significantly with the tidal state, the background should approximate to the maximum.

If no background data are available, background concentrations for each substance should be assumed to be 50 percent of the EQS.

The assessment will need to be carried out by a competent consultant and once complete submit as either part of a pre-application to be assessed, or as part of a full application.

You can email the marine modelling team at this email address:

marine_modelling_requests@environment-agency.gov.uk, The team will be able to help with the type of modelling required for the discharge point(s), including the restricted dilution and dispersion location.

Where possible we recommend that, as stated in the pollution prevention guidance, clean and uncontaminated water is separated from those waters that have been in contact with the waste piles. We further recommend that waste is covered to prevent rainwater ingress and separate drainage is considered in areas where wastes are stored, with sealed drainage draining to a sealed catchment point or foul sewer (with a relevant consent from the sewerage provider) rather than discharging to the watercourse.

The proposed operation will also need to be compliant with the non-hazardous and inert appropriate measures in particular the following:

1. You must segregate uncontaminated water streams (for example clean runoff from roofs) from those that require treatment.
2. You must separate contaminated water streams based on pollutant content and treatment required. For example, you may need to collect and treat separately contaminated surface runoff water and process water.
3. You must store and treat all waste on an impermeable surface with contained drainage that meets [CIRIA 736](#) or an equivalent approved standard. The impermeable surfaces must have sealed construction joints. These requirements do not apply in designated areas where the waste being stored or handled does not pose any significant risk of contaminating surface water or ground water. You must appropriately isolate these designated areas from other operational areas so that there cannot be any flows between them. This includes in the event of an accident, for example a fire.'

What this enhanced pre application advice covers

As part of this service, we have provided you with the following information:

Application reference number	EPR/BP3320LB/P001
Habitats screening	Habitats fee required
Application charge required	• 1.16.6 Household, commercial and industrial waste transfer station; includes assessment of fire prevention plan and odour management plan £9,176 • Plus £779 habitats assessment fee • Plus Dust management Plan - potentially (see below) £1,241 • Plus charges referenced in 'Discharges to surface water and groundwater' section below
Forms required to be submitted	A, B2, B4 and F1 https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit Plus forms referenced in 'Discharges to surface water and groundwater' section below
Additional documents required	Fire Prevention Plan (FPP) Odour management Plan Dust and emissions management plan (DEMP) potentially required - see below Please consider the online guidance and application forms carefully to ensure everything you need within your application is included

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A complete application must contain the following information below:

1. **Declaration:** Please ensure the declaration section is completed by each relevant person. For a limited company, this must be a director/company secretary as listed on Companies House
2. **Site Plan:** Site plan must be clearly marked with full site boundary. Your initial enquiry suggests that the application might include two separate permitted areas at the dockside. If you still wish to apply for a split permit boundary this should be acceptable at this site due to the short distance between the two proposed areas.
3. **Payment:** Please note your application will not be processed until we receive the full payment

Additional information

You must ensure you provide dates of birth for all appropriate people as per Appendix 1 in form Part A. Failure to do so will delay your application being put into our systems. Please note that these details will not be made available on the Public Register.

Amenity management plans

You must read our guidance on how to [control and monitor emissions for your environmental permit](#).

This includes guidance on controlling pollution from odour, dust, noise, pests and other 'fugitive emissions' (emissions without set emission limits).

Your amenity management plan(s) will be assessed as part of your application. You may need to pay an additional charge for the assessment. Further information on this is included in the 'How much will my permit cost' section above.

A Dust and Emissions Management Plan (DEMP) may be required for the proposed operation. We recommend that you include in your Environmental Risk Assessment (ERA) an assessment of the risk of dust. Where the risk assessment shows that dust is a key issue, you must send us a DEMP.

Non-Technical Summary

For new bespoke permit applications you need to send us a simple explanation of your proposed activities. This should include a summary of your operations and a summary of the key technical standards and control measures arising from your risk assessment.

As a guide, this summary document should be no more than one to two pages in length

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Site condition report

For new bespoke permits you should send us a site condition report which covers the area that will be covered by the permit. This should be in line with our guidance [H5 Site condition report – guidance and templates](#).

This needs to include a conceptual site model and identify any relevant hazardous substances on site. Quantitative baseline soil and groundwater monitoring data on the condition of the site should be included or a justification on why this is not required should be provided. You should also consider if you need to undertake soil gas monitoring.

If you choose not to take baseline data, this may make it more difficult to demonstrate you have not caused pollution at the site when you apply to surrender the site.

Environmental Management System

For new bespoke permit applications you must send a summary of your environmental management system (EMS). You should follow the [guidance on developing a management system](#).

Your EMS should include a plan for dealing with any incidents or events that could result in pollution. This should follow our [guidance on producing an accident prevention and management plan](#).

A copy of your ISO 14001 certificate (or equivalent) is not sufficient on its own. You need to provide a summary of the site-specific management system.

Environmental Risk Assessment

You must consider the environmental risk posed by your proposals. This must take the form of an environmental risk assessment which should follow the methodology set out in [risk assessments for your environmental permit](#).

You should read our guide to [risk assessments for specific activities](#) and consider using our assessment tool to evaluate your environmental risk. Our assessment tool will inform you when more detailed modelling is required.

You should [check if your site is located in a flood risk zone](#). If the site is in a flood zone, you should assess the risk of pollution in the event of a flood.

Depending on the outcome of your initial environmental assessment, you may be required to undertake detailed modelling of your environmental risk.

Technical Description

For new bespoke permit applications, you will need to provide details of the technical standards you will follow. Full details of what you need to provide and what standards you should follow are included in [section 3a of the guidance for Part B4 application form](#).

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As well as the guidance on risk assessments, management systems and controlling emissions, there is [specific technical guidance for some regulated industry sectors](#).

Your technical description should include plans showing the layout of your site. The technical assessment should also include details of your operating techniques and the infrastructure you are using to minimise the risk of pollution, including any details of secondary containment used (such as bunds) and how this meets any relevant standards. Please see the [pollution prevention guidance](#) for additional advice.

Waste codes

You need to provide a list of waste codes from the European Waste Catalogue with your application. You should follow the [waste classification technical guidance](#) to decide what waste code your waste should be classified under.

Discharges to surface water and groundwater

You may need an environmental permit if your application includes a discharge of liquid effluent or wastewater either into surface waters (rivers, streams, estuaries, lakes etc. – known as ‘water discharge activities’), or into or on the ground (such as spreading waste sheep dip, or discharging treated sewage effluent to ground through an infiltration system – known as ‘groundwater activities’).

Wastewater can include water which has been used in the processing/treatment of waste, or contaminated rainwater which has come into contact with waste. You should discharge your wastewater to the public foul sewer whenever it’s reasonable to do so. You do not need an environmental permit from the Environment Agency to do this. However, you must check with your sewerage undertaker (usually your local water company) before you make a new connection or discharge to the public foul sewer. See [Discharges to surface water and groundwater: environmental permits](#) for more information.

If you do require a bespoke water discharge or groundwater activity permit the fee will be £7,183. There may be an add on fee of £3,774 for a specific substances assessment for a water discharge activity, or £1,546 for a groundwater activity depending on the type of discharge. See table 1.13 and 1.19 in the tables of charges [Environmental permits and abstraction licences: tables of charges](#) .

You will also need to complete application form B6 (new) or C6 (variation) along with the information requested on that form and submit it at the same time as the waste application forms detailed above in ‘How do I apply for a permit’. See the Apply for a bespoke permit section of [Discharges to surface water and groundwater: environmental permits](#) for more information.

If granted, the waste activities and water discharge or groundwater activities will be regulated by a single environmental permit.

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Exemptions

A waste exemption is a waste operation that is exempt from needing an environmental permit. Each exemption has limits and conditions that you must meet.

To find out if there is an exemption for your waste operation, and check that you meet the conditions, read the [Waste Exemptions](#) guidance.

Future reforms to waste exemptions will mean exemptions cannot be registered at or adjacent to (where there is a direct link) permitted waste operations or installations. Waste exemptions cannot currently be used on a permitted installation. For further details including transition periods, please read [Waste Exemptions – Getting Ready for Change](#). We do not expect changes to the Environmental Permitting Regulations (EPR) before 2025. The exact date depends on parliament and its legislative programme.

After you apply

The information that you need to submit with your application is explained in the application form and its guidance. The Environment Agency will check that you have submitted this information and the correct application charges. This is to ensure we have enough information to start to determine your permit application

We will contact you if information is missing and can feasibly be provided within 10 working days. If we consider information cannot be provided within this time frame we will return your application with a list of what is missing.

We'll retain 20% of the correct application charge to cover our costs in reviewing your application and requesting information. This maximum amount we'll retain is capped at £1,500. This is explained in the environmental permitting charges guidance.

We will not charge this if we return an application after having done very little work – for example, because it contained obvious errors or omissions.

Once we have duly made an application we will start to determine it. This is when we do our technical checks. We may need to ask you for further information or additional documents at this stage.

Once an application is validated and duly made, it is ready to be allocated for determination.

The time it takes us to allocate an application depends on a number of factors, including the complexity of the specific application and the availability of a member of our team with the right skills to assess it.

The amount of time taken to determine your application will vary. It will be impacted by factors such as:

- The quality of the application
- The complexity of the application
- Whether an application is of high public interest
- Whether the application includes novel technologies or techniques

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- Whether the determination requires input from others, both internal and external to the Environment Agency
- Whether modelling and/or monitoring and assessment is required, for example Air Quality modelling and assessment or water discharge or groundwater activity specific substances assessment.

The Permitting Officer determining your application will be able to keep you updated with the progress of your application.

What happens next?

If you submit an environmental permit application then please quote this pre-application reference number: **EPR/BP3320LB/P001**

If the advice above details using the [online digital application form](#), your application can be submitted using this method. If not, please send your completed application documents via email to:

psc@environment-agency.gov.uk

Please email applications where possible. If email is not possible you can submit by post to:

Environment Agency, Permitting Support Centre, Quadrant 2, 99 Parkway Avenue,
Sheffield, S9 4WF

Scope of this advice

We have only provided the specific advice you requested based on the information provided. We cannot provide advice on all aspects of your application, so it is important you read all available online guidance and the application forms to ensure anything not covered within this advice is considered as part of your application.

It is important to remember:

- this is advice, we are not agreeing anything at this stage
- we have provided this advice based on the limited information we have about your proposals at this time
- we have only provided the advice you specifically requested
- we may need to request additional information when we have a full application

Disclaimer

The advice given is based on the information you have provided, and does not constitute a formal response or decision of the Environment Agency with regard to future permit applications. Any views or opinions expressed are without prejudice to the Environment Agency's formal consideration of any application. Please note that any application is subject to duly making and then full technical checks during determination, and additional information may be required based on your detailed submission and site specific requirements and the advice given is to address the specific pre-application request.

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This advice covers waste/water discharge activities only.

Other permissions from the Environment Agency and/or other bodies may be required for associated or other activities.

This pre-application request is now closed.

We consider this pre application request is now closed however if you have any questions regarding this letter please contact PreApplicationService@environment-agency.gov.uk.

If you require additional enhanced pre-application advice please complete our [online form](#).

User research request - opportunity to take part in the development of the EA's new online service

The Environment Agency is developing a new online service for anyone who:

- applies for environmental permissions
- manages existing permissions

When we use the term 'permissions', we also mean licences, permits, and registrations.

We're looking for people who:

- would like to apply for permissions using the new service
- have experience with environmental permission applications
- are interested in giving feedback on new designs and features

This could include applying for a new permission or managing aspects of them.

If you're interested in taking part in user research email applypermissions@environment-agency.gov.uk

You can [sign up to use the new service and give feedback](#).

You can use the service without taking part in research. For full details, [access our environmental permits privacy notice](#).

Yours sincerely

Helen Gregory
Permitting Officer