

Decision Document

Application for a waste management licence under Part II of the Environmental Protection Act 1990

Able UK Limited EAWML66170

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1. ADMINISTRATIVE INFORMATION

Area	North East Area
Region	North East

EAWML Number	66170
Facility Name	Teesside Environmental Reclamation and Recycling Centre (TERRC), Hartlepool
Applicant/Licence Holder	Able UK Limited
Status of Applicant	Company
Registered Office Address	Able UK Limited Able House Billingham Reach Industrial Estate Billingham Teesside TS23 1PX
Company Number (if applicable)	02386356
Correspondence Address	Able UK Limited Able House Billingham Reach Industrial Estate Billingham Teesside TS23 1PX
Facility Address including NGR	TERRC Graythorpe Dock Tees Road Hartlepool Cleveland TS25 2DB NGR NZ 5251 2704
What activities will be authorised by the licence	Treatment and Keeping of waste
For modifications only, what are the activities authorised by the existing Licence	
Facility Type (OPRA category)	A16 – Physical treatment facility
Full Charging Table Reference	Table 2E(a)(iv)

Permitting Officer	P Duffy
Inspecting Officer	

2. INTRODUCTION

On 15 March 2005 the Agency received an application from Able UK Limited for a waste management licence (WML) under Part II of the Environmental Protection Act 1990. Specifically, the application concerned:

- Dismantling of waste ships
- Dismantling of waste marine structures
- Storage of waste refrigeration equipment
- Screening of inert waste
- Storage and transfer of containerised waste
- Storage of drill cuttings and dredgings.

The site currently has a licence covering the dismantling of offshore structures but the applicant has applied for a new licence to cover the above activities.

The site comprises a large dry dock (10 hectares), the gates of which are damaged. The company proposes a number of schemes to close off the entrance to the dock to enable the dry dock to be used for the dismantling of ships. Other activities, such as dismantling of marine structures and waste transfer activities, will take place on existing impermeable areas or other areas of the site with appropriate surfacing. The surface water management system at the site will be fully revised.

Historically the dry dock was used for the construction of offshore platforms. The dock gates were damaged in a storm when the site had fallen into disuse. The applicant intends to construct a cofferdam with a removable mid section to replace the damaged gates. The site may also be used for other activities whilst ship dismantling is being carried out.

3. DETERMINATION PROCEDURE

(a) Application

Pre application discussion commenced with the applicant on 07 January 2004.

On the 15 March 2005 an application was deposited at the Agency's Newcastle office. It was unclear as to the status of this application, whether draft or formal, and the Agency sought clarification from the applicant.

On 16 March 2005 email confirmation was received from the applicant that the submission was a formal application.

The Agency acknowledged receipt of the application on 18 March 2005 and required payment of the relevant fee. The applicant paid the relevant fee on 24 March 2005 (charge table reference Table 2E(a)(iv)(application charge)).

The application was signed by the Operations Manager, Mr Ian Fenny, and dated 13 March 2005.

The Agency was satisfied, following receipt of the correct fee, that the application was duly made for the purposes of section 36 of the Environmental Protection Act 1990 ("EPA90"). An acknowledgement letter was sent to the Applicant on 22 November 2005.

A request was received by the Agency on 24 March 2005, from the Applicant, made under Section 66 (1) of the EPA90 to have information excluded from the public register on the grounds that it was commercially confidential. This related to the TERRC Waste Compliance Plan submitted as supporting information with the application. The Agency considered the request and decided that the information should not be excluded from the Public Register. The Agency considered that the inclusion of the relevant information on the Public Register would not prejudice the Applicant's commercial interests to an unreasonable degree. The Applicant was informed of this decision on 05 April 2005 and advised of the appeal procedure. No appeal was lodged by the Applicant.

In accordance with regulation 10 of Waste Management Licensing Regulations 1994 (WMLR 94) the application was placed on the public register (electronic data management system) on 24 March 2005 (except for the TERRC Waste Compliance Plan which was placed on the Public Register on 26 April 2005 - 21 days after the notice of the Agency's commercial in confidence decision and after the period for making an appeal had expired).

(b) Procedure

Technical assessment

Agency officers carried out a technical assessment of the application which included a site visit to assess the existing and proposed infrastructure.

Numerous requests were made by the Agency for additional information from the Applicant from the time the application was received. This information was required to clarify aspects of the Applicant's proposed activities at the site and to enable the Agency to make an informed determination. In some instances there was a considerable time gap before information was received and this has led to a protracted determination period. The additional information was necessary to enable the Agency to assess, in relation to the proposed activities, whether the proposed measures identified in the working plan and in the documents supporting the application would be adequate to prevent pollution of the environment or harm to human health.

Following discussions between the Agency and the Applicant, the working plan has been amended during the determination process to clarify the activities that will take place at the site, the appropriate Disposal and Recovery (D&R) codes and to provide additional detail in relation to operating techniques and pollution prevention and control measures.

Activities likely to take place on the site would have required a permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 ('the PPC Regulations'), now replaced by the Environmental Permitting (England and Wales) Regulations 2007 ('EPR2007'), if the capacity of the site to treat certain waste types exceeded daily limits set out in those regulations. The Agency has imposed conditions in the Licence to ensure that the capacity of the site to treat such wastes is below the relevant limits.

Determination period

The time period within which the application was to be determined has been extended with the written agreement of the Applicant in accordance with section 36 of the EPA90 on numerous occasions. The latest agreed determination period is to 30 June 2008.

Consultation with third parties who may have to grant rights

Under s36A of the EPA90, where the Agency proposes to issue a licence subject to any condition which might require the holder to carry out works or do any other thing which he might not be entitled to carry out or do, the Agency must consult with certain specified persons and take into consideration any representations made. No person is required to grant such rights in this application.

Planning permission

Section 36(2) EPA90 provides that a licence shall not be issued for a use of land for which planning permission is required under the Town and Country Planning Act 1990 (TCPA 90) unless such a planning permission is in force in relation to the use of the land or an established use certificate is in force under section 192 of that Act in relation to that use of the land.

There are a number of planning permissions for the site

Planning permission ref TDC/96/091 dated 01 October 1997, issued by the Teesside Development Corporation permits, amongst other things, the following activities at the site:

- Dismantling and refurbishment of redundant marine structures and equipment
- Recycling of construction and demolition waste
- Waste transfer facility
- Bulk waste material storage facility
- Composting facility.

Planning permission ref. H/FUL/0375/02 dated 05 August 2002 allows for the continuance of use of the site without complying with conditions 9 and 10 of permission ref TDC/96/091.

In November 2006 Hartlepool Borough Council refused an application (ref. H/FUL/2005/5040) for, amongst other things, the decommissioning of ships. Able UK Ltd appealed that decision. In the meantime Able UK Ltd submitted a fresh planning application (ref. H/2007/0543), which was not substantially different from the application subject to the appeal.

On 5 November 2007 Hartlepool Borough Council approved the second planning application (ref. H/2007/0543) for, amongst other things, the decommissioning of ships.

In May 2008 Able UK Ltd was successful in its appeal and the Secretary of State granted the first application (ref. H/FUL/2005/5040). The Secretary of State directed Able UK Ltd to decide which planning permission it will rely on.

Occupancy

Under s35(2) of EPA90 a licence shall be granted, in the case of a licence relating to the treatment, keeping or disposal of waste in or on land, to the person who is in occupation of the land.

Elba Securities Limited is the landowner of the TERRC site and Able UK Limited lease the site from them. Elba Securities Limited, through its solicitors Robert Muckle Solicitors, has confirmed in writing that Able UK Ltd are in occupation of the site. This provided sufficient evidence for the Agency to be satisfied that the Applicant was in occupation of the land.

Habitats Directive / Sites of Special Scientific Interest (SSSI)

The TERRC site lies in the vicinity of several areas of International conservation importance, which together form part of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site (wetlands of international importance designated under the Convention on Wetlands of International Importance especially as Waterfowl Habitat, signed in Ramsar, Iran, in 1971). The boundary of the SPA and Ramsar Site is mid channel of the Seaton on Tees Channel, which flows into Teesmouth. These areas are also of national conservation significance and have been designated a National Nature Reserve (NNR) (Teesmouth NNR).

Six SSSIs are adjacent to, or near, the site:

- The Hartlepool Submerged Forest SSSI which is about 5.5 km around the coast from the TERRC site.
- Seaton Dunes and Common SSSI is approximately 0.5 km north and east of the TERRC Site.
- The Seal Sands SSSI lies immediately adjacent to the south eastern side of the site
- The wetlands on the western side of the site, and the wetlands further south towards Billingham, form part of the Tees and Hartlepool Foreshore and Wetlands SSSI
- Cowpen Marsh SSSI consists of two units, located south west of TERRC.
- On the opposite side of the Teesmouth Channel is the South Gare and Coatham Sands SSSI.

The Agency has carried out an appropriate assessment to identify whether Able UK Ltd's proposals will, either alone and/or in combination with other permissions, plans or projects, have an adverse effect on the SPA/Ramsar site and has concluded, subject to mitigation being enforced through suitable conditions in the appropriate permissions, that they will not. Natural England has been consulted and agrees with the Agency's view.

The Agency has considered whether Able UK Ltd's proposals are likely to damage any of the special interest features of the SSSI's and has concluded that they will not. It has, nevertheless, notified Natural England under section 281 of the Wildlife and Countryside Act 1981 (as incorporated by the Countryside and Rights of Way Act 2000) of the proposals. Natural England agreed with the Agency's assessment.

(c) Consultation Drop in sessions

As a planning application was under consideration at the same time as the Agency was considering the waste management licence application, and given the contentious nature of the proposal, the Agency decided to take part in a joint drop in session for members of the public to make them aware of the applications and to provide them with information. The drop in sessions took place on:

- Tuesday 5 April 2005, at Seaton Carew Sports and Social Club, 3:30pm – 7:30 pm
- Wednesday 6 April 2005, West View Community Centre, 3:30pm – 7:30 pm
- Thursday 7 April 2005, Hartlepool Civic Centre, 3:30pm – 7:30pm

Members of the public could take away a pack which included documents with which to raise any issues. Hartlepool Planning Authority would act as a single point for receipt of comments and forward any relevant comments to the Agency.

As a result of the sessions, comments were received from 30 members of the public. The comments were carefully considered and taken into account by the Agency when subsequently determining the application. The respondents were contacted as part of wider consultation on the draft WML. The issues are addressed in appendix 1.

Formal Consultation

(i) Responses from Statutory Consultees

Statutory consultees for the purposes of WML applications are set out in section 36(4) of the EPA 90. The relevant statutory consultees for this application are:

- The appropriate planning authority, which is Hartlepool Borough Council; and
- The Health and Safety Executive.

Natural England has also been consulted with regards to potential impacts on European sites and SSSIs as referred to above.

Statutory Consultee responses are considered in appendix 2.

(ii) Non Statutory Consultees

The following non statutory consultees were consulted on the application:

- PD Ports, Harbour Office
- Northumbrian Water
- South Tees Friends of the Earth
- Cleveland Emergency Planning Unit
- Hartlepool Primary Care Trust
- Hartlepool Borough Council, Public Protection Department
- Food Standards Agency
- North Eastern Sea Fisheries
- MARAD Office of Ship Disposal
- British Energy Limited, Hartlepool Power Station
- Friends of Hartlepool
- Greatham Parish Council
- Cleveland Fire Brigade
- Cleveland Police
- Industry Nature Conservation Association
- RSPB
- Tees Valley Wildlife Trust
- Teesside Environmental Trust
- Heath Protection Agency.

The Applicant was also provided with a copy of the draft WML.

Non statutory consultees responses are considered in appendix 2

(iii) Representations from the Public

The members of the public that raised issues following the drop in sessions were consulted together with other members of the general public who responded to publicity in the local media as part of the formal consultation, and their responses are considered in appendix 2.

The Agency carefully considered the contents of the representations made by consultees and, where appropriate, amended the draft WML to reflect the concerns expressed. The issues are addressed in appendix 1.

(d) Determination

For the reasons set out below, the Agency has decided to grant the Applicant a waste management licence.

4. THE ENVIRONMENTAL PROTECTION ACT 1990 AND THE WASTE MANAGEMENT LICENSING REGULATIONS 1994

(a) Overview

Part II of the EPA90 provides a system of licensing control for the management of waste. In addition, the WMLR 94 implement the amendments to the Waste Framework Directive 75/442/EEC ("WFD") which were introduced by Directive 91/156/EEC. Directive 75/442/EEC, as amended, has now been replaced by Directive 2006/12/EC.

In particular, the WMLR 94 incorporated the definition of directive waste into the EPA 90 regime and implemented the objectives contained in Articles 3, 4 and 5 of the WFD, known for the purposes of the WMLR 94 as the "relevant objectives".

Fit and Proper Person

Before the Agency can issue a waste management licence it must be satisfied that the Applicant is a 'fit and proper person'.

There are three circumstances where the Applicant shall be treated as not being a fit and proper person (s74(3) EPA 90). These are:

- (a) the Applicant or another relevant person has been convicted of a relevant offence;
- (b) the management of the activities which are to be authorised by the licence is not or will not be in the hands of a technically competent person; or
- (c) that the Applicant has not made and either has no intention of making or is no position to make financial provision adequate to discharge the obligations arising from the licence.

The Applicant has been assessed against these criteria.

Assessment of Relevant Convictions

Initially no convictions were declared in the application. The Agency was subsequently notified of a relevant conviction of the holding company notified in the application (Able UK Holdings Limited, company number 02079397 and formerly known as Able UK Limited). This holding company conviction occurred during the period when the application was being determined.

Able UK Holdings Limited was convicted of two offences of failing to accept, handle and dispose of asbestos correctly at Seaton Meadows landfill site. Able UK Holdings Limited had failed to cover asbestos at the landfill site as soon as it was legally required to. It was Able UK Holdings Limited's first conviction. There was no evidence of pollution or impact on health arising from the offences although there was potential for such impact. The Agency has assessed the Applicant's suitability to hold a waste management licence following the conviction of its holding company. Although the conviction gave rise to concern it was not so serious in regard to the nature or gravity of the offences that the application had to be rejected on the grounds of relevant conviction for the purposes of section 74 EPA 90. The Agency therefore considered it proper to treat the Applicant as a fit and proper person and determined the application.

The National Enforcement Data Base has been checked to ensure that all other relevant convictions in relation to the 'relevant persons' have been declared.

No further convictions have been found.

The Agency is satisfied that the Applicant fulfils the relevant aspects of the fit and proper assessment in relation to relevant convictions.

Assessment of Technical Competence

Certification level:

The Applicant must fulfil the relevant technical competence requirements for the activities to be carried out at the site

In assessing the activities the Agency has determined that they fall within regulation 4(1) of the WMLR1994 and as such an appropriate WAMITAB certificate is required. The Agency has determined that the appropriate WAMITAB certificate to cover activities at the site is Managing Treatment Hazardous Waste 4TMH.

Nominated Managers:

Able has confirmed that the nominated manager providing technical competence for the site is Mr Steven Mikael Hallam. Mr Hallam has a WAMITAB certificate for Waste Management Operations, Managing Treatment Hazardous Waste at Level 4, Scottish Candidate Number 021345822, issued by the Scottish Qualifications Authority on 22 February 2006. Mr Hallam also holds a WAMITAB certificate for Waste Management Operations, Managing Transfer Hazardous Waste at Level 4, Scottish Candidate Number 021345822, issued by the Scottish Qualifications Authority on 22 February 2006.

The Agency is satisfied that the Applicant fulfils the relevant aspects of the fit and proper assessment in relation to technical competence.

Financial Provision:

Financial provision is required from the Applicant to meet the potential obligations of the licence. This can be provided either by the Agency's standard formula and credit check or by the provision of alternative evidence from the Applicant.

The Applicant agreed to a credit check to cover the financial provision. Because the Applicant company had recently been dormant it did not have a sufficient credit rating and therefore the Applicant proposed to provide alternative evidence.

The obligation was assessed at £3,561,019

The Applicant provided suitable alternative evidence that it has financial resources to meet the obligations arising from the licence, in the form of a letter from the Applicant's bank confirming that the Applicant has sufficient financial resources to meet those obligations.

The Agency is satisfied that the Applicant fulfils the relevant aspects of the fit and proper assessment in relation to financial provision.

In conclusion, the Agency is satisfied that the Applicant meets the requirements and is a 'fit and proper person'.

Compliance

The Agency's assessment of compliance with environmental licences and relevant environmental legislation is proportional to environmental risk and operator performance. This enables the Agency to target resources on higher risk activities and poor performers. Compliance assessment may include a combination of:

- **Site Inspections:** Inspections can be routine and planned or in response to a complaint or incident and may be unannounced. The breadth and depth of an inspection will be based on various factors e.g. licence conditions, operating conditions, previous visits and enforcement, monitoring data, reports, complaints, notifications of non-compliance, legislative requirements that may have affected operations and changes in management.
- **Audits:** Audits assess the licence holder's compliance with an environmental licence in even greater depth than a site visit. An audit may cover the whole of a licence's requirements or focus in more detail on a smaller number of aspects. Its breadth and depth will be determined by a scoping exercise based on knowledge of the site and issues for the sector.
- **Check monitoring/sampling:** The Agency may arrange an audit/visit to assess the licence holder sampling methodologies and techniques. The Agency also reviews results of the licence holder's monitoring/sampling required under conditions of a licence. In addition, the Agency may occasionally undertake its own check monitoring/sampling as part of a planned exercise e.g. a specific audit.
- **Report/data review:** Where required by the licence, an licence holder will submit reports and data to the Agency for information and/or agreement.
- **Procedure review:** The Agency reviews certain licence holder procedures as appropriate e.g. to agree them before implementation where required by a licence condition.

Issues arising from any compliance assessment are addressed in accordance with the Agency's Enforcement and Prosecution Policy where appropriate. The Agency has a policy of firm but fair regulation. The Agency has a wide range of enforcement and prosecution powers to ensure compliance with environmental licences and legislation in specified circumstances. Some of the key powers include:

- If there is a likely or actual contravention of a licence condition, the Agency may serve an enforcement notice specifying the steps that the operator must take to prevent or remedy the contravention within a specified period of time.
- The Agency may serve a suspension notice in specified circumstance. The environmental licence ceases to have effect to the extent specified in the notice until it is withdrawn.
- The Agency may vary an environmental licence on its own initiative if appropriate.
- The Agency may revoke the whole or part of the licensed activities if appropriate.
- There are also a wide range of criminal offences relating to non-compliance with environmental licences and legislation e.g. contravention of a licence condition. Where an offence has been committed, in addition to any other enforcement action, the Agency will consider instituting a prosecution, administering a formal caution or issuing a warning in accordance with its Enforcement and Prosecution Policy.

(b) Pollution of the Environment, Harm to Human Health and Serious Detriment to the Amenities of the Locality

Under the EPA90 section 36(3) the Agency may reject an application for a WML if it is satisfied that it is necessary to do so for the purpose of preventing pollution of the environment, harm to human health or (unless planning permission is in force in relation to the use to which the land will be put under the licence) serious detriment to the amenities of the locality. The Agency gave careful consideration to the application and the conditions to be imposed in the WML, in order to determine whether it was necessary to reject the application for any of those reasons.

The Agency has considered the application in the context of the relevant objectives which are addressed in the next section. On the basis of that analysis, the Agency is satisfied that it is not necessary to reject the application for the purpose of preventing pollution of the environment, harm to human health or serious detriment to the amenities of the locality.

The Agency is satisfied that the conditions in the Licence will prevent any pollution of the environment, harm to human health or serious detriment to the amenities of the locality that might otherwise arise from the licensed activities.

The Agency has developed a set of common conditions for permits to address the common issues of harm to human health and pollution of the environment. Since 2006 these have been used in waste management licences issued by the Agency and they have been used as a base for the conditions in Able UK Ltd's licence. The Agency developed these conditions based on its own experience to date, having regard to relevant legislation. Guidance relevant to these conditions in WMLs is contained in the Agency's guidance on the conditions for fixed Waste Management Licences (December 2007). During the period in which this licence application was being determined, the Agency was revising these baseline conditions to coincide with the introduction of the Environmental Permitting (England and Wales) Regulations 2007 and some amendments developed as part of that process have also been incorporated into this licence. This decision document does not include an explanation for these common conditions. Additional site specific conditions have been included in the licence and justification for these conditions is provided in appendix 3.

Activities at the site create a number of risks that are not normally associated with standard WMLs. Ships and Marine Structures can contain polluting materials such as oils and oily water, can potentially act as a transport mechanism for alien species of flora and fauna, and the hulls may have chemical coatings to prevent marine growth. In order to maintain adequate regulatory control over what could be environmentally damaging materials it has been necessary to include additional conditions to provide appropriate controls in the licence.

As there is planning permission in place, it falls to the Local Planning Authority to address amenity issues at the site. The Agency therefore needs only to address the pollution of the environment and harm to human health aspects of Section 36 (6) of the Environmental Protection Act 1990.

The planning application included an Environmental Impact Statement (EIS), which included an assessment of the impact on the local amenities. Taking into account the content of the EIS, Hartlepool Borough Council and the Secretary of State approved the applications for planning permission.

As part of the pollution control measures in the licence, the Agency has imposed conditions relating to odour, dust, noise and pest control which, in addition to preventing pollution of the environment and harm to human health, also provide controls in relation to serious detriment to the local amenities.

The Applicant is also required to carry out operations in accordance with the operating techniques set out in the Working Plan accompanying the application, which includes techniques relating to matters affecting local amenity.

(c) "Relevant Objectives"

The 'relevant objectives' of the Waste Framework Directive have been transposed into English law in schedule 4 of the WMLR 94. The Agency must discharge its functions under Part II of EPA90 in relation to waste management licences in line with the 'relevant objectives'.

Under Schedule 4 para 4(1) the following objectives are relevant objectives in relation to the disposal or recovery of waste:

- (a) *ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –*
 - (i) *risk to water, air, soil, plants or animals; or*
 - (ii) *causing nuisance through noise or odours; or*
 - (iii) *adversely affecting the countryside or places of special interest;*
- (b) *implementing, so far as material, any plan made under the plan-making provisions.*

"Ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment ..."

The Agency has considered in detail the potential impact of the activities authorised by the licence and is satisfied that the activities, carried out in accordance with the licence conditions, will not endanger human health or harm the environment.

Human Health

In relation to endangering human health, the Agency is satisfied that the conditions of the waste management licence, in association with other regulatory regimes that control specific activities on the site, will ensure that the operations at the site will not pose a risk to human health. The Agency also consulted the Health Protection Agency and the Food Standards Agency as non-statutory consultees. Neither body had any comments to make in relation to health impacts of the proposed activities. The Risk Assessment and EIS submitted in support of the application addressed the potential human health impacts. Where risks were identified these have been mitigated through measures provided in the Working Plan and controls provided by the conditions of the licence.

The Agency is satisfied that the operation of the facility in line with the conditions set out in the licence will mean that there will be no danger to human health.

Environment

In relation to the use of processes or methods which could harm the environment, all emissions that might arise from the licensed activities will be prevented or, where that is not practicable, minimised, in particular through the dismantling operations taking place within containment areas, to avoid pollution. The Agency is satisfied that the dismantling facility will be operated in line with the licence conditions and without using processes or methods that could harm the environment.

"...and in particular without-(i) risk to water, air, soil, plants or animals"

Water

To minimise the risk to water, dismantling of ships or marine structures and other activities on site that could give rise to pollution shall take place on appropriate areas with an impermeable surface and sealed drainage, or within the dry dock. There may be instances where marine structures will be stored or treated in areas that do not have an impermeable surface. That can only take place when adequate localised containment is provided and dismantling procedures are in place to prevent pollution. Subject to the transitional arrangements set out in table 2.5 of schedule 2 of the licence, the proposed containment and procedures must be submitted to and approved by the Agency before any marine structure can be accepted at the site.

The surface of the floor of the dry dock has been identified as being constructed of a permeable material, However it is underlain by 5 to 8 metres of low permeability clay. Evidence has been provided which indicates that historically the dock area operated successfully as a dry dock. Evidence has also been provided which shows that the underlying groundwater pressure is upwards and therefore the likelihood of a transmission of water downward from the site into groundwater is insignificant.

A surface water management scheme for the site has been designed to manage surface waters from the impermeable areas and the dry dock. The design took into account a number of scenarios including average rainfall, storm rainfall (based on the 2 day M5 data and 14 day M5 data, both of which are recognised design criteria for surface water management) and the worst case period (three months) identified in the last 10 years from the Agency's own rainfall data for Hartlepool. The principle of the design is to provide capacity for higher than average rainfall with excess surface water from storm events being managed by removal by tankers. In order to ensure that no pollution escapes from the site to the Seaton Channel the surface waters from the operational areas are directed to storage holding ponds where the waters are tested prior to discharge. If the waters in the storage holding ponds are below the limits in the trade effluent discharge consent they may be discharged to the river, if they are above the consent limits then the waters shall be removed from site by tanker. The Agency has assessed the information provided and is satisfied that surface waters at the site can be managed appropriately. Conditions have been included in the licence to ensure that the surface water management system is operated appropriately.

For ships in the dry dock, primary containment is provided by the hull of the ship. Licence conditions require the removal of all liquids and hazardous material before the hull can be dismantled. Where that is not possible, the hull must be dismantled in such a way as to continue to provide containment unless a suitable alternative method of containment is provided.

As far as the risk to groundwater is concerned, the Agency's Groundwater Protection Team has been consulted. The Agency is satisfied that the area is not a high risk groundwater location and risk to groundwater is minimal. Licence conditions require the monitoring of ground water as a precautionary measure.

The Agency is satisfied that the requirements of the licence and the procedures governing the operation and maintenance of the site will minimise the risk of any contaminants escaping from the site into surrounding surface waters. In the unlikely event that there is such an escape the Agency is satisfied that the requirements of the licence and the proposed emergency spill procedures will ensure that it is dealt with appropriately.

Licence conditions and the Working Plan require appropriate storage and handling in relation to the risks posed by the other wastes accepted at the site, in order to minimise the risk of pollution to water. This ranges from storage within impermeable bunded areas for liquid wastes to storage on hardstanding for inert wastes.

The Agency is satisfied that the licence conditions will minimise any risk of pollution of water from the licensed waste activities.

Air

So far as risk to air is concerned, the Agency considers that potential dust, fibres and particle emissions will be contained through the requirements of the licence. Section 1.1, together with conditions 3.1 and 3.3 of the licence, impose conditions relating to control, monitoring and reporting of dusts, fibres and particulates. Together with the operating techniques in the Working Plan, those conditions will ensure that the risk of pollution from emissions to air is minimised.

During dismantling there may be potential for asbestos fibres to be released. Sections 1 and 3 of the licence cover all dusts, however the removal of asbestos is also subject to strict controls by other competent regulatory bodies. Any asbestos removal must be carried out in accordance with relevant HSE guidance, by licensed asbestos strippers.

Soil

So far as risk to soil is concerned, the requirement for an impermeable surface, sealed drainage systems and other engineered containment systems, together with the requirement to inspect and maintain those engineered containment systems, should prevent any soil pollution at the site. As for the risk of pollution of soil off the site, the Agency is satisfied that the controls on releases of pollutants into the air will prevent any such transfers.

Plants and Animals

So far as risk to plants and animals is concerned the Agency has assessed any potential impact on Habitat Directive sites and Sites of Special Scientific Interest and has concluded that there will be no adverse effect in respect of the former nor any likely damage in respect of the latter.

On the basis of the information available, and taking into account the Agency's experience in regulating other facilities, the Agency is satisfied that the operations authorised by the licence will not pose a risk to water, air, soil, plants or animals.

"...(ii) causing nuisance through noise or odours"

The emission of noise insofar as it impacts the amenities of the locality is a matter within the remit of the planning authority, however the Agency in assessing potential pollution of the environment and harm to human health must have regard to noise.

Condition 3.5.1 requires the activities to be free from noise at levels likely to cause annoyance outside the site. The Applicant has provided a noise assessment based on the content of the EIS, the conclusion of which indicates that the impact of noise will be insignificant. The Agency is satisfied that the operation of the site, in line with the conditions set out in the licence, will not cause nuisance through noise.

The Agency has also considered the potential emission of odours from the site. It is satisfied that odour emission from the site will be minimal. The most likely sources of odour will be marine growth removed from a Unit or odours from waste transfer activities. Licence conditions 1.1.1, 2.3.1 and 3.4.1 provide for monitoring and control of odorous emissions and the Agency is satisfied that the operation of the site in accordance with the conditions set out in the licence will not cause nuisance through odours.

“... (iii) adversely affecting the countryside or places of special interest”

The Agency has considered whether the proposals are likely to damage the special interest features of the nearest SSSI and has concluded they will not. Natural England has agreed with that conclusion. The Agency has also considered whether any emission from the dismantling facility might adversely affect the countryside and is satisfied that the conditions in the licence will ensure that harmful emissions are prevented and that there will be no adverse effect on the countryside.

“...(b) implementing, so far as material, any plan made under the plan-making provisions”

The ‘plan-making provisions’ are defined as:

- paragraph 5 of schedule 4 of the Waste Management Licensing Regulations 1994 (Offshore Waste Management Plans)
- section 44A of the Environmental Protection 1990 Act, and
- Part II of the Town and Country Planning Act 1990

Due to The Transfrontier Shipment of Waste Regulations 2007 (TSWR 2007) regulation 16 a reference to any plan made under the plan making-provisions also includes a waste management plan made under Part 2 of the TSWR 2007.

WMLR Schedule 4 (5) Offshore plans

No offshore waste management plan has been issued for United Kingdom waters and United Kingdom controlled waters. In any event. the licensed activities will not result in any offshore waste activities.

EPA1990 section 44(A) Waste Strategy

The Agency considers that the grant of the licence, subject to the conditions contained in it, implements the Waste Strategy for England 2007 (the Waste Strategy). The Government’s Waste Strategy is a high level document which does not focus on the specific detail relevant to any particular proposal but provides an overarching view. One of the main elements of the Waste Strategy is to encourage much greater consideration of waste as a resource through increased emphasis on re-use and recycling of waste. It advises that the better management of waste can contribute to reducing greenhouse gases e.g. carbon dioxide emissions (through reuse and recycling). In regard to the recycling of metals generally, it further advises in Chapter 4, paragraph 16 that the recycling of all metals yields significant greenhouse gas benefits because large amounts of energy are needed to extract and process them. Annex C17 provides specific guidance on the recycling of end-of life ships. The application is in keeping with the principles of the Waste Strategy in relation to the Waste Hierarchy and the waste industry investing to recover and recycle waste.

The grant of the licence is also in keeping with the “UK Ship Recycling Strategy” issued in February 2007 by the Department for Environment, Food and Rural Affairs in which the Government’s strategy objectives are stated to be:

1. To develop a strategic approach to the recycling of UK-flagged vessels consistent with the UK’s national and international sustainable development commitments.

2. To encourage, through the provision of guidance, the development of UK capacity for recycling of end-of-life vessels in an environmentally sound manner.

In the Agency's view, ship dismantling is primarily a R4 recovery operation (recycling or reclamation of metals and metal compounds), and integral to the R4 operation is the storage of waste while being recovered and the storage of the residues, both hazardous and non – hazardous, from the recovery operation.

In addition the proposal has been assessed against, and has been found to accord with, the principles of the IMO Guidelines On Ship Recycling (2003) and the Technical Guidelines For The Environmentally Sound Management Of The Full And Partial Dismantling Of Ships.

TSWR2007 Part 2 UK Plan for Shipments of Waste

The plan sets out government policy on shipments of waste for disposal to and from the UK and is not strictly relevant to the Agency's determination of the WML application. In the Agency's view there is no conflict between the application and the plan. Granting the WML is in line with the general policy objectives of the plan, in particular the principles of proximity and self sufficiency.

Any proposed imports of waste to the site would be subject to the strict legal controls on the transfrontier shipment of waste identified in the plan. .

Town and Country Planning Act 1990 part II

The adopted Hartlepool Local Plan (HLP 2006) sets out policies that provide the land use framework for sustainable waste management in Hartlepool. Alternative planning permissions were granted for ship dismantling by Hartlepool Borough Council in 2007 and by the Secretary of State in 2008. Hartlepool Borough Council and the Secretary of State had regard to the HLP 2006 and the Waste Strategy when determining the planning applications. On that basis, and following formal consultation with Hartlepool Borough Council, the Agency is satisfied that the application implements national or local planning policies.

Given that this WML authorises disposal activities (classified as D9, D14 and D15 in schedule 4 of the WMLR 94) the following additional objectives are relevant under Schedule 4 para 4(2) WMLR 94:

- (a) *establishing an integrated and adequate network of waste disposal installations, taking account of the best available technology not involving excessive costs; and*
- (b) *ensuring that the network referred to at paragraph (a) above enables—*
 - (i) the European Community as a whole to become self-sufficient in waste disposal, and the Member States individually to move towards that aim, taking into account geographical circumstances or the need for specialized installations for certain types of waste; and*
 - (ii) waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health"*

The Applicant proposes specific interim disposal operations to be carried out on wastes brought to the site, in particular: the storage of and repackaging of inert waste, uncontaminated soils, ash from thermal processes, drill cuttings and dredging wastes; the dewatering of drill cuttings and dredging wastes; and the storage of waste brought to the site in containers and stored in those containers. The site is situated in an industrial area. The proposed disposal operations will contribute to the establishment of an integrated and adequate network of waste disposal installations which will assist in enabling the EC and UK to be self sufficient in waste disposal. The conditions in the licence will ensure a high level of protection for the environment and public health.

The grant of a licence for the disposal activities at the site would therefore contribute to these additional objectives.

Overall, the Agency is satisfied that the licence conditions and procedures within the application will afford a high level of protection for the environment and public health.

In summary, the Agency is satisfied that the relevant objectives are met in granting a waste management licence for the dismantling facility.

5. OTHER RELEVANT LEGISLATION

Groundwater Regulations 1998 (SI 1998/2746)

Standard baseline conditions to ensure compliance with the Groundwater Regulations (i.e. site containment and drainage) are included at section 1.1, 1.2, 3.1.1, 3.3.1 and 3.3.4 of the WML conditions. The Agency is satisfied that there should be no direct or indirect discharges of List I or List II substances to groundwater from the dismantling facility.

Environment Act 1995

(i) Section 4 (Pursuit of Sustainable Development)

By section 4 of EA 1995, the Agency has a duty to contribute towards achieving sustainable development as considered appropriate by Ministers and set out in guidance issued to it. The relevant statutory guidance issued to the Agency by the Secretary of State for Environment, Food and Rural Affairs is The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002). That document:

“provides guidance to the Agency on such matters as the formulation of approaches that the Agency should take to its work, decisions about priorities for the Agency and the allocation of resources. It is not directly applicable to individual regulatory decisions of the Agency.”

The guidance contains objectives in relation to the Agency's operational functions and corporate strategy. Some of those objectives relate to the Agency's wider role in waste management and strategy. In respect of waste management licensing, the guidance notes state that the Agency should pursue the following objective:

“to ensure that waste is recovered or disposed of in ways which protect the environment and human health, by regulating waste management operations (including collection, transport, treatment, storage and disposal) and enforcing waste management controls in a nationally consistent manner...”

The Agency has had regard to this objective. It is satisfied that the imposition of conditions on the WML for the dismantling facility will mean it is operated in a way which protects the environment and human health.

(ii) Section 7 (Pursuit of Conservation etc Objectives)

Consideration has been given to whether any additional requirements should be imposed in terms of the Agency's duty to have regard to a range of conservation etc issues under section 7 of EA 1995. However, it is considered that the conditions of the WML as a whole will be sufficient in this regard and no other appropriate requirements have been identified. Conservation of natural habitats has been considered separately above and the Countryside and Rights of Way Act 2000 is considered below.

Human Rights Act 1998 (“HRA 1998”)

The HRA 1998 came into force on 2 October 2000 and incorporates many of the provisions of the European Convention of Human Rights into domestic law. It is now unlawful (subject to certain qualifications) for a public authority to act in a way that is incompatible with a Convention right.

No representations have been made to the Agency in the course of determining this application specifically in relation to the HRA 1998. However, the Agency has considered the potential

interference with Convention rights and is satisfied that no such rights are engaged in the present case and that, if they are, the grant of the licence for the proposed activity would not unlawfully interfere with those rights.

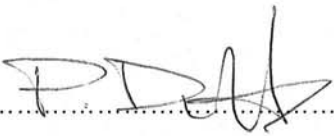
Wildlife and Countryside Act 1981 (as amended by Countryside and Rights of Way Act 2000) ("WCA81")


Section 28G of WCA81 imposes a duty on the Agency in carrying out its functions so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest (the features of special interest) to take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the features of special interest. Furthermore, under section 28I, before permitting the carrying out of operations which are likely to damage any of the special interest features, the Agency must notify Natural England of the proposed operations. The Agency considers that the proposed operations at the site are not likely to damage any features of special interest and Natural England agrees with that conclusion.

6. Decision

The Agency has decided to grant the waste management licence to allow the Applicant to carry out the proposed activities, subject to the conditions and controls contained in that licence.

In reaching that decision the Agency has taken into account all relevant considerations and legal requirements, has carefully considered the comments of consultees, and is satisfied that the licence will ensure that the appropriate level of environmental protection is provided.

i) **Signed**..........
Designation: Permitting Officer
Date.....25/06/2008.....

(ii) Decision document and determination of application approved by designated person under NFSoD
Signed..........
Designation.....Permitting Team Leader.....
Date.....25/06/2008.....

Appendix 1 SUMMARY OF REPRESENTATION RESPONSES

RESPONSES TO THE PUBLIC DROP IN SESSIONS ON THE WASTE MANAGEMENT LICENCE APPLICATION

EXTERNAL REPRESENTATIONS

Table summarising the salient points of representations received and showing how any concerns have been addressed.

Representee	Date of response	Summary of representation	Comments
Public response 1	29 April 05	Environment Agency staff should monitor Seaton Meadows 24 hours a day.	The application is not for the Seaton Meadows landfill site therefore the issue raised is not material to the determination of this application..
Public response 2	11 April 05	<ul style="list-style-type: none"> - Nature and volume of the waste and its safety. - The member of the public expresses the view that they do not believe what the company says. 	<ul style="list-style-type: none"> - Appropriate controls are in place in the WML in relation to the storage and handling of the types and quantities of wastes permitted by the WML. The WML includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they have not raised any objections on health grounds. - The Agency has assessed the application and is satisfied with the information provided. The Applicant has satisfied the requirements of the "fit and proper person" test as set out in the legislation.
Public response 3	5 April 05	<ul style="list-style-type: none"> - Oil and water discharges to the estuary and sea. - Impact on health and wildlife. - Operations will result in airborne dust. - The nature reserve will be impacted by pollutants from dredging and increased shipping into the site. 	<ul style="list-style-type: none"> - The WML contains appropriate conditions to prevent pollution of the environment. The WML specifies that there shall be no point source emissions to water except in accordance with a discharge consent (condition 3.1). Liquid waste which does not meet the limits specified in Table 3.4 of the licence must be tankered off site. - The WML includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency consulted the relevant health bodies and they did not raise any objections on health grounds. - The WML includes appropriate controls in relation to dusts. Condition 3.3.1 requires the management of fugitive emissions and condition 3.7.1 requires specific monitoring for asbestos fibres. - When carrying out the Habitats Regulations Appropriate Assessment the Agency considered the in combination impact of the operations that

		<ul style="list-style-type: none"> - The dock is not big enough to handle large ships. - Increased road traffic in Seaton Carew. 	<p>it regulates with dredging and shipping movements and the Agency concluded that there would be no adverse in combination effect. Natural England has been consulted and agrees with the Agency's view.</p> <ul style="list-style-type: none"> - Before ships come into the Tees they need the approval of the harbourmaster who will ensure that they are suitably sized for the dock. - This is not material to the Agency's consideration of this application. It has been considered as part of the planning application determination process.
Public response 4	11 April 05	<ul style="list-style-type: none"> - Questions whether monitoring of site activities will continue in the longer term - Impact on health and the health service. - A range of questions are asked about the Seaton Meadows landfill. 	<ul style="list-style-type: none"> - The Agency's regulation of site activities will continue as long as the WML remains in place and activities continue on the site. The WML can only be surrendered if the Agency is satisfied that the condition of the site is unlikely to cause pollution. - The WML includes appropriate provisions to protect human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they did not raised any objections on health grounds. - The application is not for the Seaton Meadows landfill so the issues raised are not material to the determination of this application.
Public response 5	6 April 05	<ul style="list-style-type: none"> - Toxic substances being a factor in the future health of Hartlepool people. - Impact on the environment including the estuary and its SSSI's. - The member of the public expresses the view that the town is acquiring a reputation as a toxic dumping ground. - Questions are raised over job creation. 	<ul style="list-style-type: none"> - The WML includes appropriate provisions to protect human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency consulted the relevant health bodies and they did not raise any objections on health grounds. - The WML includes appropriate provisions to protect the environment. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. When carrying out the Habitats Regulations Appropriate Assessment the Agency did consider the in combination impact of the operations that the Agency regulates with dredging and shipping movements and concluded that there would be no adverse in combination effect. Natural England has been consulted and agrees with the Agency's view. - The application is not for the disposal (dumping) of waste therefore this point is not relevant to this determination of this licence. - This is not material to the determination of this application.

Public response 6	12 April 05	- The member of the public has serious misgivings about the applicant and raises concerns regarding irresponsible behaviour and management.	- The Applicant has satisfied the requirements of the "fit and proper person" test as set out in the legislation.
Public response 7	15 April 05	- The member of the public thinks it is important for firms to have a waste management licence so that waste is disposed of correctly and no harm will be done to the environment.	- The Applicant cannot do dismantling work on site without a waste management licence and the WML includes conditions to protect the environment.
Public response 8	26 April 05	- Questions the total cost of outlay the applicant will have to make in order to build the requisite docks. - Questions the level of income the applicant expects to make in both the short and long term.	- The Applicant has fulfilled the financial provision aspect of the 'fit and proper' assessment. The Applicant has demonstrated to the Agency that they have funds to put the required infrastructure including the dry dock in place and to meet the obligations of the WML. - This is not material to the determination of this application.
Public response 9	23 April 05	- With safeguards the member of the public has no objection.	- The WML includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they have not raised any objections on health grounds.
Public response 10	22 April 05	- Questions why the applicant did not get planning permission before bringing ships to England and raises the concern that this is to do dirty work for America.	- This is not material to the determination of this application.
Public response 11	23 April 05	- The member of the public does not believe that the frequency of monitoring of the waste management system by the Agency and other external bodies is sufficient. - There is no evidence that the applicant has sound quality management systems in place.	- The Agency regulates site operations applying a risk based/proportionate approach. - The Applicant is a registered ISO 14001 company.
Public response 12	12 April 05	- Lack of confidence in the applicant to deal competently and responsibly with hazardous waste. - To go ahead with this contract is to set a dangerous precedent. - Damage to the image and prestige of Hartlepool.	- The Applicant has satisfied the requirements of the "fit and proper person" test, as set out in legislation. - This is not material to the determination of this application. - This is not material to the determination of this application
Public response 13	22 April 05	- No more waste around this area. The member of the public	- This is not material to the determination of this application

		would like to know how the applicant was allowed to bring the ships over without any licences. The member of the public claims that there has to be something wrong when those ships were towed 3000 miles across the Atlantic and America could not deal with them.	
Public response 14	7 April 05	<p>- Questions whether the Agency will monitor for asbestos and lead outside the site.</p> <p>- We have been told to expect rising sea level and freak tides due to global warming. Given that Seaton Meadows is a drained marsh and very close to sea level questions whether the Agency is convinced that it is suitable for long term storage of asbestos.</p>	<p>- The WML requires the licence holder to monitor at the site for asbestos fibres. The Agency does not consider it necessary to monitor outside the site. Conditions 3.1.1 and 3.3.1 of the WML apply appropriate controls to point source and fugitive emissions from site activities.</p> <p>- This application does not involve the permanent disposal of waste therefore the issue is not material to the determination of this application. The application is not for the Seaton Meadows landfill site.</p>
Public response 15	8 April 05	- The council and the HSE should make full use of their powers to ensure safety and well being of both workers and residents being aware of the temptation to cut corners in any commercial area when margins are slim.	- The WML includes appropriate provisions to protect human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they did not raised any objections on health grounds.
Public response 16	21 April 05	<p>- The member of the public has grave concerns about the storage of hazardous materials on sites close to population and housing estates.</p> <p>- The member of the public expresses a lack of trust in Able UK.</p> <p>- The member of the public expresses the view that a country the size of USA should dispose of its own hazardous waste.</p> <p>- The member of the public expresses the view that the health of the North East population has always been sacrificed because of heavy industry.</p>	<p>- The WML includes appropriate provisions to protect human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they did not raised any objections on health grounds.</p> <p>- The Applicant has satisfied the requirements of the "fit and proper person" test as set out in the legislation.</p> <p>- This is not material to the determination of this application.</p> <p>- The WML includes appropriate provisions to protect human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they did not raised any objections on health grounds.</p>
Public response 17	28 April 05	- Proximity of the power station to the site. The member of the public expresses the view that it would be quite a	- This is not material to the determination of this application. The Agency consulted British Energy (Hartlepool Power Station) who did not

		<p>cocktail in the event of a nuclear accident.</p> <ul style="list-style-type: none"> - The disposal of hazardous liquid waste at Seaton Meadows. 	<p>have any comment to make on the determination.</p> <ul style="list-style-type: none"> - This is not material to the determination of this application. The application is not for the Seaton Meadows landfill site.
Public response 18	6 April 05	<ul style="list-style-type: none"> - The member of the public indicated that their main concern is Seaton Meadows tip or landfill so close to Seaton Carew and suggested that there are enough problems in the area without more worries. - Questions whether anyone can guarantee safety to health and beaches and waterways with constant monitoring of the applicant. 	<ul style="list-style-type: none"> - The application being considered is not the Seaton Meadows landfill so the issue raised is not material to the determination of this application. - The WML includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they did not raised any objections on health grounds.
Public response 19	26 April 05	<ul style="list-style-type: none"> - Dredging and sediment disturbance will cause adverse effect to invertebrates impacting on the birds' food chain and the population of wading birds. - Water from the site must be treated and any non-compliance strictly enforced. - The oil boom will not be sufficient to prevent water soluble chemical polluting the estuary. - Concerns about health issues resulting from airborne particles which will have high concentrations at the Field Centre. - Concerns about noise and vibration at the Field Centre. - Concerns about noise disturbing seals especially in the pupping season. 	<ul style="list-style-type: none"> - The Appropriate Assessment carried out in accordance with the Habitats regulations shows no significant adverse effect resulting from dredging in combination with other known activities - The WML contains appropriate conditions to prevent pollution of the environment. The WML specifies that there shall be no point source emissions to water except in accordance with a discharge consent (condition 3.1). Liquid waste which does not meet the limits specified in Table 3.4 of the WML must be tankered off site. Any non compliances will be actioned in line with the Environment Agency's Enforcement and Prosecution policy - The WML includes appropriate provisions to protect the environment. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. - The WML includes appropriate conditions in relation to fugitive and point source emissions from the site. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. - The WML includes appropriate conditions in relation to emissions from the site. The environment impact statement highlights that the major noise impact will be during piling to create the quays and dry dock. Piling will not be permitted during mid June to the end of August. Dismantling of ships hulls will take place on the dock floor with the gates closed acting as a noise barrier. The metal recycling area to the

		<ul style="list-style-type: none"> - The Biosecurity Plan should be implemented and monitored by an independent body. - Questions whether there will be limits on the length of time ships are moored at the berths bordering Seaton Channel. - 	<p>SW of the dock is provided with an acoustic barrier.</p> <ul style="list-style-type: none"> - Condition 2.5.4 and 2.5.5 of the WML require the provision and approval of a unit specific procedure for the management of marine growth and for activities to be carried out in accordance with the approved procedure. - There will not be a time limit. The WML conditions contain appropriate provisions in relation to long term storage. Condition (2.5.6) in the WML requires that the condition of waste ships berthed at the quays in Seaton Channel are monitored and if risks of pollution are identified immediate action must be taken to identify the cause and carry out pollution prevention measures (condition 2.5.7).
Public response 20	29 April 05	<ul style="list-style-type: none"> - The member of the public expresses the view that the USA should dismantle their own ships. - The member of the public expresses the view that the applicant is blatantly unsuitable and inexperienced to be given work dismantling and recycling ships. - The member of the public expresses the view that ship scrapping does not employ many people. - The member of the public expresses the view that the development will damage the town's image and impact on tourism. - The member of the public expresses the view that the development will impact on nature conservation interests (SSSI's and the National Nature Reserve). - The member of the public expresses the view that the development will impact the health and well being of people who live in Hartlepool. 	<ul style="list-style-type: none"> - This is not material to the determination of this application. - The Applicant has satisfied the requirements of the "fit and proper person" test as set out in the legislation and the Agency is satisfied with the content of the application. - This is not material to the determination of this application. - This is not material to the determination of this application. - The WML includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Appropriate Assessment which the Agency has carried out under the Habitat Regulations, which has been signed off by Natural England, concludes that the development will not have a significant adverse effect. - The WML includes appropriate provisions to protect human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they have not raised any objections on health grounds.

Public response 21	26 April 05	<ul style="list-style-type: none"> - Questions the applicant's inherent ability to comply with environmental legislation. - The member of the public expresses the view that the Environment Agency may wish to consider having a full time inspector on the site paid for by the applicant. - Questions the risk of damaging the cooling water intake at the adjacent nuclear power station if a ship is being towed into the dock and it breaks its tow line. 	<ul style="list-style-type: none"> - The Applicant has satisfied the requirements of the "fit and proper person" test as set out in the legislation - It is Agency policy to use its own staff to regulate the sites that it permits. - This is not material to the determination of this application.
Public response 22	24 April 05	<ul style="list-style-type: none"> - The member of the public protests against the ghost ships coming to be dismantled at Seaton Carew and expresses the view that Seaton Carew will be completely ruined and that it will spoil Hartlepool, where they are proud to live. 	<ul style="list-style-type: none"> - The Agency is satisfied that the licence includes appropriate provisions to protect the environment and human health in Seaton Carew and Hartlepool. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they did not raised any objections on health grounds.
Public response 23	undated	<p>The member of the public objects to Able's Waste Management Licence application being approved due</p> <ul style="list-style-type: none"> - to the effect the member of the public considers that it will have on wildlife - the cumulative effect of waste and the member of the public expresses the view that there is already enough there. 	<ul style="list-style-type: none"> - The WML includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Appropriate Assessment which the Agency has carried out under the Habitat Regulations, which has been signed off by Natural England, concludes that the development will not have a significant adverse effect. - The application is for the recovery of waste. The cumulative impacts have been assessed in the Habitats Regulations Appropriate Assessment and no significant adverse effect is concluded.
Public response 24	6 May 05	<ul style="list-style-type: none"> - There is no liquid waste treatment facility and as result liquid waste containing hazardous materials will end up in the Tees estuary damaging the estuary, its SSSI's and the associated wildlife. - Hazardous materials can escape the dry dock during dewatering or reflooding. -Dredging operations will result in re-suspension and re-deposition of contaminants. 	<ul style="list-style-type: none"> - The WML contains appropriate conditions to prevent pollution of the environment. The WML specifies that there shall be no point source emissions to water except in accordance with a discharge consent (condition 3.1). Liquid waste which does not meet the limits specified in Table 3.4 of the licence must be tankered off site The WML contains appropriate conditions to prevent pollution of the environment. Conditions require prior inspection and approval before reflooding the dock. The PD Teesport will regulate the dredging operations. The Agency's in combination Appropriate Assessment concludes that following the dredging operations cleaner sediments will come in from the sea and deposit causing a reduction in sediment contamination.

Public response 25	20 April 05	- The risk of the operations are not fully determined and are unacceptable close to residential areas.	- The WML includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Appropriate Assessment which the Agency has carried out under the Habitat Regulations, which has been signed off by Natural England, concludes that the development will not have a significant adverse effect.
Public response 26	12 March 05	- No concerns expressed regarding the waste management licence	- No concerns (NFA)
Public response 27	27 April 05	- No concerns expressed regarding the waste management licence	- No concerns expressed (NFA)

Appendix 2 SUMMARY OF CONSULTATION AND REPRESENTATION RESPONSES

Table 1. – RESPONSES FROM CONSULTEES

Table of responses received from internal and external consultees where comments were made formally and showing how any concerns have been addressed.

Consultee	Consultation response date	Summary of response	Comments
Statutory Consultees			
HSE (re major accident hazard perspective)	22 April 08	No comments from a major accident perspective.	No further action required (NFA).
Natural England	1 May 08	The proposed operations will not be likely to have a significant impact on the interest feature.	No objection, NFA
Hartlepool BC (Part I)	8 May 08	<ul style="list-style-type: none"> - Concerns re storage of wastes that cannot be stored in the quarantine area. - The working plan seems to assume that the dirty module dismantling pad has sealed drainage. - Concerns re the spread of invasive species and in particular that section 14.4.1c of the WP does not make reference to IMO guidance. - Units and levels of detection in table 5 of the working plan should be as for table 6. - The Technical Compliance Plan (TCP) does not provide sufficient detail on the handling of waste contaminated with TBT. 	<p>The drainage to the alternative quarantine storage area (dirty module dismantling pad) has been redesigned by the Applicant and is now directed to the storage holding ponds where it can be analysed prior to discharge or removal from site.</p> <p>Conditions require the submission and approval of a method statement for the identification and control of potentially harmful aquatic organisms and non indigenous species in marines growth, ballast water and ballast sediments. The Applicant has amended section 14.4.1c of the Working Plan(WP) to make reference to IMO guidance. The Agency is satisfied with the amendment.</p> <p>Discharges to the river will be controlled by a consented discharge. Schedule 3 table 3.4 will stipulate monitoring of the Storage Holding Ponds prior to disposal. The limits will reflect the discharge consent.</p> <p>The Agency has amended to condition 2.5.14 to require Unit specific procedures when TBTs are present.</p>

		<ul style="list-style-type: none"> - Section 39.3 of the TCP states that ballast and bilge water will be tested “when necessary” but there is no explanation of when “necessary” is. - Clarification of the inspection procedures that will be followed to assess the need for testing is required. 	<p>This is captured by the bio-security procedures required by condition 2.5.4 and will also be captured by the method statements required by condition 2.5.14.</p>
Hartlepool BC (Part II)	16 May 08	<ul style="list-style-type: none"> - Table 2 of the working plan (WP) states that “not more than 10 tonnes of hazardous waste will be received or stored at any one time”. This quantity is low considering the scale of proposed operations. - Section 2.37 of the WP assumes that all liquids will be stored in single tanks rather than in multiple sequential tanks. Should more than 1 container be stored the bund must be capable of storing 110% of the biggest containers capacity or 25% of the total tank capacity within the bund whichever is greater. Appropriate wording should be included in the WP. - Copies of the site emergency plan should be available throughout the site. - The EA should be informed of non-compliances and remedial actions noted by the Site manager. - There is no detail of the training required by the security operator who will inspect the waste to ensure it matches the waste characterisation data provided or the operatives who sample the received wastes. - Notifications to the EA as detailed in section 4.11.3.1 of the working plan should be clarified. - Section 4.11.3.2 of the WP should clarify whether the 3 days notice given to the EA is EA or Able working days (Able will be working 7 days a week). 	<p>The Applicant has amended Table 2 of the WP to clarify that the 10 tonnes applies only to disposal activities being carried out at the site. The Agency is satisfied with the amendment.</p> <p>The Applicant has amended the WP to include the requirement for 25% of the total tank capacity. The Agency is satisfied with the amendment</p> <p>This would be covered in the accident plan required by condition 1.2.1. Section 4.1.2 of the WP has been amended to add the site emergency plan to the notices section. The Agency is satisfied with the amendment.</p> <p>Normal practice would be for the Licence Holder to identify and remediate any non compliances, the Agency would, when regulating the site, inspect their records to ensure that non compliances are being identified and remedied.</p> <p>Condition 1.1.1 requires that the activities shall be managed and operated by sufficient persons who are competent in respect of their activities and condition 1.1.2 requires records to be kept demonstrating this compliance ie training records etc.</p> <p>Conditions 2.5.3 and 2.5.13 detail the information required to be notified to the Agency therefore over riding this working plan statement.</p> <p>The Applicant has amended the relevant section of the working plan to state that these are ‘Agency’ working days..</p>

	<ul style="list-style-type: none"> - Further details should be provided of the statement in section 4.11.3.3 of the WP which says “dock waters will be inspected for signs of contamination”. Who will be carrying out the inspections and are they trained? - It is suggested that the wording of paragraph 4 of section 4.11.3.4 ‘including testing for any gas and radioactive substances’ be amended to be more specific. It is unlikely that Able will be testing the received modules for all gases and radioactive substances and details should therefore be provided. - Able should provide clarification of all managers job titles and names, all qualifications, nominated deputies and roles and responsibilities. - Groundwater monitoring, as discussed in section 5.3, must be undertaken as previously agreed with the EA. The first sentence of section 5.3 should therefore be amended to read ‘Groundwater monitoring will be undertaken at the site in accordance with the scheme agreed in writing with the Environment Agency’. - Able should ensure that there are adequate supplies of Sodium Carbonate readily available during battery removal operations to prevent any delays in the event of a spillage (section 7.4.5 of the TCP). - We have concerns about the procedures for the identification of wastes containing PCB’s. While Able are correct in their assertion that PCB use ceased in 1986 in the UK and 1977 in the US, there may be PCB’s present in wastes received from other countries. Able should provide details of their procedures for identifying PCB’s in wastes of non-UK/US origin. This comment is also relevant to section 15.3, which is not consistent with the dates given in other sections of the Compliance Plan. - Able should ensure that the disposal of electrical equipment, as described in section 15, is in accordance with the 2006 Waste Electrical and Electronic Equipment (WEEE) Regulations. - Section 22.3 makes reference to the ICRCL. This is no longer valid 	<p>Dock water monitoring is stipulated in Schedule 3 table 3.2. Condition 1.1.1 requires that the activities shall be managed and operated by sufficient persons who are competent in respect of their activities and condition 1.1.2 requires records to be kept demonstrating this compliance ie training records etc.</p> <p>The Applicant has amended section 4.11.3.4 of the WP to specify for which gases testing will take place. The Agency is satisfied with the amendment.</p> <p>Condition 1.1.1 requires that the activities shall be managed and operated by sufficient persons who are competent in respect of their activities and condition 1.1.2 requires records to be kept demonstrating this compliance ie training records etc.</p> <p>Groundwater monitoring is required by the conditions of licence the details of which have to be approved by the Agency prior to dismantling of ships. The Applicant has amended the WP to ‘agreed with the Agency’. The Agency is satisfied with this amendment.</p> <p>This is captured within the licence holders accident management plan required by condition 1.2.1.</p> <p>Conditions 2.5.14 require the licence holder to provide detailed Unit specific procedures relating to the identification and sampling of PCBs on all units accepted at the site irrespective of their age. The Applicant has amended section 15.3 of the TCP to reflect the dates in other sections of the TCP. Sections 30.1.4, 31.1.3 and 32.1.3 of the WP have been amended to cover vessels of a no UK/USA origin. The Agency is satisfied with the amendment.</p> <p>The Agency has incorporated additional conditions in the WML to meet the requirements of the WEEE Directive.</p> <p>The Applicant has amended section 22.3 of the TCP to remove the</p>
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		<p>and the reference should therefore be removed.</p> <ul style="list-style-type: none"> - Procedures should be put in place to ensure the mechanical shovel, (as described in section 22.4.2.2) used for the removal of marine growth which may be hazardous or pose a bio-security threat, is free from contamination before re-use. 	<p>reference to ICRCL. The Agency is satisfied with this amendment.</p> <p>This is captured in the Unit specific method statement for the identification and control of potentially harmful aquatic organisms and non indigenous species in marines growth, ballast water and ballast sediments.</p>
Non-statutory Consultees			
Able UK Ltd	6 May 08	<ul style="list-style-type: none"> - Many conditions have been drafted with ship dismantling in mind but these conditions provide complications when applied to the dismantling of marine structures. - The definition of a unit needs further consideration. The example quoted is a marine structure which will come in small parts. Is each part a unit, is each delivery a unit, or is the whole structure a unit? - There is a need to define the scope of a Unit Recycling Plan. - The conditions require various plans to be submitted to EA. The conditions do not allow for changes in the plans as new information becomes available. - There are projects in stream which may arrive under the terms of the existing WML (CLE/411) but may dismantled under this new WML. Transitional arrangements are needed to cover such eventualities. - Condition 2.5.8 need simplifying so managers on site understand it. - Condition 2.5.11 is unworkable requiring notification of additional wastes being identified within 7 days when analysis often takes longer than 7 days. - The requirement for a unit recycling plan 7 days prior to dismantling of that unit (condition 2.5.12) prevents successive barges from 	<p>The Agency's view is that the definition of Unit takes into account the issues raised by Able UK Ltd.</p> <p>The interpretation of Unit applies to parts of a Unit and is captured in the interpretation of Ships and Marine Structures in schedule 4 of the WML. A Unit Recycling Plan could contain sufficient detail to cover the whole of a project or part of the project.</p> <p>The scope of the Unit Recycling Plan is now defined in condition 2.5.13 and is self explanatory. It applies to each individual Unit as per the Unit definition ie to each unit or partially dismantled unit if brought to the site individually or could be captured in a Unit Recycling Plan covering a whole project.</p> <p>The Agency has amended the conditions to allow for amendments to the various plans, method statements and procedures.</p> <p>Transitional arrangements are included in the WML by condition 2.5.1 and Schedule 2 table 2.5 Following review the Agency has included an additional condition table 2.5/3 to allow activities to continue on the Dirty Module Dismantling Pad for a limited period subject to specific discharge limits.</p> <p>The Agency is satisfied with the wording.</p> <p>The Agency has amended the condition to require notification prior to dismantling. This provides adequate time for a full assessment of each unit to be undertaken.</p> <p>The 7 day requirement has been removed, sufficient controls are in place to ensure that the removal of this time frame does not impact</p>

		<p>arriving at the site.</p> <ul style="list-style-type: none"> - Condition 2.5.13 requires the provision of 12 sampling programmes an method statements for each unit. It is suggested that the words “unless otherwise agreed with the EA ” is added to the opening sentence and to each sub condition to give some flexibility. - Any changes to condition to 2.5.13 are also relevant to condition 2.5.14. - Condition 2.5.17 refers to units moored at site. Does this include Units on barges? - It is suggested that the reference to “booms” in the first 2 sentences of 2.5.17 is changed to “boom”. - Should condition 2.5.17 apply to barges? - It is suggested the word “unit” in 2.5.18 is changed to “ship” as this condition would prevent any preparatory work to affect load in of marine structures. - It is suggested the references to “unit” in 2.5.19 are changed to “ship”. - It is suggested that condition 2.5.19 is redrafted to enable the quantum of work and activities in line with the DEFRA ship recycling guidance. - It is suggested in condition 2.5.19 that the words “of the hull” are added after “no dismantling”. 	<p>on the controls the conditions provide.</p> <p>The condition reflects the content of the Applicant’s compliance plan.</p> <p>The relevant conditions have been changed to allow for amendments to the plans, method statements and procedures referred to in conditions.</p> <p>Condition does apply to barges as there may be risks involved in storage or offloading. The condition has been amended to remove the requirement for a boom for specific units, with the agreement of the Agency. This would be appropriate when items arrive on barges that do not have any pollution potential.</p> <p>No change to the condition, the intent is to ensure that either each unit or a number of units have a boom around them. This does not necessarily mean a single boom at the site.</p> <p>This condition applies to barges as Units arriving on barges may pose a pollution risk, where there is no risk and with agreement of the Agency a boom may not be necessary.</p> <p>The Agency considers it is only necessary to refer to ships in this condition (now condition 2.5.19) and has amended the wording to reflect this.</p> <p>The Agency considers it is only necessary to refer to ships in this condition (now condition 2.5.20) and has amended the wording to reflect this.</p> <p>The application has only been assessed on the activities that Able have proposed in the application, supporting documents and those identified in the EIS which was assessed as part of the planning application. The Agency has imposed conditions that therefore reflect the activities described in the application.</p> <p>The condition (now 2.5.20) reflects the Applicants proposals in their application.</p>
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		<ul style="list-style-type: none"> - Condition 2.5.20 is restrictive. It is suggested that the words “of the hull” are added after “no dismantling”. - It is suggested that this condition is redrafted to avoid repetition of such baseline surveys “provided table 2.4.4c and d have been established and unless there has been a polluting event which would impact on the dock floor, the baseline survey in table 2.4.c and d shall act as the baseline survey each time the dock is drained”. - Daily marine growth collection is impractical given seasonal conditions (inclement weather) as detailed in 2.5.22. It is suggested that the words “when required or as otherwise from time to time agreed with the EA” are added after “daily”. - The dry dock sump will be exceeded under normal operating events as the “feed channel” may also contain draining water. The dry dock sump being full triggers the float switch to activate the pumps to discharge the dock sump contents via an interceptor to one of the holding ponds. It is suggested that adding “and when both holding storage ponds are exceeded” to the end of condition 2.5.25. - In condition 2.6.2 why must containers be stored on an impermeable surface if their contents are not hazardous.? It is suggested that this wording is deleted. - If the containers are kept locked they cannot be filled (condition 2.11). - If condition 3.1.1 includes “hot cutting techniques” then the condition is unworkable. - How can the licence holder control the behaviour of scavenging animals? - The condition in table 2.4.3b and c will prevent work on the North West Hutton if not excluded amending condition 2.4. 	<p>The Agency considers it appropriate to allow the same dismantling as permitted in the flooded dry dock and the condition (now 2.5.22) has been amended accordingly.</p> <p>Condition 2.5.21 has been deleted as this replicates the requirements of table 2.4/4/c. A baseline survey is required the first time the dock is emptied thereafter the dock is required to be inspected prior to its reflooding to ensure that there is no residual contamination.</p> <p>The Agency does not consider this condition 2.5.22 (now 2.5.23) requires amendment.</p> <p>The Agency has amended condition 2.5.25 (now 2.5.26) to make it clear that this also means when the Storage Holding Ponds are full and that the dry dock sump has reached capacity.</p> <p>The Agency considers the condition appropriate in relation to the risks posed by the non-hazardous wastes.</p> <p>The Agency will apply a common sense interpretation.</p> <p>This is not an activity that results in a point source emission.</p> <p>The conditions only relate to the waste activities on site, this will include measures to discourage scavenging animals etc.</p> <p>Amendments have been made to Table 2.5/3 to allow for the continued use of the existing dirty module dismantling pad and discharge subject to limits for an interim period of three months to allow for the continued dismantling of marine structures on site at the issue of the licence.</p>
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Hartlepool Borough Council, Public Protection Department.	No response	The Public Protection Department did not have any comments on the application.	NFA
Primary Care Trust	No response	The Primary Care Trust did not have any comments on the application.	NFA
Food Standards Agency	No response	The Food Standards Agency did not have any comments on the application.	NFA
Northumbria Water	No response	Northumbria Water did not have any comments on the application.	NFA
Tees and Hartlepool Port Authority	No response	Tees and Hartlepool Port Authority did not have any comments on the application.	NFA
North Eastern Sea Fisheries Committee	No response	North Eastern Sea Fisheries Committee did not have any comments on the application.	NFA
British Energy (Hartlepool Power Station)	No response	British Energy did not have any comments on the application.	NFA
South Tees Friends of the Earth	No response	South Tees Friends of the Earth did not have any comments on the application.	NFA
INCA	No response	INCA did not have any comments on the application.	NFA
Tees Valley Wildlife Trust	No response	Tees Valley Wildlife Trust did not have any comments on the application.	NFA

Teesside Environmental Trust	No response	Teesside Environmental Trust did not have any comments on the application.	NFA
RSPB	No response	The RSPB did not have any comments on the application.	NFA
MARAD	No response	MARAD did not have any comments on the application.	NFA
Cleveland Emergency Planning Officer	No response	The Cleveland Emergency Planning Officer did not have any comments on the application.	NFA
Cleveland Fire Brigade	No response	Cleveland Fire Brigade did not have any comments on the application.	NFA
Public Interest Lawyers	No response	Public Interest Lawyers did not provide any comments on the application.	NFA
Greatham Parish Council	No response	Greatham Parish Council did not have any comments on the application.	NFA
Health Protection Agency	No response	The Health Protection Agency did not have any comments on the application	NFA

PART F (cont'd)

Table 2. – EXTERNAL REPRESENTATIONS

Table summarising the salient points of representations received and showing how any concerns have been addressed.

Representee	Date of response	Summary of representation	Comments/ Issues
Public response 28	14 April 08	Objection to the American “ghost ships” being “dismantled within British waters”.	The grounds for objection are not substantive to the determination of the application. The Agency can only reject an application where it is satisfied that its rejection is necessary for the purpose of preventing pollution of the environment, harm to human health or serious detriment to the amenities of the locality.
Public response 29	15 April 08	- Able UK “are polluting the environment and could cause a hazard to human health”. The references to polluting are made in respect of the Alab Seaton Meadows landfill. - There is mention of the “cumulative” impact of waste disposal. - They cannot “look after what they’ve got properly so can you give them permission for more?”	The Agency is satisfied that the licence includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The Agency has consulted the relevant health bodies and they have not raised any objections on health grounds. The licence does not permit the permanent disposal of waste at the site so there can be no cumulative impact with Seaton Meadows Landfill site. - The Applicant has satisfied the requirements of the “fit and proper person” test (as set out in the legislation)..
Public response 30	15 April 08	“I am pleased that environmental issues that I had appear to be covered by your recommendations. However I have a couple of points that I wish to raise”: - Site operations appear to depend on Able submitting method statements – who will know if items are missing from the method statements? - Who will know whether Able take dock water samples correctly?	- The Agency in regulating the site will check the method statements to ensure that relevant items are not missing and their content is appropriate. - As part of the regulation of the site the Agency will audit Able UK Ltd’s monitoring and may on occasions take duplicate samples.

Public response 31	22 April 08	The proposed conditions are “very strict”. I have “no objection” . “It will be good for end of life ships and other structures to be dismantled in a proper environment”.	No objection (NFA).
Public response 32	22 April 08	<p>- The scheme will bring “dangerous materials to Hartlepool” with associated “health hazards”.</p> <p>- How can we you can confident that you can monitor waste site operations.</p> <p>- The site should be independently monitored.</p> <p>- Marine growth may bring in invasive species.</p> <p>- Fish stocks will be adversely effected by the site.</p> <p>- Dumping of dredgings will impact on marine life.</p>	<p>‘Dangerous materials’ associated with the proposed activities will be managed to standards to prevent pollution or harm to human health. The Agency is satisfied that the licence includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The relevant health bodies have been consulted and have not raised objections on health grounds.</p> <p>- The Agency will regulate site operations and if required take appropriate follow up action in accordance with its enforcement and prosecution policy.</p> <p>- It is Agency policy to use its own trained staff to regulate site operations.</p> <p>- Condition 2.5.4 and 2.5.5 of the WML require the provision and approval of a unit specific procedure for the management of marine growth and for activities to carried out in accordance with the approved procedure.</p> <p>.- In determining the application the Agency has carried out an Appropriate Assessment under the Habitat Regulations, which includes the impact on fish stocks. One of the conclusions of the appropriate assessment is that the development will not have an adverse effect on fish stocks. The appropriate assessment has been signed off by Natural England.</p> <p>- The Agency are not the regulatory body for the disposal of dredgings to sea. When carrying out the Appropriate Assessment the Agency did consider the in combination impact of the operations that we regulate with the disposal of dredgings to sea and we concluded that there would be no adverse in combination effect due to the remote location of disposal area which is 38 metres below LAT deep and 11.8 km from the Gares.</p>
Public response 33	23 April 08	Objection “to the planned landfill at Seaton Meadows”.	The application being considered is not the Seaton Meadows landfill so the grounds for the objection are not relevant to the determination of the application.

Public response 34	21 April 08	Objection to Alab's "extension to their waste disposal licence".	No permanent waste disposal is proposed by Able UK Ltd at their Graythorp TERRC site so the grounds for the objection are not relevant.
Public response 35	27 April 08	- Request for the Secretary of State to call in the application.	- There are no Secretary of State call in powers for Waste Management Licence applications.
Public response 36	2 May 08	- The MARAD ships should not be in Hartlepool. - Ship dismantling will impact on birds in the estuary. - Impact on the environment. - Vibrations from piling will impact on foundations of Hartlepool Nuclear Power station.	- This is not material to the determination of the Able UK Ltd waste management licence application. -The Appropriate Assessment which the Agency has carried out under the Habitat Regulations, which has been signed off by Natural England, concludes that the development will not have an adverse effect on birds which use the adjacent Special Protection Area (SPA). The Agency is satisfied that the licence includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. - This issue is one for the regulatory body that approves the piling to consider. It is not material to the determination of the waste management licence application.
Public response 37	4 May 08	- This member of the public has not had the opportunity to comment on the draft licence. - A 6000 signature petition is relevant to our determination.	- The member of the public was sent a copy of the draft permit and the period for response was extended to allow the member of the public to comment. - The petition is considered as a separate public response.
Public response 38	6 May 08	- The company's blatant disregard for following regulations (though the evidence relates to Seaton Meadows). - a poor attitude to environmental and health and safety issues - The company cannot be trusted to tell the truth (the claimed evidence being their submission the Hartlepool Borough Council scrutiny committee). - They have flouted the law by not returning the MARAD ships to the US	The Applicant has satisfied the requirements of the "fit and proper person" test (as set out in the legislation). The return of the ships is not relevant to the determination of the waste management licence.
Public response 39	7 May 08	- This member of the public has not had the opportunity to comment on the draft licence.	- The member of the public was sent a copy of the draft permit and the period for response was extended to allow the member of the

		- A 6000 signature petition is relevant to our determination.	public to comment. - The petition is considered as a separate public response.
Public response 40	8 May 08	- This member of the public identifies that under the terms of the draft licence the licence holder does not have to stop operations which cause odour or noise pollution but only has to take measures to minimise pollution. The member of the public says it is perverse to allow the polluter to decide what pollution is acceptable.	This is an Agency baseline condition. Additional baseline conditions have been incorporated into the licence requiring the approval of appropriate management plans in relation to emissions. The Agency is satisfied that the conditions will prevent or minimise annoyance from odour or noise. The Agency also has a number of enforcement options open to it to prevent or minimise such annoyance..
Public response 41	8 May 08	- The Environment Agency are not resourced to regulate site operations. - Hartlepool BC failed to defend the Able UK planning appeal and would not provide legal advocacy for its citizens. - The development will result in pollution to the environment and harm to human health.	- The Agency has sufficient resources to regulate site operations applying a risk based/proportionate approach. - Hartlepool BC's position in relation to the planning appeal is not relevant to the determination of the WML. The Agency is satisfied that the licence includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The relevant health bodies have been consulted and have not raised objections on health grounds.
2900 signature petition Public response 42	8 May 08	The petition wording is " As a person living in Hartlepool I protest at the proposed issuing of a licence to allow toxic waste and thousands of tonnes of Asbestos from all over the world to be dumped at Hartlepool. This will endanger our lives the lives of our children and future generations".	The application is not for the permanent disposal (dumping) of waste therefore the points raised are not relevant to this determination. If there is asbestos on the site the conditions control how that is handled so that it will not cause pollution or harm.
Public response 43	7 May 08	- Object to liquids discharged that will be contaminated, also to groundwater and run off from buildings which will soakaway and pollute the local water supply and impact on birds and wild life. - The ships do not have rat rails.	- All drainage from storage areas will be regulated through discharge consents which will have conditions attached to them to protect the receiving waters and the uses of those waters. There is no local water supply that the site could impact on. - Condition 3.6.1 requires the licence holder to use appropriate measures to control pests at the site, this would include controlling rats.

		<ul style="list-style-type: none"> - Waste from the site will go to Seaton Meadows which is on fire and which she claims has geological fault. - Able does not comply with environmental legislation (the evidence relates to Seaton Meadows). - The operations will harm the people of Hartlepool and wildlife. 	<ul style="list-style-type: none"> - Disposal issues associated with Seaton Meadows are not relevant to this licence application. - The Applicant has satisfied the requirements for the “fit and proper person” test (as set out in the legislation).. <p>The Agency is satisfied that the licence includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The relevant health bodies have been consulted and have not raised objections on health grounds.</p>
Public response 44	9 May 08	<ul style="list-style-type: none"> - Much of the technical information is incomplete or out of date meaning that the EA cannot make a “fair decision”. - The member of the public has not received information requested under the Freedom of Information Act 2000(FoI) and the member of the public considers this information is highly relevant to his assessment of this application. - A final discharge consent also needs to be obtained and the consultation has not yet taken place. The member of the public considers that this is relevant to the WML application. - The construction of the floor of the dry dock is unsuitable because: <ul style="list-style-type: none"> a. waste will seep into the sandstone polluting the groundwater; b. heavy rainfall will cause the dock to flood; 	<ul style="list-style-type: none"> - The Agency is satisfied that the information provided by the Applicant is appropriate for the determination of the WML.. - The member of the public has received the information that the EA holds in relation to this FoI request. - The member of the public was provided with a copy of the draft consent for comment. The determination of the discharge consent is independent of the WML and therefore not relevant to the determination of the WML. <p>a. The Agency is satisfied that the construction of the dry dock and its underlying geology/hydrogeology will not result in pollution of the environment.</p> <p>b. The Agency is satisfied that heavy rainfall has been suitably modelled and is satisfied with the Applicant’s surface water management procedures.</p> <p>A number of rainfall scenarios were modelled and this information is provided in appendix 16 of the working plan. The drainage has been designed initially around the worst average monthly rainfall data for the area. Modelling has then taken place to capture a number of scenarios in relation to storm events and localised heavy rainfall periods.</p>

		<p>c. the proposal for storage ponds could lead to waste materials entering the water supply.</p> <p>- With the 230,000 tonne limit aggregated it will be possible for Able to work up the limit exclusively on ships . Since ships present the highest environmental risk this will need to be taken account of when considering licence conditions.</p> <p>- More detail is needed on the make up of the dock floor such as the numbers, dimensions, and position of beams.</p> <p>- There is evidence of past piling operations which may result in contaminated dock water penetrating into the groundwater.</p> <p>- In his evidence to the Planning Permission refusal public inquiry mention is made of the drainage system being designed for an appropriate design storm event. There is no clarification of “design storm event”. A more detailed assessment is needed of risk.</p> <p>- Clarification is needed of the process of clean water migrating to permeable areas where there is “storage and attenuation</p>	<p>The scenarios capture the following;</p> <ul style="list-style-type: none"> • Average worst month rainfall • 2 Day M5 • 14 Day M5 • Hartlepool Rainfall Data (This is Agency data for the rain monitoring station at Hartlepool, the heaviest rainfall period in the last 10 years has been used in the scenario). <p>c. The Agency is satisfied that there are no local water supplies that could be impacted by the proposals for the storage holding ponds. Discharges from the storage holding ponds will be subject to appropriate discharge consent.</p> <p>Storage holding ponds will be constructed to an appropriate standard to ensure leakage that may affect the water supply is prevented. Discharges to the river must comply with the discharge consent and prior to discharge the waters in the storage holding ponds will be analysed.</p> <p>The Agency in determining the application has taken this into account and is satisfied that the conditions of the licence provide appropriate controls.</p> <p>The Agency in determining the application has taken into account dock construction and has assessed the risks in reaching its decision and is satisfied that activities will not result in pollution of the environment.</p> <p>The Agency in determining the application has taken into account dock construction and has assessed the risks in reaching its decision and is satisfied that activities will not result in pollution of the environment.</p> <p>See the comment at b. above in relation to drainage and storm events.</p> <p>The Agency is satisfied that surface waters can be appropriately managed. The surface of the site falls in various directions, this</p>
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		<p>potential” and also the locations of the sites.</p> <ul style="list-style-type: none"> - The member of the public requests that details of the regulations and guidance for dock floor operations are provided. - Drawing 3.1 of the WP does not provide sufficient detail to determine the composition of the dock floor which the member of the public needs to consider the application. - Drawing 3.2 does not provide sufficient detail of the dock floor foundations. - para 2.3.6 of the working plan does not provide detail of the volume, depth and capacity of the permeable infill material. This is crucial to an assessment of the application. - At para 4.11.3.3 of the WP it states that “it is assumed that the majority of vessels received at TERRC will not be end of life vessels”. This appears to be an incorrect assumption. - The draft licence does not give sufficient pollution control protection to end of life vessels moored at the quay outside the dock - During bad weather should the pollution control barrier become ineffective all polluting activities will cease. The member of the public asks whether this has any relevance to end of life vessels moored at the quay. - The member of the public seeks assurances that the 3rd party who inspects the dock floor before re-flooding is independent. The member of the public thinks the EA should perform the assessment. The member of the public asks for details of the methodology. - Where contamination is identified in dock floor the area will be excavated and it will be replaced with clean granular material. The member of the public suggests that the EA should play a role in the inspection of the contaminated area. 	<p>means that clean surface water will move across the permeable areas of the site or may be absorbed and this is the storage and attenuation referred to. Surface water run off from areas around the dock has been taken into account when modelling the various scenarios. This run off takes into account appropriate attenuation and evaporation.</p> <p>The Agency is satisfied that procedures in relation to the dock floor operations are appropriately regulated through the conditions of the licence.</p> <p>The Agency in determining the application has taken into account dock construction and the potential for the movement of contaminants to groundwater because of any existing foundations and has assessed the risks in reaching its decision and is satisfied that activities will not result in pollution of the environment.</p> <p>The assumption is not material to the determination of the application.</p> <p>The Agency is satisfied that licence condition 2.5.4, 2.5.5, 2.5.17 and 2.5.18 provide appropriate controls in relation to vessels moored at the quayside.</p> <p>Condition 2.5.17 applies to the end of life vessels moored at the quayside.</p> <p>To take into account this comment condition 2.5.23 has been amended to specify that the inspection is carried out by an appropriately qualified 3rd party.</p> <p>In regulating the site the Agency would audit activities.</p>
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	<ul style="list-style-type: none"> - The member of the public does not consider that storage or dismantling of units should take place in the dry dock because the dry dock floor consists of a permeable surface. - Condition 2.5.15 states that dismantling of the hull should only take place when all liquids and hazardous materials have been removed. The member of the public says that this condition is impossible to comply with. - 2.5.16 says 2.5.15 does not apply if the hull is dismantled in such a way to provide containment of liquids. The member of the public considers that this is difficult to achieve and requires clarification. - “Sediments” and “in so far as practical” is not defined in 2.5.20. The member of the public asks for clarification. - Condition 2.5.23 should say who will carry out the inspection. Also the inspection should not be confined to the surface only. - At condition 2.5.24 it says that the if any limit in table 3.4 of schedule 3 is exceeded then the liquid in the storage holding ponds should be tankered off site. Does this apply to both ponds? What volumes will be tankered off site on any given day. - It is asked who will hold the records of waste sent off-site? It is suggested that the EA should monitor this task. The member of the public considers that the evidence of past compliance of this condition is poor and this is relevant to this application. - At schedule 2 headed operations it states that this licence does not authorise the removal of coating material containing tributyltin compound or triphenyltin compound. The member of the public considers that the licence condition clarifies whether the removal of these substances requires a further application for a permit and whether the condition applies to all units brought onto TERRC for disposal/dismantling. - The member of the public is concerned that the dock does not have the capacity to store large volumes of contaminated water. 	<p>The Agency has assessed the risks posed by the activities and is satisfied that the risk of pollution is insignificant.</p> <p>The Agency is satisfied with the wording of the condition and that the condition is appropriate.</p> <p>The Agency is satisfied that the hull could be dismantled to leave appropriate sections in place to provide containment or alternative containment can be provided.</p> <p>The Agency will interpret ‘sediments’ and ‘as far as practical’ in an appropriate and pragmatic way.</p> <p>The licence conditions require the full scope of the inspection is to be agreed with the Agency.. The condition has been amended in light of this comment to stipulate that the inspection must be carried out by a suitable qualified third party.</p> <p>The condition applies to both ponds and the quantities have been appropriately modelled in appendix 16 of the working plan.</p> <p>The Agency is satisfied that the conditions of the licence require appropriate records to be maintained by the licence holder.. Condition 4.2.2 also require provision of reports of waste movements to the Agency.</p> <p>The Agency has included wording to ensure that the licence does not permit activities that would fall to other schedule 1 of EPR2007.</p> <p>The Agency has assessed the Applicant s proposed surface water management system and is satisfied that the surface water</p>
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		<p>The member of the public is concerned that the dock will flood during a high rainfall event with serious environmental consequences. This could be avoided by the provision of covered areas.</p> <p>- In reply to the planning inspector the EA stated that there would be "2 storage tanks of each of 1800 m3 capacity". The TERRC working plan says the storage holding ponds will be each of 2075m3 capacity. The member of the public asks for clarification of the capacity and the difference between ponds and tanks and in particular will the ponds be enclosed from the elements.</p> <p>- The member of the public is concerned that the ponds capacity does not take account of climate change.</p> <p>- The Able drainage model does not take account of the worst case rainfall scenario including allowing for climate change with a risk of flooding or pollution occurring.</p> <p>- Para 27 of the TCP states that at no time will anti fouling paints containing TBT be removed unless a PPC permit is in place. It says that dismantling of steel structures which has TBT anti fouling paints will be undertaken on impermeable surfaces. The member of the public is concerned that dismantling of hulls with TBT containing paints will take place in the dry dock which has a permeable surface.</p> <p>- The operational risk assessment in appendix 5 uses 1997 geological data. How do we know that this has not changed. The member of the public is also concerned that the investigation did not cover the whole area including the dock floor where piling has taken place.</p> <p>- In table 1 of appendix 5 the risk of contamination of the dock floor is given as 6. The member of the public thinks the risk should be 9.</p> <p>- In appendix 5 the member of the public raised risk no 8 and the mitigation proposed. The member of the public thinks the risk of toxic substances escaping to ground or surface waters is understated and the mitigation is insufficient.</p>	<p>controls are adequate to prevent pollution.</p> <p>In determining the application the Agency required further modelling of the surface water management scheme. This resulted in an increase to the storage holding pond capacity. The Agency is satisfied with the proposed surface water management proposals.</p> <p>The Agency is satisfied that there is sufficient capacity in the surface water management system to take into account climate change.</p> <p>See b. above in relation to scenarios.</p> <p>The risks have been assessed and the Agency is satisfied with the Applicant's proposals and containment provided by the dry dock.</p> <p>In assessing the application the Agency is satisfied that it has taken into account relevant geological information.</p> <p>The Agency has assessed the risk and is satisfied with the proposal.</p> <p>The Agency has assessed the risk and is satisfied with the proposal.</p>
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Public response 45	11 May 08	<p>I find no objection to the application.</p>	<p>No objection, NFA.</p>
Public response 46	15 May 08	<ul style="list-style-type: none"> - Are sufficient person with knowledge and tenacity available to police this facility? - Records mean nothing if not observed and checked by an independent and responsible person. - The member of the public questions the condition:- Site security measures shall prevent unauthorised access to the site, as far as practicable. - The member of the public expresses concerns that “the same management company manages Seaton Meadows” where in his view the hazardous waste will be dumped. He has concerns about Seaton Meadows. 	<ul style="list-style-type: none"> - The Applicant has demonstrated technical competence by satisfying the “fit and proper” person test (as set out in the legislation). They are also required to have management systems to ensure that the site is appropriately managed. The Agency will use experienced staff to regulate site operations. - The Agency will be checking records as part of its site regulation. - It is Agency policy to use this standard baseline condition in WMLs and it will enforce conditions in the WML in accordance with its enforcement and prosecution policy. - This is not relevant to the determination of this application.
Public response 47	7 May 08	<ul style="list-style-type: none"> - There are no properly engineered dock gates to seal of the dry dock from the estuary. - Liquids and solid materials from the process of ship dismantling are impregnated with harmful chemicals. Where will these find a home. - It seems likely to me that contaminated wastes will end up in Seaton Channel. - No Environment Impact Assessment has been carried out for 	<ul style="list-style-type: none"> - The Agency is satisfied that the licence contains appropriate conditions in relation to the construction of the replacement to the dock gates. No dismantling of the vessel hull will be able to take place until the dry dock is operational. - The disposal of wastes from the dismantling of ships is not material to the determination of the application. Controls in the licence require liquid wastes which do not meet the standards for discharge to the estuary will need to go for treatment to a suitably licensed facility. - The Agency is satisfied that activities at the site will not cause pollution of the environment. - This is not relevant to the determination of this application.

		<p>the Seaton Meadows landfill.</p> <ul style="list-style-type: none"> - It appears to me that wastes will be processed at Seaton Meadows hazardous waste treatment facility using methods which are not proven with a resultant impact on groundwater and the residents of Seaton Carew. 	<ul style="list-style-type: none"> - This is not relevant to the determination of this application.
Public response 48	26 May 08	<ul style="list-style-type: none"> - Impact on health. - Over 300 infringements including a prosecution at Seaton Meadows. - No jobs for residents of Hartlepool. - No economic benefit to Hartlepool. 	<ul style="list-style-type: none"> - The Agency is satisfied that the licence includes appropriate provisions to protect the environment and human health. The Environment Impact statement which was submitted in support of the application demonstrates no significant adverse effect. The relevant health bodies have been consulted and have not raised objections on health grounds.. - The Applicant has satisfied the "fit and proper person" test (as set out in the legislation). - This is not relevant to this WML determination. - This is not relevant to this WML determination.

Appendix 3 – Additional controls included in the licence

CONDITION	JUSTIFICATION
Licence Conditions	
2.3 Operating techniques	
2.3.1	Additional baseline condition to incorporate into the licence conditions the Applicant's Working Plan, to ensure that activities are carried out in accordance with agreed operating techniques upon which the Agency has made its determination.
2.3.2	Additional condition included post consultation that allows the Agency to insist on the Working Plan being updated where it is not satisfied with the operating techniques. This further strengthens the Agency's regulatory control over activities at the site.
2.3.3	To ensure that the conditions of the licence take precedence over the Working Plan in the event of any potential conflict.
2.4 Pre-operational conditions	
2.4.1	To incorporate the pre-operational measures in Table 2.4 into the licence.
2.5 Site Specific Conditions	
2.5.1	To incorporate transitional conditions in relation to the current waste management licence for the site ref. CLE 411 in order to allow any existing activities at the site to continue and enable the licence holder not to be in immediate breach of conditions. This will also prevent any regulatory confusion between the two licences. CLE 411 will be varied or revoked on the issue of this licence to prevent any further activities being carried out under that licence in conflict with this licence.
2.5.2	To ensure that, prior to arrival at the site, procedures are in place to manage ships that do not have a flat bottom and therefore require additional support to ensure their stability. Such ships can only be accepted with the prior approval of the Agency, to allow it to assess any ship specific issues.
2.5.3	To ensure that a Project Plan is produced by the licence holder containing the specified information, prior to accepting any Unit to enable its safe handling and dismantling and for this Plan to be forwarded to the Agency to allow the Agency to review its content. The Agency has amended this condition post consultation to allow its practical application to units brought to the site in a number of parts and to specify the information required rather than relying on the Working Plan thereby providing greater control of the content and ensuring consistency of information for sites carrying out similar activities. The Agency has also incorporated the requirement for information in relation to offloading procedures to provide greater regulatory control.
2.5.4	To ensure that the risk of any potentially harmful aquatic organisms and non-indigenous species is assessed and appropriate specific methods are in place to provide controls before the Unit is accepted at the site. This condition was (formally condition 2.5.3(b) in the consultation draft) has been amended post consultation to require Agency approval of the method statement. This further strengthens the Agency's regulatory control over activities at the site.
2.5.5	To ensure that the site is operated in accordance with the method statement required by condition 2.5.4 (formally condition 2.5.7 in the consultation draft).
2.5.6	To ensure that, when ships are stored at the site, they are inspected to ensure that they are not posing any risk of pollution (formally condition 2.5.4 in the consultation draft).
2.5.7	To require specific actions to be taken in the event of any potential risk of pollution identified by condition 2.5.6 (formally condition 2.5.5 in the consultation draft)
2.5.8	To ensure that dock waters are monitored when ships are being stored to identify any potential pollution impact and to provide for action to be taken in the event of any identified pollution (formally condition 2.5.6 in the consultation draft).
2.5.9	To minimise the risk of pollution by restricting the storage and treatment of Units or the treatment or storage of parts or materials from the Units to impermeable surfaces with sealed drainage or the dry dock, unless otherwise agreed with the Agency (formally condition 2.5.8 in the consultation draft).
2.5.10	To allow for restricted activities to take place on areas of the site that do not have an impermeable surface provided that appropriate agreed measures are in place to minimise the risk of pollution and to identify what information is required, in the form of a Unit Specific Storage and Dismantling Method Statement, to be approved by the Agency before storage and dismantling other than in accordance with condition 2.5.9 can take place. The Agency has amended this condition post consultation (formally condition 2.5.9 in the consultation draft) to allow approved amendments to be made to the method statement.
2.5.11	To require activities to be carried out in accordance with the Unit Specific Storage and

	Dismantling Method Statement required by condition 2.5.10 (formally condition 2.5.10 in the consultation draft)
2.5.12	<p>To minimise the risk of pollution by ensuring that the Unit is inspected to ensure that the information provided in the Inventory is correct and, if not, to provide the Agency with an updated inventory.</p> <p>The Agency has amended this condition post consultation (formally condition 2.5.11 in the consultation draft) to allow a more practical approach to activities by requiring the information prior to dismantling. This provides a more flexible time to allow a more robust assessment of the Unit to be carried out without reducing any controls on the activities.</p>
2.5.13	<p>To minimise the risk of pollution by ensuring that a Unit Recycling Plan is produced which incorporates a full assessment of the Unit and identifies the Unit specific information, procedures, steps and measures to be taken for that Unit to prevent pollution, prior to any dismantling taking place. This incorporates the requirements of IMO guidelines.</p> <p>The Agency has amended this condition post consultation (formally condition 2.5.12 in the consultation draft) to remove the 7 days prior notice and to require the results of the identification and sampling required by condition 2.5.14 to be incorporated in the Unit Recycling Plan.</p> <p>As the Agency is not approving this Plan we consider that the 7 days notice could result in an unnecessary delays to site activities. Unit specific method statements and sampling procedures are still required to be approved before any dismantling in accordance with condition 2.5.14 and therefore the change does not reduce the control provided by the conditions of the licence.</p> <p>The Agency has also amended this condition post consultation to allow approved amendments to be made to the method statement.</p>
2.5.14	<p>To minimise the risk of pollution by providing for the detailed procedures referred to in the Working Plan to be provided and approved by the Agency prior to any dismantling of a specific Unit.</p> <p>This condition has been amended post consultation (formally condition 2.5.13 in the consultation draft) to include further method statements which cross reference to the applicants Compliance Plan to ensure that the appropriate information is provided before any dismantling of a specific Unit. This further strengthens the Agency's regulatory control over activities at the site.</p>
2.5.15	<p>To ensure that activities at the site are carried out in accordance with any Unit Dismantling Plan required by condition 2.5.13 and the agreed procedures required by condition 2.5.14.</p> <p>This condition has been amended post consultation (formally condition 2.5.14 in the consultation draft) to allow approved amendments to be made to the Unit Recycling Plan, method statements and sampling programmes. The Agency recognises that these documents may require revision over time.</p>
2.5.16	<p>To minimise the risk of pollution by requiring all liquids and hazardous materials to be removed from the ship prior to dismantling the hull. This is to ensure that any emission from activities is minimised and ensures that the integrity of the hull is maintained to provide primary containment to reduce the risk of pollution(formally condition 2.5.15 in the consultation draft).</p>
2.5.17	<p>There may be situations where it is not possible to remove all liquids and hazardous materials in accordance with 2.5.16. This condition allows, in relation to a specific Unit, suitable alternative approved containment procedures to be used when dismantling the hull to minimise the risk of pollution, with the written agreement of the Agency (formally condition 2.5.16 in consultation draft)</p>
2.5.18	<p>To minimise the risk of pollution by ensuring that floating booms are deployed around units at the site to contain any potential spillage or emission.</p> <p>This condition has been amended post consultation (formally condition 2.5.17 in the consultation draft) to allow a risk based approach to the deployment of booms around barges. Prior Agency approval is required if a boom is not to be deployed.</p>
2.5.19	<p>To minimise the risk of pollution by restricting activities on Ships moored outside the dock area at the site to those specified in the application and upon which the EIS is based and the Agency carried out its determination.</p> <p>This condition has been amended post consultation (formally condition 2.5.18 in the consultation draft) to make it clear that it applies to Ships only. The amendment does not reduce the controls provided by the licence.</p>
2.5.20	<p>To minimise the risk of pollution by restricting activities within the flooded dock to those specified in the application and upon which the EIS is based and the Agency carried out its determination.</p> <p>This condition has been amended post consultation (formally condition 2.5.19 in the consultation draft) to make it clear that it applies to Ships only. The amendment does not reduce the controls provided by the licence.</p>

2.5.21	To allow limited dismantling of marine structures on a barge to facilitate the safe offloading from the barge. This condition has been added post consultation to allow limited dismantling of marine structures to facilitate transportation at the site.
2.5.22	To minimise the risk of pollution by ensuring that any sediments are removed from operational areas prior to dismantling of the hull. This condition has been amended post consultation (formally condition 2.5.21 in the consultation draft) to make it clear that the intent of the condition was to prevent dismantling of the hull prior to removing sediments and that it applies to Ships only. The amendment does not reduce the controls provided by the licence.
2.5.23	To ensure marine growth is managed to prevent odours or pollution (formally condition 2.5.22 in the consultation draft).
2.5.24	To minimise the risk of pollution by ensuring that the dock floor is inspected to ensure that any contamination as a consequence of the waste management activities has been cleared prior to reflooding the dock. This condition has been amended post consultation (formally condition 2.5.23 in the consultation draft) to take into account issues raised by local residents regarding who will carry out the inspection and the independence of this person. The condition has been amended to specify who will be carrying out the inspection. The condition has also been amended to make it clear that the inspection methodology must be agreed prior to the initial inspection. This further strengthens the Agency's regulatory control over activities at the site.
2.5.25	To minimise the risk of pollution by ensuring that collected surface waters that exceed specified limits are removed from site in accordance with the Applicant's surface water management proposals (formally condition 2.5.24 in the consultation draft).
2.5.26	To minimise the risk of pollution by ensuring that surface waters within the dry dock are managed to prevent the excess accumulation of waters and to ensure that dismantling ceases if the capacity of the sump is exceeded. This condition has been amended post consultation (formally condition 2.5.25 in the consultation draft) to make it clear when dismantling shall cease and provided improved environmental controls by requiring the removal of excess waters. This further strengthens the Agency's regulatory control over activities at the site.
2.6 Containerised waste	
2.6.1	To minimise the risk of pollution by ensuring that wastes other than those specified are accepted in containers and stored in the containers that they are received in, in accordance with the application and upon which the Agency has carried out its determination.
2.6.2	To minimise the risk of pollution by ensuring that appropriate controls are in place in relation to the risks posed by the wastes being stored.
2.7 Drill Cutting and Dredgings	
2.7.1	To minimise the risk of pollution by ensuring that drill cuttings and dredgings are stored in an appropriate manner.
2.7.2	To minimise the risk of pollution by ensuring that the treatment of drill cuttings and dredgings takes place in an appropriate location.
2.8 Inert Waste and uncontaminated soils	
2.8.1	To minimise the risk of pollution by ensuring that these wastes are treated and stored on appropriate surfaces.
2.9 Waste Refrigeration Equipment	
2.9.1	To minimise the risk of pollution and harm to health by ensuring that these wastes are stored in an appropriate manner. This condition has been amended in (a) post consultation to include a sealed drainage system in compliance with WEEE regulations.
2.9.2	To minimise the risk of pollution and harm to health by ensuring that these wastes are treated to an appropriate standard. This condition has been added post consultation to incorporate the Agency's refrigerator treatment standards. This further strengthens the Agency's regulatory control over activities at the site.
2.10 Ash from Thermal Processes	
2.10.1	To minimise the risk of pollution by ensuring that ash from thermal processes are stored on surfaces appropriate to the risks they pose.
2.11 Additional	

requirements for specific waste types	
2.11.1	To minimise the risk of pollution or harm to health by ensuring that appropriate controls are in place in relation to the storage of asbestos wastes.
2.11.2	To minimise the risk of pollution by ensuring that PCB wastes are stored in an appropriate manner.
2.11.3/4/5/6	To minimise the risk of pollution by ensuring that WEEE is stored and treated in accordance with the requirements of the WEEE Directive. These conditions have been taken from the Agency's baseline Environmental Permitting Permit Template conditions. 2.11.4 restricts the treatment of refrigeration equipment to that applied for and upon which the Agency has made its determination.
3.1.1	Waste Management Licence (WML) baseline template amended to require any discharge to water to be made in accordance with a discharge consent to ensure that the WML does not permit any unconsented discharge to water from the site.
3.3.2	Additional condition provides the Agency with the power to insist on the provision and implementation of a fugitive emission management plan in the event of the Agency not being satisfied with the existing measures.
3.4.2	Additional condition provides the Agency with the power to insist on the provision and implementation of an odour management plan in the event of the Agency not being satisfied with the existing measures.
3.5.2	Additional condition provides the Agency with the power to insist on the provision and implementation of a noise management plan in the event of the Agency not being satisfied with the existing measures
Schedule 2 Operations	
Table 2.1 Licenced Activities	
1 General Limits	These have been included to ensure that the WML does not permit any activity that could fall under Schedule 1 of EPR2007 (replacing the PPC Regulations) by ensuring that the capacity of the site to treat certain waste types does not exceed the daily limits set out in those regulations.
2 Nature of Activities	This section limits the nature of activities on site to those that have been applied for and upon which the Agency has carried out its determination. This condition has been amended post consultation at a) (D14 activities) replacing 'bulking up' with 'repackaging' to more clearly reflect the proposed activities.
3 Storage quantities for specific wastes at the site	Limits storage in relation to that applied for and upon which the Agency has carried out its determination.
Table 2.2 Licensed Waste Types and Quantities	
Maximum quantities	Quantities limited to accord with the licence application and upon which the Agency has carried out its determination and for charging purposes. The maximum quantities table has been amended to add Refrigerators to Ships and Marine Structures in 'other wastes'. This corrects an administrative error and now reflects the application. Refrigeration equipment storage is limited to 500 tonnes at any one time thus limiting the throughput at the site.
Waste types	The Applicant has specifically excluded in their application ammunition, ordinance, armaments, nuclear power units or nuclear fuels in accordance with the licence application. As the Agency has not taken these wastes into account in its determination process they have been specifically excluded from the licence. Specific exclusions for high risk wastes not included in the application. As the Agency has not taken these wastes into account in its determination process they have been specifically excluded from the licence. These wastes have been included to accord with the application and have been assessed by the Agency in its determination process. The permitted waste table has been split into two parts to adequately capture waste Units as separate items and to make it clear what is accepted within the terms of these specific waste codes.
Table 2.3 Operating Techniques	
1	To incorporate the Working Plan into the licence as the application was submitted prior to the Agency's move to modern regulation and the Working Plan had been subject to considerable review. The condition allows for this plan to be amended over time to make it consistent with our modern regulation approach.
Table 2.4 Pre-	

operational Measures	
1	To minimise the risk of pollution by ensuring that the dry dock is capable of being closed off from the Seaton Channel and that the dry dock is capable of being operated prior to any dismantling that may compromise the seaworthiness of any ship. This will ensure that, if for what ever reason the dock is found not to be operational then the ships can be removed from the site.
2	To minimise the risk of pollution by ensuring that is scheme for the monitoring of ground water is agreed prior to dismantling (subject to limited exceptions) any ships.
3	<p>To minimise the risk of pollution by ensuring that the full details of the surface water management system are provided to the Agency for approval and construction is in accordance with the design prior to dismantling of Units.</p> <p>Parts c), d), and e) have been deleted post consultation as the monitoring is now specified in Schedule 3</p>
4	<p>To minimise the risk of pollution by requiring the provision of the Construction Quality Assurance (CQA) documents in relation to the bund/cofferdam across the entrance to the dock to show that this has been constructed to an appropriate standard prior to dismantling</p> <p>To minimise the risk of pollution by ensuring that any infiltration waters (either percolating through the bund/cofferdam or infiltrating the general area within the dry dock) can be managed by the surface water management system prior to the dismantling of any Units.</p> <p>To minimise the risk of pollution by ensuring that an initial background contamination survey of the drained dry dock is carried out to a standard approved by the Agency and submission of this survey to the Agency prior to any dismantling. This will identify any areas of contamination that will require remediation prior to dismantling activities within the dry dock.</p>
5	To minimise the risk of pollution by requiring that full details of the proposed bulk materials store (to be used for the storage of dredgings or drill cuttings) are provided to the Agency for approval prior to the construction of this store as the design is yet to be finalised.
6	To minimise the risk of pollution by ensuring that detailed transport and spillage procedures are approved by the Agency before drill cuttings or dredgings are accepted at the site.
7	To minimise the risk of pollution by ensuring that detailed procedures are provided to the Agency for the assessment and storage of dock sediments.
Table 2.5	The Agency identified potential concerns in relation to the regulation of both the current licence CLE 411 and this licence when issued. In order to provide consistent regulation this table has been included to provide transitional arrangements for Units on site at the date of issue of this licence or brought onto the site within 3 months of the date of issue of the licence. These units could have been accepted under the existing WML (ref CLE 411) or are held at the site with the approval of the Agency. The transitional provisions will allow CLE 411 to be varied or revoked on the issue of this licence to prevent any further activities being carried out under that licence in conflict with this licence, whilst still allowing the licence holder to continue their ongoing activities.
1	Excludes ships already held at the site from the requirements of condition 2.5.9 provided that a Unit Specific Storage and Dismantling Method Statement has been submitted to and approved by the Agency prior to the dismantling of the ships to avoid the licence holder being immediately in breach of the licence.
2	Excludes marine structures already at the site from the requirements of condition 2.5.9 provided that a Unit Specific Storage and Dismantling Method Statement has been submitted to and approved by the Agency within 14 days of the issue of the licence to avoid the licence holder being immediately in breach of the licence.
3	<p>To allow the licence holder to continue to operate at the site and to avoid the licence holder being in immediate breach of the licence by allowing for the continued use of the existing dirty module dismantling pad and discharge to the dock currently regulated under licence CLE 411 for a limited period of three months, provided that the discharge limits in this condition are not exceeded. This will allow CLE 411 to be varied or revoked on the issue of this licence to prevent any further activities being carried out under that licence in conflict with this licence whilst still allowing the licence holder to continue their ongoing activities.</p> <p>The original condition in relation to asbestos monitoring has been deleted post consultation as this is now specified in schedule 3.</p>
4	To avoid the licence holder being in immediate breach of the licence in relation to marine structures already at the site when the licence is issued.

Schedule 3 Emissions and Monitoring	
Table 3.1	To minimise the risk of pollution and harm by ensuring that monitoring of ambient air for asbestos fibres is carried out at the site. This table has been amended post consultation to specify the monitoring requirements.
Table 3.2	To minimise the risk of pollution by ensuring that dock water sampling is carried out at the site when ships are being stored or dismantled in the flooded dock. This table has been amended post consultation to specify the monitoring requirements. The Agency is satisfied that monitoring on a monthly frequency would be appropriate and has amended frequency accordingly.
Table 3.3	To minimise the risk of pollution by requiring a groundwater monitoring regime to be carried out to a scheme approved by the Agency.
Table 3.4	To minimise the risk of pollution by ensuring that monitoring is carried out in relation to the storage holding ponds to identify if the stored water exceeds a limit in the table. This table has been amended post consultation to specify the monitoring requirements.