

Permitting Decisions- Variation

We have decided to grant the variation for Tansterne Biomass Power Plant operated by GB Bio Limited.

The variation number is [EPR/WP3738DE/V002](#).

The variation is for:

- A change in the management of process water to allow discharge of process water to the reed bed, into the lagoon and then into the Fox Covert Drain via point W1 (directly associated activity);
- The addition of a package treatment plant for treatment of effluent from the site welfare facilities and discharge to the reed bed, into the lagoon and then into the Fox Covert Drain via point W1 (new regulated activity); and
- The amendment to the operator's registered office address.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

No responses were received.

The application was publicised on the GOV.UK website.

The regulated facility - Installation

We considered the extent and nature of the installation at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN2 'Defining the scope of the installation'. The change in the management of process water, which is proposed to be discharged to the Fox Covert Drain via a reed bed and lagoon, is considered to be a directly associated activity to the section 5.1 A(1)(b) activity (incineration), listed in schedule 1 to the EP Regulations.

The regulated facility – Discharge of treated domestic sewage

We considered the extent and nature of the installation at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

The site

The operator has provided a plan which we consider to be satisfactory.

This shows the extent of the site of the facility including the discharge point.

The plan is included in the permit.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is not within our screening distances for these designations.

Environmental risk - Installation

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is unsatisfactory and required additional Environment Agency assessment.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, emissions of copper and mercury in the discharge could not be screened out as environmentally insignificant. All other pollutants in the discharge could be screened out as environmentally insignificant.

We carried out detailed modelling for copper and mercury and determined that copper and mercury are unlikely to result in a breach of the environmental standards in the receiving water. However, as the modelling was carried out on a limited data set, we have included an improvement condition in the permit that requires the operator to carry out additional sampling and assess the risk to the receiving water using our H1 screening tool based on a larger data set (see Improvement programme - Installation section below).

Environmental risk - Discharge of treated domestic sewage

We have carried out a risk assessment on behalf of the operator.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be screened out as environmentally insignificant.

Operating techniques – Discharge of treated domestic sewage

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance and we consider them to represent appropriate techniques for the facility.

General operating techniques - Installation

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Improvement programme - Installation

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that the operator re-assesses the risk to the receiving water from the discharge of process water using a larger data set. The operator is required to carry out sampling of the discharge monthly, or when discharging, to obtain a minimum of 12 data sets over a 12 month period and to re-run the H1 screening tool using the data from this sampling to verify the outcome of the modelling we carried out on a limited number of samples which showed that the discharge would not result in a breaches of the environmental standards. In addition, the operator has to propose whether monitoring ceases or the frequency is reduced and whether any emission limits should be set based on the outcome of the H1 screening.

Emission limits - Installation

No emission limits have been added, amended or deleted as a result of this variation.

We have not set any emission limits for the discharge of process water as the H1 risk assessment and our modelling show that the discharge is unlikely to result in breaches of the environmental standards. However, we have specified that the operator determines whether limits are required based on the outcome of the re-running of the H1 risk assessment as required by the improvement programme, IC8 (see section Improvement programme - Installation above).

Emission limits - Discharge of treated domestic sewage

It is considered that the descriptive limits described below will prevent significant deterioration of the receiving water.

We have imposed descriptive limits on visual appearance and visible oil and grease.

We have included a limit on the volume of the discharge.

Monitoring - Installation

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified in table S3.2 of the permit:

- Ammonia
- Cadmium and its compounds
- Chloride

- Copper
- Fluoride
- Iron
- Lead
- Mercury and its compounds
- Sulphate
- Zinc

These monitoring requirements have been included in order for the operator to collect additional samples so that a larger data set can be used to assess the impact of the emission on the receiving water as required by IC8 (see Improvement programme - Installation section above).

Depending on the results of the completion of IC8 the monitoring specified in table S3.2 may cease or the frequency be reduced.

We made these decisions in accordance with the outcome of the H1 risk assessment and our detailed modelling.

Reporting - Installation

We have added reporting in the permit for the monitoring of the discharge to the Fox Covert Drain for the parameters specified in the section, Monitoring – Installation, above.

We made these decisions in accordance with the outcome of the H1 risk assessment and our detailed modelling.

Considerations of foul sewer

The facility is in a location where it is not reasonable to connect to the foul sewer.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.