

# **Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010**

## **Consultation on our decision document recording our decision-making process**

The Draft Permit Number is: EPR/ZP3437EF

The Proposed Operator/the Applicant is: Anglian Water Services Limited

The Site is located at: Whitlingham Composting Facility, Kirby Bedon Road, Trowse, Norwich, NR14 8TZ

### **What this document is about**

This is a draft decision document, which accompanies the draft permit notice.

It explains how we have considered the Applicant's applications, and why we have included the specific conditions in the permit we are proposing. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the Applicant's proposals.

The document is in draft at this stage, because we have yet to make a final decision. Before we make this decision we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully taking into account any relevant matter raised in the responses we receive. Our mind remains open at this stage, although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any information that is relevant to the issues we have to consider. However, unless we receive information that leads us to alter the conditions in the draft Permit, or to reject the Application altogether, we will issue the Permit in its current form.

In this document we frequently say "we have decided". That gives the impression that our mind is already made up; but as we have explained above, we have not yet done so. The language we use enables this document to become the final decision document in due course with no more re-drafting than is absolutely necessary.

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

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## Preliminary information and use of terms

The number we propose to give to the permit is EPR/ZP3437EF.  
The Application was duly made on 14/09/2012.

The Applicant is Anglian Water Service Limited. We refer to Anglian Water Services Limited as “**the Applicant**” in this document. Where we are talking about what would happen after the Permit is granted, we call Anglian Water Services Limited “**the Operator**”.

Anglian Water Services Limited have applied for a bespoke permit for a waste operation located at: Whitlingham Composting Facility, Kirby Bedon Road, Trowse, Norwich, NR14 8TZ. We refer to this as ‘**the waste facility**’ in this document.

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# 1 Our decision

We are minded to grant the permit to the Applicant. This will allow them to operate a composting facility.

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

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

# 2 How we reached our decision

The Application was duly made on 14/09/2012. This means we considered it was in the correct form and contained sufficient information for us to begin our determination but not that it necessarily contained all the information we would need to complete that determination: see the key issues section.

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

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

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

We placed a paper copy of the Application and all other documents relevant to our determination including additional information received during determination on to our Public Register at Dragon Fly House, 2 Gilders Way Norwich, NR3 1UB. Anyone wishing to see these documents could do so and arrange for copies to be made.

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

- South Norfolk Council Planning Department
- South Norfolk Environmental Health
- Public Health England
- Director of Public Health England
- Norwich Fire and Rescue
- Norfolk Primary Care Trust
- Food Standards Agency

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

In addition to advertising the Application, we undertook an extended public consultation. Public drop-in session was held at Dragonfly House, 2 Gilders Way, Norwich NR3 1UB on the 16<sup>th</sup> November 2012.

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

Although we were able to duly make the Application and carry out consultation, we did in fact need more information in order to determine it and issued requests for more information on 20/09/2012, 05/11/2012 and 31/01/2013.

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

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

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

### **3 Description of the waste facility**

The proposed permitted activities at this facility includes green waste co-composting with bio-solids (treated sludge cake) and phytoconditioning (after the composting process is complete the product will then be laid out on the pad at a depth of between 0.8 m and 1 m and seeded with a fast growing annual ryegrass. This allows the grass to grow for one season before the

grass is harvested and recycled, and the finer soil conditioner is then available for export) of the composted material and cake storage.

All waste is to be stored on a impermeable surface from which all run-off is contained and returned to the neighbouring water treatment works for further treatment.

The permit states that all treatment shall take place within the permitted area of the concrete pad and the site surface is impermeable with a sealed drainage system. The green waste will be shredded and mixed with sewage sludge before being laid out on the concrete pad. The windrows will be approximately 3 m in height and 7.5 m wide. The windrows will be left for approximately 6-8 weeks until the composting process has been completed and the product is ready for use. In order for the material to be a high quality soil conditioner, the composted material will then be phytoconditioned.

The types of waste treatment are described in Table 2.1 of the draft permit which comprise of manual sorting, separation, screening, crushing or compaction, shredding and palletising of different waste into different components for recycling.

The site is located on Kirby Bedon Road, Trowse and around 270 m from the closest residential property Whitlingham Hall. A site plan showing the boundary of the facility is included in schedule 7 of the draft permit. The operator is required under the permit to carry out all permitted activities within the site boundary shown.

## Structure of this document

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

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## **Annex 1:**

### **Key Issues of the decision**

This Application is for a new bespoke permit for the treatment of green waste and sewage sludge to produce compost.

The permit will authorise 25 waste types from 2 principle areas:

1. Green waste from local authority outlets;
2. Sewage sludge from the neighbouring water treatment works (also Anglian Water Services Limited).

The total storage capacity at any one time will not exceed 12,000 tonnes of waste. The annual throughput will not exceed 25,000 tonnes.

### **Environmental Risk Assessment**

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

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

Fugitive emissions will be minimised by the use of management systems (see odour, dust, pest and noise and vibration management plans).

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

Condition **3.2** of the permit requires the Operator to have appropriate measures to prevent or where not practicable to minimise emissions not subject to emission limits. In the unlikely event the activities are giving rise to pollution, the Operator must submit for approval a plan identifying and minimising the risks of pollution from fugitive emissions and implement this plan.



## **Relevant Habitats, statutory designated sites and Protected Species:**

The site is within 1000 m of European Site of Special Scientific Interest's and Ramsar. The site is also around 1000 m from protected habitats and species. We have consulted with Natural England on the proposals for an installation operation, to which they responded that there would 'unlikely to be any significant effects on European designated sites.

## **Waste Storage:**

All wastes will be stored in open concrete bays with impermeable surface with sealed drainage. Storage of the waste is specified in the activities table 1.1.

The storage limits have been agreed with the operator and incorporated into their EMS and Table 1.2 operating techniques.

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

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

## **Operating techniques**

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

We have specified that the applicant must operate the facility in accordance with the documents contained within the Application.

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

## **Site plan**

A site plan has been submitted with the application to which there is no issues with.

## **Waste types**

We have specified the waste types to be accepted at this site in table 2.1 of the draft permit. Only suitable biodegradable types are permitted.

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

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

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

## **Environment Management System**

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

We are also satisfied that sufficient resources are available to the operator to ensure compliance with all the permit conditions.

## **Technical Competence**

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

The operator is a member of an agreed scheme.

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

The technically competent manager holds relevant qualifications which are WAMITAB operator schemes. The operator has proven that they have suitably qualified and technically competent staff who will be on site.

## **Relevant convictions**

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

Convictions were found, however not relevant to waste operations or to the operations of this site.

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

## **Financial Competence**

We consider the applicant will have the financial ability to comply with the permit. The decision was taken in accordance with RGN 5 on Operator Competence and Defra Environmental Permitting Core Guidance section 13 in relation to commercial and industrial confidentiality.

## **Administrative issues**

We are satisfied that the Applicant submitted Opra score is accurate. The score is 32.

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

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

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## Summary of the Key Issues

The risks to air and water are minimised by the use of the operating techniques and equipment proposed by the Applicant which we have assessed and found to be satisfactory.

## Annex 2: Consultation and web publicising

### Advertising and Consultation on the Application

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

The Application was advertised on the Environment Agency website from 03/10/2012 to 31/10/2012. Copies of the Application were placed in The Environment Agency, Dragon Fly House 2 Gilders Way Norwich, NR3 1UB.

The following statutory and non-statutory bodies were consulted:

- South Norfolk Council Planning Department
- South Norfolk Environmental Health
- Public Health England
- Director of Public Health England
- Norwich Fire and Rescue
- Norfolk Primary Care Trust
- Food Standards Agency

### 1) Consultation Responses from Statutory and Non-Statutory Bodies

South Norfolk Council – Planning Department	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No issues raised	No actions required

Natural England	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No issues raised	No actions required

Primary Care Trust	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No issues raised	No actions required

Health Protection Agency	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No issues raised	No actions required

Food Standards Agency	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No issues raised	No actions required

Environmental Health	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No issues raised	No actions required

Norfolk Fire and Rescue Service	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No issues raised	No actions required

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

A total of 5 responses were received from:

- Kirby Bedon with Whitlingham Parish Council
- Individual members of the public

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

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

Response received from
Public Response 1
Brief summary of issues raised
<ul style="list-style-type: none"> <li>• Emissions, noise and odour causing a nuisance to the surrounding residential and business premises.</li> <li>• Public consultation and informing nearby businesses was queried.</li> <li>• Queries regards to planning permission and advertisement of planning permission.</li> <li>• Concerns of increasing traffic to the site via small local road network.</li> <li>• The reasons as to why the process phytoconditioning was chosen</li> </ul>
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none"> <li>• An odour management plan and odour modelling files have been submitted and approved, the plan follows criteria outlined within the Environment Agency's Horizontal Guidance.</li> <li>• Advertisement of the application appeared in the Eastern Daily Press on the 2<sup>nd</sup> October 2012 and the Environment Agency's website.</li> <li>• Planning permission is dealt with by the Local Authority, therefore the Environment Agency cannot answer this query.</li> <li>• Increasing traffic issues will be dealt with by the Highways Agency and the Local Authority.</li> <li>• Phytoconditioning process was chosen as this method produces high quality horticultural grade compost. The product is flexible in terms of its potential use and is in demand for horticultural and landscaping use throughout the year.</li> </ul>

Response received from
Public Response 2
Brief summary of issues raised
<ul style="list-style-type: none"> <li>• Would like reassurance that bio-aerosol control measures are in place before the environmental permit is issued.</li> </ul>
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none"> <li>• The bio-aerosol control measures have been assessed by our technical team and meet our criteria.</li> </ul>

Response received from
Public Response 3
Brief summary of issues raised
<ul style="list-style-type: none"> <li>Norfolk is an area infected by tree dieback fungus, there are claims that the spores from Chalara Fraxinea Fungus could survive for at least a year in compost. A tree nursery opposite, maybe threatened by the spores being transported from Whitlingham Compost Facility to the nearby tree nursery.</li> </ul>
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none"> <li>Government scientists have found that Chalara Fraxinea spores are unlikely to survive for more than a few days. Trees need a high dose of spores to become infected. The composting process involves heating the compost to kill pathogens within the material, this will help to prevent any spreading of spores.</li> </ul>

Response received from
Public Response 4
Brief summary of issues raised
<ul style="list-style-type: none"> <li>Noise &amp; odour</li> <li>Dust will be generated when the material within the windrows will need turning.</li> </ul>
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none"> <li>Noise &amp; odour – Please see summary of actions from public response 1.</li> <li>Dust - screening and turning of compost material will be avoided when winds blow in the direction of sensitive receptors. Procedures under their Environmental Management System and management plans have control measures in place.</li> </ul>

Response received from
Public Response 5
Brief summary of issues raised
<ul style="list-style-type: none"> <li>Whitlingham Hall is within 250 metres of the proposed composting site.</li> <li>Odour</li> </ul>
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none"> <li>Whitlingham Hall is within 270 metres of the proposed permitted area of operations. A risk assessment has been carried out and measures have been put in place within the sites management plan to reduce any risks to human health.</li> <li>Odour – Please see summary of actions from public response 1.</li> </ul>