

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

Decision document recording our decision-making process

The Permit Number is: **EPR/DP3435RJ**
The Applicant is: **ANSA Environmental Services Limited**
The Installation is located at: **Environmental Services Hub
Cledford Lane
Middlewich
Cheshire
CW10 0JW**

Application consultation commenced on: 09 December 2015
Application consultation ended on: 13 January 2016

Draft decision consultation commences on: 04 May 2016
Draft decision consultation ends on: 02 June 2016

Environment Agency permitting decisions

What this document is about

This is a decision document, which accompanies a permit.

It explains how we have considered the Applicant's Application, and why we have included the specific conditions in the permit we are granting to the Applicant. 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.

We have made our final decision only after carefully taking into account any relevant matter raised in the responses we received.

Preliminary information and use of terms

We gave the application the reference number EPR/DP3435RJ/A001. We refer to the application as “the **Application**” in this document in order to be consistent.

The number we propose to give to the permit is EPR/DP3435RJ. We refer to the proposed permit as “the **Permit**” in this document.

The Application was duly made on 23 November 2015.

The Applicant is ANSA Environmental Services Limited. We refer to ANSA Environmental Services Limited as “the **Applicant**” in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call ANSA Environmental Services Limited “the **Operator**”.

The proposed facility is located at Cledford Lane, Middlewich, Cheshire, CW10 0JW. We refer to this as the “**regulated facility**” in this document.

This Application is designated as ‘High Public Interest,’ as such we consulted on the draft decision.

The Application was consulted on from 09 December 2015 to 13 January 2016. The draft decision was consulted on from 04 May 2016 to 02 June 2016. Comments have been accepted and considered up to the point of this decision document being issued.

Many of the comments received were in relation to the Planning process, and do not relate directly to issues that the Environment Agency regulate or can consider as part of the determination of the Application.

The comments have all been considered and are addressed in Annex 1 of this document.

We are minded to grant the permit for the regulated facility operated by the Applicant.

We consider 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 for the environment and human health is provided.

Purpose of this document

This decision document:

- explains how the Application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the Permit other than those in our generic permit template.

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

Structure of this document

- Details of the proposal
- Key issues and their control
- Annex 1 – A) consultation on the Application
B) consultation on the draft decision

Details of the proposal

This Application is for a Waste Transfer Station/Refuse Derived Fuel (RDF) production facility; this is located within a larger environmental services hub for the management of household waste collected from within the Cheshire East authority. The site will be operated by the Applicant on behalf of Cheshire East Council.

The permitted activities sit within the larger environmental hub, where other council managed activities are located, such as vehicle workshop, fuel storage, vehicle wash facilities and general storage. These additional facilities sit within the environmental services hub, but outside of the regulated facility boundary which is the subject of this Application. Consultation responses have indicated varying distances for the nearest receptors to the site, not all taken from the boundary of the regulated facility. Where, in this document, we discuss proximity to receptors etc., this is measured from the regulated facility boundary, outlined in green on the diagram below, and identified as Zone 1.

The site plan illustrates the layout of a proposed waste transfer station and recycling facility, divided into six distinct zones. Zone 1, located in the upper right, contains an office building (G1) with an area of 2140m². Zone 2, adjacent to Zone 1, also features an office building (G1) of 2140m². Zone 3, situated in the upper center, is the Waste Transfer Station - RDF, covering 3952m² gfa. Zone 4, in the lower right, is the Waste Transfer Station - Recycling, covering 1812m² gfa. Zone 5, located in the lower center, is a vehicle workshop (G21) with an area of 2529m². Zone 6, in the lower left, is a storage area (G38) with an area of 360m². The plan also shows various parking areas, access points, and surrounding infrastructure like roads and fences.

The smaller building will accept no more than 100,000 tonnes per year of green waste and mixed dry recyclables from household waste collections. Waste will be sorted, bulked up and stored until it is transported offsite.

An RDF production facility, comprising sorting, shredding and baling of specified waste types to meet a particular specification for use as fuel. This is a listed activity under Schedule 1 (section 5.4 A(1) b) ii)) of the Environmental Permitting (England and Wales) Regulations 2010. The maximum throughput would not exceed 100,000 tonnes per annum.

Page 4 of 19

An additional waste transfer station for residual black bin waste, with further capacity for green waste and mixed recyclables. Maximum throughput would not exceed 100,000 tonnes per annum.

The Operator has the option to determine which permitted activities will be undertaken as described in table S1.1 or table S1.1a of the Permit; the maximum throughput of waste will not exceed 200,000 tonnes per annum overall. Before commencing operations the Operator must advise the Environment Agency in writing confirming which activities will be taking place and must not switch activities unless approved in writing by the Environment Agency.

The Applicant has applied for both activities because they do not know which activity they will undertake. We have assessed both and consider that either can be undertaken at this location. We have therefore inserted specific conditions into the Permit to allow them to undertake either activity but not both at the same time. Once they have notified us of which activity they are going to undertake they can only change activities with our written approval.

We consider that our approval is necessary to protect the environment against a possible change of activity from one that is authorised to the other, i.e. a change from table S1.1 to S1.1a or vice versa, in the future. This is because the Operator may decide to switch activities at any time in the future when the circumstances at the site or surrounding the site may have changed. In these circumstances we wish to retain the ability to review the position at that time because, whilst either activity is acceptable at the moment, with the passage of time this may not then be the case and the situation may need to be reviewed.

We are satisfied that the regulated facility is able to achieve compliance with permit conditions which are suitable for either of these operations.

Point source emissions

There will be point source emissions to air from the biofilter odour abatement stacks located on each building, shown as A1 and A2 on the site plan. These vents will be 1.5m above roof ridge height (total height 18.5m) on the eastern side of the regulated facility, furthest away from closest receptors.

There will be no emissions to air of gaseous pollutants.

There will be no direct emissions to surface water.

Clean water (i.e. rainwater) from the external areas is collected and directed to a storage tank which then connects to the existing drainage system via an interceptor and into the existing canal overflow which ultimately drains to Sanderson's Brook.

Any liquid waste generated from within the buildings which is potentially contaminated will be collected in sumps and tankered off. Waste stored outside will be on an impermeable surface which links to the drainage system described above. Waste electrical and electronic equipment (WEEE) stored outside will be covered to minimise run off from rainfall.

The Operator is required to submit the final detailed design drawing of the drainage plan for our approval in writing (pre-operational condition).

There will be no emissions to land.

Fugitive emissions will be minimised since there will be limited storage of waste outside the building and other activities such as waste acceptance, handling, shredding and baling will take place inside the buildings.

Receptors

There are a number of residential receptors and businesses located a short distance from the regulated facility boundary, the closest being 90m to the north west on Cledford Lane.

There are no statutory habitats designations within the relevant screening distance from the regulated facility. There are 3 Local Wildlife Sites (LWS) nearby, one of which is across the road from the site; Cledford Lane Lime Beds. There will be no emissions from the regulated facility that would impact on the features of the LWS.

The western edge of the site borders Trent and Mersey canal.

The installation and waste activities will be managed in accordance with an Environmental Management System (EMS). This EMS is not accredited but the summary detail is in line with our guidance and the full EMS will be assessed during the initial compliance inspection.

Key issues and their control

The key environmental issues for this site (as opposed to, for example, off-site but associated traffic movements) are the potential risk of pollution outside the permitted boundary from fire, odour, noise, dust and pests.

1. Fire Risk

A Fire Prevention Plan (FPP) has been submitted with the Application.

The FPP has been developed in accordance with our current guidance and includes a detailed site plan identifying locations of combustible materials, access routes for emergency vehicles and water supply; the preventative measures involve having maximum waste storage limits, segregating waste, minimising residence time of waste on site, having fire suppression systems and contingency plans.

We have therefore approved the submitted FPP as providing suitable mitigation measures to minimise both the risk of fire occurring and the potential pollution impact should a fire occur.

Whilst we have approved the submitted FPP, this approval is based on our current understanding of the site and the operations that may take place on it. In the event that we subsequently consider further mitigation measures are appropriate, we will require these to be implemented. The Permit contains a condition (3.7) which requires the Operator to take all appropriate measures to prevent fires on site and

minimise the risk of pollution from them including, but not limited to, those specified in any approved fire prevention plan.

We are satisfied that there is unlikely to be a risk of unacceptable pollution from fire.

2. Human Health

The Applicant has considered the potential impacts on human health from fugitive emissions from the waste transfer and RDF handling operations (dust); and has identified measures to prevent or minimise these emissions, as set out in their risk assessment and as described in further detail below.

Dust has been considered in the air quality assessment, mainly in terms of the construction phase of the site which is outside the remit of this Application determination. In relation to dust generation during operations the measures in place will comprise controls on waste acceptance, limiting the amount of waste on site, and managing its condition. For example using water to spray any waste that is liable to generate dust, or covering wastes that may produce dust, whilst being delivered. Most activities will take place within the buildings where fast closing doors will operate; pedestrian doors will also be kept closed. Visual monitoring of dust will be carried out, and remedial action will be implemented as required.

Vehicles will be unloaded / loaded within the buildings, and their engines turned off whilst not in use.

Permit condition 2.1.1 references tables S1.1 and S1.1a which describe the limits of activities and how waste will be stored and treated.

We are satisfied that the control measures and monitoring proposed by the Applicant will minimise the risk of pollution from dust beyond the permitted boundary and that there is unlikely to be a risk of unacceptable pollution.

3. Odour

An Odour Management Plan (OMP) has been submitted with this Application which has been produced in line with our guidance on odour management – how to comply with your environmental permit.

The OMP outlines how potential odour sources will be managed to minimise odour in the first instance, and how the biofilters (one for each building) will act as odour abatement, extracting air from within the buildings which filters through the porous biofilm.

The biofilters will be sized appropriately for the different buildings and the Permit will require key parameters to be monitored to ensure the biofilters operate effectively.

The OMP also contains measures to address abnormal scenarios, such as failure of the biofilter, and the contingency arrangements that will be put in place to deal with such scenarios to avoid a breach of Permit condition 3.3 outlined below.

We have approved the submitted OMP as providing suitable mitigation measures to minimise the risk of pollution from odour.

Whilst we have approved the submitted OMP, this approval is based on our current understanding of the site and the operations that may take place on it. In the event that we subsequently consider further mitigation measures are appropriate, we will require these to be implemented. The Permit condition requires that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

We are satisfied that there is unlikely to be a risk of unacceptable pollution from odour.

4. Noise

An assessment of noise risk has been submitted as part of the Application. We are satisfied that all sources and receptors have been identified, and the proposed mitigation measures will minimise the risk of noise pollution / nuisance outside of the site boundary.

Permit condition 3.4 requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that there is unlikely to be a risk of unacceptable pollution from noise and / or vibration.

5. Pests

A pest condition is added to the Permit (condition 3.6) and the Operator must take measures to minimise the presence of pests within the site boundary. Only inert waste will be stored outside; all other wastes will be stored inside the two buildings.

We are satisfied with the measures proposed by the Operator for the control of pests and that it is unlikely there will be risk of unacceptable pollution from pests.

Annex 1: Consultation and web publicising responses

A) Consultation on the Application

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Advertising and Consultation on the Application

The Application has been 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's public register.

The Application was advertised on the .GOV.UK website from 09 December 2015 to 13 January 2016. Copies of the Application were placed in the Environment Agency Public Register at Richard Fairclough House, Warrington.

The following statutory and non-statutory bodies were consulted:

- Cheshire East Unitary Authority - Planning
- Cheshire East Unitary Authority– Environmental Protection
- Health & Safety Executive
- Cheshire Fire & Rescue Service
- Public Health England
- Director of Public Health

1 Consultation Responses from Statutory and Non-Statutory Bodies

Response received from
Public Health England (PHE) (15 January 2016)
Brief summary of issues raised
<p>PHE recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: odour, particulates and noise.</p> <p>Based solely on the information contained in the application provided, PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.</p> <p>Any additional information obtained by the Environment Agency in relation to these comments should be sent to PHE for consideration. Such information</p>

could affect the comments made in this response.

Summary of actions taken or show how this has been covered

The EA have carefully considered potential impacts from odour, particulates (assessed as fugitive emissions; dust) and noise on public health from the permitted activities.

An Odour Management Plan and a Noise Management Plan have been submitted and approved, and the relevant conditions are included in the Permit (condition numbers: 3.3 and 3.4 respectively).

Potential emissions of dust / particulates have been assessed and we are satisfied that preventative measures and monitoring are suitable for minimising pollution outside of the regulated facility boundary.

2 Consultation Responses from Members of the Public and Community Organisations / County / Parish / District Councillors

A total of 77 responses were received from members of the public, community organisations representing local residents, and from local Councillors.

Although the consultation ended on 13 January, any comments that were received after the close of the consultation and prior to finalising the draft decision were taken into account.

We were only able to consider comments which were relevant to permitted activities carried out within the regulated facility boundary.

The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission. Such comments include: location of the site, whether the land use is appropriate, site access, local traffic issues, and highways infrastructure suitability. We are unable to address these issues as these are outside our remit in determining whether or not the applicant can be granted an environmental permit for the regulated facility.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within the scope of the Environmental Permitting Regulations.

Summaries of the consultation responses that are relevant to the statutory task the Environment Agency undertook in determining the Application, and how we have addressed them are as follows:

1) Human health impacts from: air pollution

How this has been considered: (see key issues section on human health)

There will be no point source emissions of gaseous pollutants to air from this operation which takes place mainly indoors. Point source emissions from the biofilters are considered under the Odour section below.

Fugitive emissions are controlled by permit condition 3.2 which requires that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. Physical control measures to prevent dust include the unloading and loading of waste taking place within the transfer station buildings which are fitted with roller shutter doors; and ensuring all doors are kept shut when not in use. Where waste that may produce dust is being transported it will be covered.

Site surfaces including access roads will be swept to prevent build up of dust and can be sprayed with water; and plant and machinery will be maintained and cleaned. The site manager will carry out visual monitoring for dust on the site and will take remedial action as necessary.

We have carefully considered all of the pollution prevention measures proposed which will be required to be implemented through the Permit. These measures together with the Permit conditions are considered sufficient to ensure there is unlikely to be a risk of unacceptable air pollution from the point sources or as fugitive emissions.

2) Fire

How this has been considered: (See the key issues section on Fire risk)

We received no comments in response to the consultation from the Fire & Rescue Service.

The Operator has liaised with the local Fire & Rescue Service to produce its FPP which complies with our current guidance and which we have approved. We are satisfied that the measures in the FPP together with our permit conditions minimise the risk of pollution from fire. There is unlikely to be a significant risk of pollution from fire.

3) Odour

How this has been considered: (See key issues section on Odour)

We have approved the Odour Management Plan (OMP) which is incorporated into the Permit so that the Operator must adhere to the control measures stated within it. The mitigation measures for odour minimisation include carrying out the proposed activities, including waste unloading and loading, within the waste transfer station buildings, which will be fitted with roller shutter doors. The buildings will also be fitted

with air extraction systems. Each building will have a dedicated extraction unit through a biofilter designed to reduce odour emissions.

Physical control measures such as making sure the pedestrian doors and the roller shutter doors are kept closed will be implemented.

Other measures will include:

- The use of water to dampen stockpiles to suppress odour emissions, if necessary.
- The avoidance of a backlog of wastes pending treatment by ensuring only a manageable volume of waste is accepted.
- If odorous materials are received at the site, or materials become odorous during storage, these will be treated as priority before other materials already stockpiled at the site.
- Wastes which are stored outside of the transfer station will be subject to daily inspections for odour and will be dealt with accordingly, by bringing inside, or processing and removing from site as quickly as practically possible.

The site supervisor will be responsible for the implementation of the OMP.

The OMP also covers odour monitoring, actions to take during abnormal events, such as failure of biofilters; and includes a complaints procedure.

We are satisfied that the measures in the OMP together with our Permit conditions mean that there is unlikely to be a risk of unacceptable pollution from odour.

4) Noise

How this has been considered: (See key issues section on Noise)

We have considered the measures in the noise risk assessment and management plan as being appropriate measures to minimise the impact of noise outside the regulated facility boundary.

Consultation responses raised specific issues in respect of:

- Operating hours which are a planning issue.
- Vehicle reverse alarms which are a requirement of the Health & Safety Executive.

Modelling has been carried out measuring background and combined noise from the whole site (not just permitted activities) for both daytime and night-time operations, with predicted outcomes modelled to be around 1dB(A). At this rating the noise impacts fall below the Lowest Observed Adverse Effect Level (LOAEL).

Comparisons were made at nearest residential dwellings, to identify what could cause a noise issue, and mitigation measures are described in the environmental risk assessment to include; parking vehicles in such a way to prevent reverse warning alarms being used during night time operations; the use of broadband reverse warning alarms on vehicles, rather than tonal alarms; roller doors to be kept closed (times as stated within the Planning approval); roll on / off skips not used at night; and minimise drop heights within waste bays.

We are satisfied that the appropriate measures submitted, together with our Permit conditions mean that there is unlikely to be a risk of unacceptable pollution from noise.

5) Proximity to local residents

How this has been considered:

Land use is a matter for the Local Planning Authority, Cheshire East Council. There is no set minimum distance between a permitted waste site and residential areas; however we have taken the proximity of all sensitive receptors, including local residents, into account when considering the potential risks of pollution and the mitigation measures proposed.

We have carefully considered the risk of pollution from fire, odour, dust, noise and pests and we are satisfied that there is unlikely to be a risk of unacceptable pollution to local residents.

3 Other matters outside the scope of this Application that the public have commented on which may be more relevant to applications for other permissions

Location of the site and industrialisation of the countryside:

Decisions over land use are matters for the planning system. Cheshire East Council is responsible for determining whether or not the proposed development is appropriate in this location, having regard to relevant policies within the adopted local plan and the National Planning Policy Framework. The location of the site is a relevant consideration for Environmental Permitting, but only in so far as affects the potential for the site to have an adverse environmental impact on communities or sensitive environmental receptors. The environmental impact is assessed as part of the determination process and has been reported upon elsewhere in this decision document.

Vehicle access to the site and traffic movements (offsite):

These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process where there will be no contribution from pollutants being emitted from any of the permitted activities.

Planning process:

Comments were raised about the process by which Cheshire East Council could award planning permission for their own site. This is a matter to be addressed through the planning system and oversight of the local planning authority's decision making process.

The Environment Agency has no authority or influence over the planning decision relating to this matter. The Environment Agency's role relates solely to determining whether or not the Applicant should be granted an environmental permit.

B) Consultation on the Draft decision

This section reports on consultation on our draft decision carried out between 04/05/2016 and 02/06/2016.

A total of 103 additional responses were received from individual members of the public.

Many of the consultation responses received repeat matters raised during the consultation on the Application. We have considered these but they have not altered our assessment. We therefore have not repeated in this section our responses set out in section a) above but have set out additional responses where necessary to do so.

Many of the consultation responses were also on matters which are outside the scope of the Environment Agency's powers under the Environmental Permitting Regulations. Our position on these matters is as described previously.

Response received from
Public Health England (6 June 2016)
Brief summary of issues raised
It is understood that the applicant submitted an updated air quality assessment to the planning authority to discharge a planning condition. This assessment included a contour plot of modelled odour emissions, which resulted in public concern about potential odour impacts. We understand that the EA have received a number of public comments relating to this and have since obtained the updated air quality assessment from the planning authority. We note that the outer contour refers to a modelled 0.5OU (odour units), which is below the limit of detection. Based solely on the information provided PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the site is well regulated and the applicant takes all appropriate measures to prevent or control pollution, in accordance with their Environmental Permit.
Summary of actions taken or show how this has been covered
No action required. All relevant permit conditions are in the Permit and must be complied with.

Phosgene gas

Comments were received during the decision consultation regarding the potential for phosgene gas, reported to have been manufactured on the site for use in WW1, to remain stored underground at the site of the environmental services hub.

The Applicant has undertaken investigations; both desk-based and ground investigations which describe the previous land uses and the possible risks which arise as a result. These findings were submitted with the Application as part of the

Site Condition Report. After these initial reports were published, local people familiar with the site stated that the land was additionally used as a munitions manufacturing facility during WW1. It has been suggested that the munitions manufacture included phosgene gas. This information was not included in the published information and therefore required additional specific investigation.

We understand that a firm specialising in former military or munitions sites conducted an investigation of the site and found nothing of note. We believe that phosgene gas has been ruled out as a contaminant of concern.

A pre-operational condition has been included in the Permit (Table S1.3) requiring the Operator to establish the baseline condition of the soil and groundwater at the regulated facility. They are required to submit a report prior to waste operations commencing.

Other land contaminants

Comments have been made in relation to the potential mobilisation of lead, mercury, ammonia, galligu and sulphate should activities start on the site. We have carefully considered the site condition report and groundwater monitoring undertaken.

Having reviewed the information in the desktop survey we acknowledge that the site has had a history of industrial uses which may have led to adverse levels of contamination in the ground which could pose a risk to the environment now and in the future. To mitigate the risk, during the planning consultation, we recommended that a more detailed assessment of the site condition was undertaken and where that risk is shown to potentially, adversely, impact the environment a suitable remediation scheme should be developed.

Further site investigation has been carried out; contaminants identified and a remediation plan put in place for removal of contamination prior to commencement of the development.

Odour cloud

Several comments refer to an image termed an 'odour cloud' (edited from the original version submitted to the Planning Authority) published in local media. This image is a standard representation used to show the likely impacts of odour using dispersion modelling.

Following the consideration of the planning application, the Planning Authority placed a condition (no. 17) relating to odour; this required a review of the Air Quality Assessment report and inclusion of the detailed design of the odour control measures to be implemented. The revised Air Quality Assessment was submitted to the Planning Authority to discharge condition 17. The original image appears on page 39 of that document (available on the planning portal) showing contours in odour units (OU) of the predicted odour impact based on meteorological data from 2013. The level of odour is more intense in the middle (1.5 OU) and reduces further away from the source, to 0.5 OU, the outer contour line.

Our guidance on odour management (H4), describes what an Odour Unit represents;

Odour unit values are determined by a standard method given in BSEN13725; 2003 on olfactometry. An odour unit as defined by the CEN standard is 1 _{ouE}. (European Odour Unit): 1.0 _{ouE}/m³ is the point of detection (0.5 _{ouE}/m³ is below the level of detection).

The original unedited version of the odour contour map shows that the 1 _{ouE} contour extends slightly over the regulated facility boundary, across Cledford Lane, away from local residences. The odour contour that is shown to extend over local residences is predicted to be 0.5 _{ouE}, below the level of detection.

A further response was received relating to the quality of the Odour Assessment report, a review by an independent party highlighted what they considered to be discrepancies or contradictions within the report.

Our assessment of odour is based on experience and understanding of the processes involved, and the commitment made by the Operator to manage odour in line with their Odour Management Plan (OMP); a failure to follow the OMP is a breach of the Permit.

The Operator has identified the potential sources of odour and has measures in place to minimise odour beyond the installation boundary.

The OMP was reviewed in line with our H4 odour guidance. The OMP was updated during the determination and we are satisfied with the measures the OMP proposes for managing odour. Due to the subjective nature of odour detection we consider the use of an effective OMP as a more useful tool to manage odour rather than base our decision on the results of a dispersion model.

Although the Applicant carried out odour dispersion modelling and provided a summary report, the modelling data was not provided as part of the Application and has not been audited by us. Most of the observations made by the independent party would have been picked up during an initial audit of the modelling data and report.

Our guidance covers what modelling should contain if submitted, however it is not a requirement for a permit application.

The independent review has not provided any new evidence that would cause us to reconsider our decision to grant a permit.

We also discuss odour in the key issues section of this document.

Air quality

A further response was received relating to the quality of the Air Quality (AQ) Assessment report, a review by an independent party highlighted what they considered to be discrepancies or contradictions within the report.

There are no point source emissions of pollutants to air from the permitted activities that required detailed assessment. The AQ report considered the existing

background levels, potential impacts during construction and potential impacts during operations.

We can only consider emissions from the permitted activities, i.e. the waste operation. As such the construction phase falls outside of our remit.

During the operational phase the AQ assessment focuses on oxides of nitrogen (NO_x) and particulate matter (PM₁₀) based on changes in traffic movements outside of the regulated facility boundary.

Our assessment of the impact on air quality from sources within the regulated facility boundary considers fugitive emissions (dust), addressed elsewhere in this document.

The conclusions of the independent review do not give us cause to reconsider our decision to grant the Permit.

Impact on community

We received a comment that we have not properly considered the environmental impact on the community of Middlewich, based on our own statements that:

“The location of the site is a relevant consideration for Environmental Permitting, but only in so far as affects the potential for the site to have an adverse environmental impact on communities.”

and

“We protect and improve the environment and make it a better place for people and wildlife.”

As set out in this decision document, we have considered all of the issues that could have a potential environmental impact on human health and the environment; as stated above we do not have legislative authority to consider traffic movements outside of the regulated facility boundary, or the state of the existing road infrastructure or potential road safety issues.

We have considered the potential impacts from odour, noise, dust and the impact on local designated habitats. These are all discussed above and we are satisfied that the control measures in place will minimise pollution or nuisance beyond the regulated facility boundary (which sits within the wider environmental services hub).

There are other activities within the overall environmental services hub that do not require an environmental permit, and are therefore outside the scope of this Application.

The Operator is required to operate the permitted activities in accordance with the techniques and implement the measures as assessed by us. Any deviation from this is a breach of the Permit.

Protected species

In accordance with our statutory duties we have assessed the possible impacts from the regulated facility on species and habitats. There are no designated European sites (SAC / SPA / Ramsar) within the relevant distance of the regulated facility as designated under the Conservation of Habitats and Species Regulations 2010, nor any Sites of Special Scientific Interest, as designated by the Wildlife and Countryside Act 1981. Consequently, no additional measures are required in the Permit to avoid impacts to such protected sites.

It has been suggested in the consultation comments that there are bats, newts, badgers and water voles present on the site.

Our records show that water voles may be present on the vegetated banks of the canal. Although this is likely to be water voles passing along the canal not permanently resident there as the banks are unsuitable for burrowing. The regulated facility boundary lies approximately 90m from the canal and permitted activities are not likely to have an impact on the canalside. We do not hold records to indicate that newts, bats or badgers are likely to be present on the site.

However, the Operator has considered all of these species and relevant habitats for the planning assessment in relation to construction of the site and will employ precautionary methods as required, whilst working with the Ecological Clerk of Works. We do not consider that any additional measures are required in the Permit to ensure the conservation of biodiversity, including the species mentioned above.

Pests

Concerns have been raised that the site will attract pests; condition 3.6 of the Permit requires the Operator to minimise the likelihood of pests on the site.

All non-inert waste will be stored indoors and the residence times of unprocessed waste will be kept to a minimum, to reduce the likelihood of pest infestations. Monitoring of the wastes will take place, and if any pests are found measures will be employed to remove them using professional pest control and removal off site of the affected waste.

Point source emissions

We have stated in the decision document that there are no point source emissions of gaseous pollutants (such as nitrogen oxides or sulphur dioxide); although it has been pointed out that the Application refers to air extraction units.

The air extraction units attached to each building pass the air through to the biofilter, which is the odour abatement system. There is a vent on each biofilter through which the treated air passes. However, these vents will not contain gaseous pollutants.

Light pollution

The permitted activities will take place inside the two buildings; in accordance with the Planning decision no deliveries are permitted prior to 07:00 or after 19:00, and

the waste transfer buildings will open only to 22:00. Therefore there is unlikely to be light pollution from the permitted activities on a 24 hour basis. Condition 40 of the Planning decision requires the approval of a lighting plan to demonstrate how the impact of the lighting scheme on local residences will be minimised.

Previous rejection of incinerator

Several comments refer to a planning application for an incinerator proposed for a nearby site in Middlewich, and the fact that this application was refused due to local traffic issues. This is a matter for the Planning Authority and we have no influence on this decision, and cannot take this into account for the determination of this site specific Application.

Property prices

The potential impact of the proposed activity on property values in the local area is not relevant to the determination for environmental permit applications.

Biomass plant

This was referred to in the planning application; no biomass plant has been applied for as part of this environmental permit application, therefore no biomass unit that would be subject to environmental permitting is permitted to operate.

Construction on site

Comments have been received stating that construction has commenced on site and that this is a breach of the Environmental Permitting (England and Wales) Regulations 2010.

An environmental permit does not cover the construction phase of a waste operation; it covers the management of the waste operations as described in Tables S1.1 or S1.1a of the Permit.

Consequently the Operator may commence construction of the necessary facilities at the site providing they have met all of the planning conditions linked to the planning permission. However they cannot operate the waste transfer station until the Permit is in place and both pre-operational conditions (as contained in Table S1.3) complied with.