

Permitting decisions

Variation

We have decided to grant the variation for MTB (Midlands) Limited, 88 Station Road, Cradley Heath, West Midlands, operated by MTB (Midlands) Limited.

The variation number is EPR/EP3136MN/V006.

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

This decision document provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account
- shows how we have considered the consultation responses

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. The introductory note summarises what the variation covers.

Key issues of the decision

The key issue during this determination was ensuring that the operator had suitable procedures in place on site to allow the MCerts requirement applied to the flow meter to be removed without any detriment to the environment and ensure the monitoring requirements set out in the permit were met.

Decision checklist

Aspect considered	Decision
Consultation/Engagement	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Local Authority, Planning and Environmental Health sections</p> <p>Natural England</p> <p>Sewerage undertakers</p> <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</p> <p>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.</p>
The site	
Biodiversity, heritage, landscape and nature conservation	<p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>

Aspect considered	Decision
Operating techniques	
General operating techniques	<p>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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Permit conditions	
Raw materials	We have specified limits and controls on the use of raw materials and fuels.
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have included an improvement condition to capture the benefits of the newly proposed system.</p>
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	<p>We have decided that monitoring should be amended for the following parameters, using the methods detailed and to the frequencies specified:</p> <p>Flow,</p> <p>This is a process monitor and based on the information supplied by the applicant we consider it adequate.</p>
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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</p>

Aspect considered	Decision
	<p>not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>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.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Sandwell Metropolitan Borough Council, District Environmental Protection Officer
Brief summary of issues raised
Odour complaints alleged to be coming from the site
Summary of actions taken or show how this has been covered
The newly proposed activity does not increase the potential for odour for, furthermore the new treatment system meets the requirement for best available techniques for the activity. The incidents raised are historic with no other incident recorded of this nature since 2014.

Response received from
Sandwell Metropolitan Borough Council, Planning Authority
Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
No planning objects

Response received from
Sewerage Authority
Brief summary of issues raised
No response
Summary of actions taken or show how this has been covered

Response received from
Natural England
Brief summary of issues raised
No response
Summary of actions taken or show how this has been covered
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