

# Permitting decisions

## Variation

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We have decided to grant the variation for Mill Farm operated by Mr Robert Ainsworth & Mrs Anne Ainsworth.

The variation number is EPR/XP3198EF/V003.

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:

- 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

## Odour

The handling and processing of waste or any substance that is or may contain a volatile organic compounds or other odorous substances will potentially lead to odour noticeable beyond the site boundary, even at concentrations that may be well below benchmark emission limit values. Odours may arise from the waste reception, handling areas and from storage of the waste material. Failure to adequately understand the inventory of odorous compounds, inspect and maintain plant and equipment is a contributory cause to fugitive emissions.

Composting on aerobic treatment sites may produce odours as a result of normal operations and odours can become significant if there are local sensitive receptors. Recognising where the potential release of odorous compounds may arise is paramount in order to design out potential releases or manage and minimise odours from the site.

During this variation the annual throughput of the facility is decreasing from 75,000 tonnes to 45,000 tonnes, so the potential for odour should decrease. However an Odour Management Plan (OMP) has been developed in accordance with Horizontal Guidance H4. It details the type of material the site will be treating; the type of odours that are likely to arise from various parts of the process; and the mitigation methods that have been put in place to reduce or prevent these odours from impacting on local sensitive receptors. The operator has provided an OMP for the facility (report reference: ETL/248/JAS/00169/R00221: Mill Farm OMP V.2 dated: November 2016).

The closest odour receptor to the site is approximately 350 m away, beyond which there are several other receptors. The following management methods to reduce the impact of odour on the sensitive receptors are further detailed in the Odour Management Plan:

- storage of green waste for no longer than 5 days prior to shredding;
- meteorological monitoring routinely carried out on site and used to assist day to day operations;
- routine process monitoring in accordance with the Standard Operating Procedure and Hazard Analysis and Critical Control Point;
- olfactory analysis at least twice a week, at various points on the site boundary;
- mixing of absorbent material such as oversize or woodchip with feedstock;
- use of a perimeter odour suppression system.

We are satisfied that the OMP is sufficient to minimise the potential for odour emissions from the facility to cause nuisance outside the installation boundary. The Operator is required to operate at all times in accordance with the site OMP to prevent pollution arising from odours and implement all mitigation measures in line with the plan.

## Bioaerosols

The Environment Agency's *Composting and potential health effects from bioaerosol: guidance for permit applicants* refers to the need for open processing sites within 250m of a sensitive receptor to submit a site specific bioaerosol risk assessment (detailing suitable mitigation measures where appropriate) with their permit application. The consensus from various studies is that bioaerosols from composting activities decline rapidly within the first 100 metres from a site and generally decline to background levels within 250m.

On this occasion, because the only sensitive receptor with 250m was that of the operator, which contains only Mr Robert Ainsworth & Mrs Anne Ainsworth, a bioaerosol risk assessment was not required and bioaerosols monitoring is therefore not required as the site is considered to be low risk.

## Fire prevention plan

The Environment Agency's *Composting and potential health effects from bioaerosol: guidance for permit*

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<b>Consultation</b>	
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 between the dates 14/03/17 and 11/04/17.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Public Health England</li> <li>• Health and Safety Executive</li> <li>• Food Standards Authority</li> <li>• Local Planning Authority</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with Regulatory Guidance Note (RGN)2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN 2 'Defining the scope of the installation'.</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>
<b>The site</b>	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <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</p>

Aspect considered	Decision
	<p>permitting process. The following site is within a relevant distance of the site:</p> <p>Midland Mere and Mosses Phase 2 Ramsar (approximately 5km).</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> <p>Natural England have been informed about the application for information purposes only, via an Appendix 11 (dated 08/08/17). This decision was taken in accordance with our guidance.</p>
<b>Environmental risk assessment</b>	
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> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.</p> <p>Further information regarding odour and bioaerosols is given in the <a href="#">key issues</a> section.</p>
<b>Operating techniques</b>	
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>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>See <a href="#">key issues</a> for further information.</p>
Fire prevention plan	<p>We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.</p>
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p>

Aspect considered	Decision
	<ul style="list-style-type: none"> <li>they are suitable for the proposed activities</li> <li>the proposed infrastructure is appropriate; and</li> <li>the environmental risk assessment is acceptable.</li> </ul> <p>We made these decisions with respect to waste types in accordance with Sector Guidance Note S5.06: Guidance on the recovery and disposal of hazardous and non-hazardous waste.</p>
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	We have required monitoring to be undertaken in the permit. This is to ensure the facility is operated in such a way as to ensure that the facility is operated in accordance with Best Available Technique (BAT).
Reporting	We have required reporting to be undertaken in the permit. This is to ensure the facility is operated in such a way as to ensure that the facility is operated in accordance with BAT.
<b>Operator competence</b>	
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.
Technical competence	<p>Technical competence is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>We are satisfied that the operator is technically competent.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
<b>Growth Duty</b>	
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

<b>Response received from</b>
Public Health England (PHE) – Dated 11/04/17
<b>Brief summary of issues raised</b>
PHE indicated that the environmental permit should contain conditions to ensure that particulates and odour do not impact upon public health.
<b>Summary of actions taken or show how this has been covered</b>
Conditions 3.1 and 3.2 concerning fugitive emissions and odour address this in the permit.

<b>Response received from</b>
Staffordshire Fire and Rescue Service – Dated 27/03/17
<b>Brief summary of issues raised</b>
The Fire Authority had no objection with the application.
<b>Summary of actions taken or show how this has been covered</b>
None required as a result of this response. However, a Fire Prevention Plan was requested and approved following amendment to meet our guidelines.

<b>Response received from</b>
Local Planning Authority – Dated 07/04/17
<b>Brief summary of issues raised</b>
The Local Planning Authority had no objection with the application.
<b>Summary of actions taken or show how this has been covered</b>
None required as a result of this response.

## Representations from individual members of the public.

<b>Brief summary of issues raised</b>
Two public responses were received from one individual (dated 04/04/17 and 11/04/17). The issues raised related to existing noise concerns, which have been previously brought to the attention of the Environment Agency and are unsubstantiated as originating from the site.
<b>Summary of actions taken or show how this has been covered</b>
The present variation includes no change to infrastructure, and is therefore not expected to increase the amount of noise produced. A reduction in the permitted throughput may even reduce the noise emissions. Condition 3.3 concerning noise and vibration has been included in the permit variation. This allows us to request a noise management plan from the operator at any point in the future if we deem it necessary due to complaints from local residents.