

Permitting decisions

Standard rules permit

We have decided to grant the permit for Stibbington Biodiesel Plant operated by Pure Fuels Ltd.

The permit number is EPR/VP3239YL/A001.

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. The introductory note summarises what the permit covers.

Key issues of the decision

Application

The site has applied for standard rules permit (SR2009No3 Low Impact Part A Installation for the production of Biodiesel) which has an annual throughput restriction of 2000 tonnes per annum. Due to commercial demand becoming increasingly focused on higher quality biodiesel, the operator wishes their production to include the distillation of biodiesel in order to best meet this demand.

Environment Agency Position on the Distillation of Biodiesel

The esterification of fatty acids derived from vegetable and animal oils is a chemical process, which requires a permit as an installation under section 4.1 of Schedule 1 to the Environmental Permitting Regulations (EPR).

The further refinement (including distillation) of the product produced from the esterification process to produce a purer product, which may be used as a fuel, in a plant which is directly associated with the process described above and only serves that process; is considered to be an extension of that process and does not require listing as the separate activity of 'distillation of a carbonaceous material', under section 1.2 of Schedule 1 to the EPR.

A facility which carries out distillation of biodiesel, which receives the biodiesel partially or wholly from another facility, will require a permit for the activity of 'distillation of a carbonaceous material' under section 1.2. A facility which carries out the distillation of biodiesel produced solely by that facility can be permitted under section 4.1. This permit allows for the production of biodiesel at this facility, and the distillation of only the biodiesel produced at this facility.

Low impact installation (LII) - Operating techniques

We are satisfied that the operator has demonstrated that the proposed operation complies with LII criteria, specified in Environment Agency Application Form B1, Appendix 1, 'Low impact installation checklist' as summarised below:

Management Techniques - The activity operates under an in-house management system in order to demonstrate compliance with permit condition 1.1.1.

Aqueous waste - The installation must not release more than 50 m³ per day of water from process activities conducted at the installation giving rise to effluent. No aqueous waste is generated during the process. No water is used or released in the biodiesel production process. Methanol vapour will be condensed in Methanol Recovery Units and reused in the process. There are no process sewers and open drains within the bunded area. The bunded area is engineered with concrete and is part of a maintenance schedule based on regular inspections. The bund has a storage capacity of 410,000 litres. Maximum storage at the installation is 221,720 litres.

Abatement systems/releases to air - There is no reliance on abatement systems for environmental emissions.

Groundwater regulations - There are no releases to groundwater from the installation. All processes operated at the installation will take place within the bunded area. All site surfaces are engineered with concrete that is part of an ongoing maintenance scheme..

Waste production - To meet the LII criteria, the installation must not give rise to more than one tonne of Directive waste or 10 kg of hazardous waste per day, averaged over a year, with not more than 20 tonnes of Directive waste or 200 kg of hazardous waste being released in any one day. Over a year; non-hazardous waste produced on site is less than 35 tonnes. Upper limit production levels of non-hazardous waste per day are 0.15 tonnes.

Energy consumption - The installation must not consume energy at a rate greater than 3 MW to meet LII criteria. On-site generation produces up to 0.38 MW when fully loaded. Energy will be imported as electricity to a maximum of 0.10 MW. Total consumption has a maximum of 0.48 MW.

Accident prevention - All potentially polluting liquids are stored within the bunded area, and the site maintains an Accident Management Plan as part of the Management System.

Noise - The closest residential receptors lie within 10m of the eastern portion of the installation boundary along the Old Great North Road. The area enclosed by the installation boundary is shared by a haulage company operating 24 hours per day. Adjacent to the residential receptors and to the east of the installation boundary is the Nene Valley Railway. To the south of the installation boundary, and approximately 220m from the residential receptors, is the A1 dual carriageway.

Nearby residents raised concerns over the potential for noise from this installation. We requested that the operator provide a noise management plan (NMP) and noise impact assessment (NIA) detailing all potential sources of noise and to justify how the installation meets the noise low impact criteria. To meet the LII criteria there must only be a low potential for causing offence due to noise. An installation will not be considered as a low impact installation if it may give rise to noise noticeable outside the installation boundary.

The operator submitted a NIA (Reference L1-25.7.17-Bio-diesel-1717131-DEB - The NIA was prepared by Sharps Redmore). On the 28th July 2017 the acoustician (Mr Dean Barke) measured specific noise levels from the installation to be 2dB above background levels at the closest residential receptor. Following a review of the assessment we requested further information. Our concerns were raised regarding the background noise monitoring and noise levels from vehicle deliveries. The operator provided further information on 10/08/17, 18/08/17, and 07/09/17 addressing our concerns with the NIA.

Further justification was provided on the undertaking of the noise monitoring of the background, residual and specific noise levels for the installation. The operator provided further detail on the proposed equipment which was not captured within the initial NIA. The operator also provided further context on the number of vehicle movements to / from the installation; demonstrating that there will only be five deliveries per week (within the hours of 7am – 11pm) and these will contribute to approximately 1.7% of the existing movements from the aforementioned haulage company that operates 24 hours per day.

The following operating techniques will take place to mitigate noise levels generated from the installation:

- The electrical generator has been relocated to an enclosed location at the north/south/east/west of the factory furthest away from residential receptors to the east.
- Machinery will be equipped with acoustic cladding and will be enclosed within the buildings
- Equipment will be regularly maintained.
- A speed limit of 5mph will be enforced on the site.
- Deliveries / dispatches will not be made during night time hours (11pm to 7am)
- Staff will be made aware of nearby residential receptors and trained to operate the equipment and plant without causing excess noise.
- A robust complaints recording and investigation procedure has been incorporated as part of the Environmental Management System, with any complaints logged and investigated by a designated responsible person and acted upon.
- The roller shutter door will be closed when not in use to minimise noise pollution from inside the warehouse.

Taking into consideration the conclusions from the NIA, further information provided and operating techniques proposed to mitigate and manage noise levels where possible we consider the installation to meet the low impact criteria for noise. Noise levels should not be noticeable outside the installation boundary. We consider the NIA, NMP and condition 3.4 of the permit to be adequate to manage noise emissions from the installation at this time.

Emissions of polluting substances – The generic risk assessment confirmed no likelihood of a significant release to the environment of any particular substance from the whole installation at a rate greater than that determined as insignificant as set out in our guidance note ‘Control and monitor emissions for your environmental permit’.

Odour – Residential receptors lie within 10m of the eastern portion of the installation boundary along the Old Great North Road.

Nearby residents raised concerns over the potential for odour from this installation. There have been reports from nearby residents of instances of odour from the site. The operator provided further information on 16/05/17 and 18/05/17 demonstrating potential sources of odour from the installation. Following a review of the information we were concerned that all sources of odour had not been captured, and further justification was required to show that there is only a low potential for offence due to odour. The operator provided an Odour Management Plan (OMP) on 26/05/2017 addressing these concerns.

The operator has proposed the following operating techniques to mitigate odour levels generated from the installation:

- The Used Cooking Oil (UCO) pre-heat procedure will heat the oil to a maximum of 50°Celsius to minimise evaporation and odour potential.
- Any unloading or loading of materials or product outside of the bunded areas will be in sealed containers.
- Daily sniff monitoring from a designated person not involved with operating the process.
- Distillation processes uses a closed loop venting system to prevent fugitive emissions of odour.

A site visit on Wednesday 06/09/2017 by a regulatory officer confirmed there was odour present at the site. After reviewing the visit we are satisfied that the odour detected was due to a failure to follow the operating techniques. We are satisfied that the installation has a low potential for odour when these operating techniques are applied and there is compliance with the conditions of the permit.

Taking into consideration the odour management plan provided and operating techniques proposed to mitigate and manage odour levels, we consider the installation to meet the low impact criteria for odour. The installation should not give rise to an offensive smell noticeable outside the installation boundary. We consider the OMP and condition 3.3 of the permit to be adequate to manage odour emissions from the installation at this time.

Compliance history - No prosecutions, formal cautions, suspension notices, or enforcement notices have taken place at the same installation under the current management. There has been a recent history of odour complaints, as discussed above.

Low Impact Conclusion

In conclusion we consider the installation to meet all the low impact criteria, as detailed above. The operator is required under condition 4.2.2 of the permit to review the results of the actual and anticipated operation of the installation against the low impact criteria annually.

Site condition report

The installation is on a privately owned commercial site which has seen continuous industrial activity for over a century, initially as a railway yard and cattle pens, and more recently as a vehicle paint spraying and body repair site and haulage depot which continues to operate at this site. There have been no reported pollution incidents at the site. No baseline contamination data was submitted with the application.

The site does not lie in within a Site Protection Zone and is not prone to flooding. The installation does not lie within a groundwater source protection zone. The nearest surface water receptor is the River Nene approximately 80 metres to the east of the site.

A site drainage plan was submitted in support of the application. There are 4 surface water drains located within the installation boundary. However, they are outside of the building and bunded area where the process takes place. Any leaks or spillages will be contained within the bund and will not enter the drainage system. Spill kits are available to deal with any spills or leaks.

There are no anticipated emissions to land, surface water or groundwater under this permit. Therefore the risk of pollution to land and water is considered low.

Decision checklist

Aspect considered	Decision
Receipt of application	
Standard rules criteria check	<p>The application meets the criteria for the standard rules applied for: Standard Rules SR2009 No 3: low impact part A installation for the production of biodiesel:</p> <ul style="list-style-type: none"> • The activities must not be carried out on or immediately adjacent to a European Site, Ramsar site, Site of Special Scientific Interest (SSSI), National Nature Reserve, Local Nature Reserve or Ancient Woodland; and • There must be no direct discharge of aqueous waste within 10km upstream of a European Site, Ramsar site or a SSSI; within 100 metres upstream of a National Nature Reserve, Local Nature Reserve or Ancient Woodland; or within a National Park. <p>See key issues: low impact installations for further information.</p>
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	<p>We have not identified information provided as part of the application that we consider to be confidential.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p>
Consultation/Engagement	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The following organisations were consulted:</p> <ul style="list-style-type: none"> • Director of Public Health • Public Health England • Food Standards Agency • Local Authority <p>The application was publicised on the GOV.UK website between 24/03/2017 and 15/05/2017.</p> <p>The comments and our responses are summarised in the consultation section of this document.</p>
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal applicant for environmental permits.

Aspect considered	Decision
The site	
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	<p>The applicant 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.</p> <p>See key issues for further information.</p>
Applicant competence	
Management system	There is no known reason to consider that the applicant will not have the management system to enable it to comply with the permit conditions.
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 applicant satisfies the criteria in our guidance on applicant competence.</p>
Financial competence	There is no known reason to consider that the applicant will not be financially able 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 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
Environmental Health Department, Huntingdonshire District Council, 27/03/2017.
Brief summary of issues raised
<p>The Environmental Health Department note the application site is joining residential properties. They advise that there must be sufficient conditions on the permit, and that they are enforced, to ensure that the residents are not affected.</p> <p>They further advise that a comparison of Stibbington Biodiesel Plant with Pure Fuel's London based Edmonton Biodiesel Plant is unlikely to provide valid justification for it being a LII due to its dissimilar noise environment.</p>
Summary of actions taken or show how this has been covered
<p>We have not used a comparison with Edmonton Biodiesel Plant to provide justification for Stibbington Biodiesel Plant. We have included our standard noise condition in the permit (condition 3.4) and instructed the operator to implement a noise management plan than can be updated if noise issues arise. We instructed the operator to submit a noise impact assessment to justify that no noise will be noticeable outside the installation boundary. The applicant has taken action to reduce the potential for noise as discussed in the "Key Issues" section of this document.</p>

Representations from parish councils:

Response received from
Sibson-cum-Stibbington Parish Council, 25/04/2017.
Brief summary of issues raised
<p>Sibson-cum-Stibbington Parish Council advised us there are Grade II Listed residential homes abutting the site which have already been severely affected by construction at the site and will become even more so with the addition of noise and odour pollution.</p>
Summary of actions taken or show how this has been covered
<p>We have included our standard noise and odour conditions (conditions 3.4 and 3.3 respectively) in the permit and instructed the operator to implement a noise management plan and odour management plan that can be updated if issues arise. We instructed the operator to submit a noise impact assessment to justify that no noise will be noticeable outside the installation boundary.</p> <p>See key issues on noise and odour for further information.</p>

Representations from individual members of the public:

Brief summary of issues raised
<p>There was concern raised by a member of the public on 23/04/2017 and 26/04/2017 over the delivery of chemical materials and whether there was a risk that an accidental spillage could contaminate groundwater.</p> <p>Further concern was raised over the potential for odour from the site in light of the location of nearby receptors.</p> <p>Further concern was raised over the potential for noise from the site in the light of the location of nearby receptors.</p>

Summary of actions taken or show how this has been covered

We have included our standard conditions on emissions to air, water or land (condition 3.1).

We have included our standard noise and odour conditions in the permit (conditions 3.4 and 3.3 respectively) and instructed the applicant to implement a noise management plan and odour management plan that can be updated if issues arise. We instructed the applicant to submit a noise impact assessment to justify that no noise will be noticeable outside the installation boundary.

See key issues on noise and odour for further information.