

Permitting decisions

Variation

We have decided to grant the variation for REnescience Northwich operated by Orsted REnescience Northwich O&M Limited.

The variation number is EPR/VP3338RD/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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken into 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

Operator Name

During the determination the applicant changed their company name from DONG Energy REnescience Northwich O&M Limited to Orsted REnescience Northwich O&M Limited and their company registered address from c/o Watson Farley and Williams LLP, 15 Appold Street, London, EC2A 2HB to 5 Howick Place, London, SW1P 1WG. However, the legal entity, with company registration number 09666501 remains the same.

Type of Variation

After a pre-application meeting the application was submitted for a substantial variation but with a request to consider a reduction to a normal variation based on the amount of assessment work likely to be involved.

After reading the detail of the application we decided it must remain as a substantial variation largely because:

- i) Our guidance says the addition of a scheduled activity (above a threshold) triggers the substantial variation status (as was discussed at pre-application so this is the default starting point).
- ii) The submitted noise modelling has been updated from that submitted with the original application so this is not simply a matter of assessing the new Solid Recovered Fuel (SRF) impact above the previously assessed result. We needed to audit the revised model.
- iii) The original application was assigned High Public Interest status. Although this did not result in a significant public response the plant has not been fully operational yet for us to be able to confirm removal of this status. This would make reduction to a normal variation difficult to justify. However we will not have to ask for an additional newspaper advertising fee.

Noise

As stated in (ii) above, the applicant submitted noise modelling to support their conclusion that the additional noise from the proposed changes would be insignificant compared to the existing operation modelled at the time of the original permit issue. However, they also noted some additional updates to the existing operation from the original application including:

- external loading activity having been moved indoors.
- the sound power level of the gas engines stack reduced from 93 dBA to 67 dBA.
- external air filter fans having been added.

Our technical experts have audited the submitted noise modelling of both the updated current whole site noise impact and the increment from the proposed variation. We agree with the conclusions in the submitted modelling that daytime impacts at all modelled receptors will be below background levels and that at night all impacts except one will also be at or below background levels. We agree that although there is a modelled +3 dBA night time impact at James Street the rating level is sufficiently low that it is unlikely to be unacceptable.

Decision checklist

Aspect considered	Decision
Receipt of application	
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.
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>Health and Safety Executive</p> <p>Public Health England</p> <p>Food Standards Agency</p> <p>Environmental Protection Dept, Cheshire West and Cheshire Council</p> <p>Director of Public Health, Cheshire West and Cheshire Council</p> <p>The comments from Public Health England and our responses are summarised in the consultation section. No response was received from the other consultees or the public.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facilities 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 facilities are defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	<p>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.</p> <p>This variation does not involve any change to the site extent or the current discharge points.</p>
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>West Midlands Mosses Special Area of Conservation (SAC)</p> <p>Midlands Meres and Mosses RAMSAR site.</p>

Aspect considered	Decision
	<p>Wilton Lime Beds Site of Special Scientific Interest (SSSI)</p> <p>Plus 9 Local Wildlife sites and Winnington Wood Ancient Woodland.</p> <p>There are also European Eel protected migratory routes.</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 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. This is because the variation will not significantly change any impact to air, water or land from the installation.</p> <p>We have not consulted Natural England on the application. We have sent them a Stage 1 Habitats Regulations Assessment for information to explain this decision. The decision was taken in accordance with our guidance.</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>
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>
Odour Management	The variation does not involve any change to any current odour management plan or potential odour impact.
Noise management	See key issues for assessment of noise impact.
Fire prevention plan	The variation does not involve any change to any current fire prevention plan.
Permit conditions	
Updating permit conditions during consolidation	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 permit(s).
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template in relation to this variation.

Aspect considered	Decision
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>There have been no changes to Table S2.1 as a result of this variation.</p>
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>There have been no changes to Tables S2.2 and S2.3 as a result of this variation.</p>
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>All Pre-operational conditions apart from POM 2 are now complete.</p> <p>A copy of the Environmental Management System was submitted in December 2016 in response to POM2 but this will require review once the plant has begun normal post commissioning operations. A new improvement condition IC13 dated '31/07/18 or other date agreed in writing with the Environment Agency' has been added to require a submission of the reviewed EMS (see below).</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>All Improvement conditions apart from IC8 and IC9 are now complete.</p> <p>Update to IC 8 and 9 completion dates from '1 month after the start of commissioning' to '31/07/18 or other date agreed in writing with the Environment Agency'.</p> <p>5 new Improvement Conditions have been raised to require submission of:</p> <ul style="list-style-type: none"> • IC10 Operating Procedures for SRF. • IC11 Revised training plan to cover SRF production. • IC12 Revised site Energy Efficiency Plan. • IC13 Reviewed post commissioning site EMS • IC14 Reviewed site FPP post commission including SRF production.
Emission limits	<p>No emission limits have been added, amended or deleted as a result of this variation.</p>
Operator competence	
Management system	<p>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.</p>
Technical competence	<p>We are satisfied that the operator meets the technical competence requirements for the activities relating to this variation.</p>
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>

Aspect considered	Decision
	<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 and 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
Public Health England
Brief summary of issues raised
<p>Recommendation that the variation should contain conditions that the following potential emissions do not adversely impact on public health:</p> <ol style="list-style-type: none"> 1. Fugitive emissions of dust to air from operations, especially from shredding and wind sifter processes. 2. Fugitive emissions to air as a result of fires. 3. Odour, particularly from processing and storage of Solid Recovered Fuel (SRF) 4. Noise, particularly from the proposed shredding and wind sifter plant. 5. A recommendation was also made that the baseline site condition report for the site (to be produced in accordance an improvement condition) is obtained an assessed as soon as possible.
<ol style="list-style-type: none"> 1. The SRF is generated by taking off part of the Refuse Derived Fuel (RDF) stream so all operations up to this point are unchanged. The SRF plant is not vented directly to atmosphere. All new plant is enclosed and contained within buildings. We accept the risk assessment conclusion that the potential for additional fugitive dust release is not significant. 2. The applicant has considered the potential risks of fire against the measures outlined within the approved Fire Prevention Plan. The Fire Prevention Plan will be updated to reflect the inclusion of a shredder and its associated fire risk. This update is included in the permit through the Operational Techniques table S1.2. The filtration steps in the process before the SRF plant are capable of removing solid material including even small batteries (often the attributed cause of small fires in shredders). The applicant concludes that overall there is no significant increase in fire risk expected because of this variation. We agree with this conclusion. 3. The Solid Recovered Fuel will replace some of the RDF output that is similar in nature and will be stored in the same facilities. No additional conditions are required in relation to odour. The existing odour controls and Odour Management Plan must be updated within 1 month of the start of commission under Improvement Conditions 8 and 9. 4. The applicant submitted modelling to compare the site noise impact with and without the new plant. This concluded that that additional impact from the shredder and wind sifter plant (located in a building in the centre of the site) would not produce a significant additional noise impact at residential receivers. However, the modelling also updated the whole site noise impact from that submitted with the original permit application (to reflect actual equipment installed). We have reviewed this updated model of both the current whole site noise impact and the increment from the proposed variation. We agree with the applicants conclusions that the noise impact from the proposed changes is low and is unlikely to be unacceptable. 5. The submission of baseline reports and site condition report under Improvement Conditions 3-6 is now complete.