

Permitting decisions

Bespoke permit

We have decided to grant the permit for Bryn Hall Farm operated by S.E.D Services Limited.

The permit number is EPR/MP3093VU.

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. The introductory note summarises what the permit covers.

Key issues of the decision

The EA FPP guidance Fire Prevention Plans: environmental permits, updated 9 November 2016 requires that a site storing combustible wastes must have procedures in place to detect a fire in it's early stages so that it's impact can be reduced. This detection system should be proportionate to the nature and scale of waste management activities carried out and the associated risks. A pre-operational condition has been agreed regarding this requirement and included in the permit.

This condition covers only the newly permitted area of the site. The condition requires that the detection system is installed and commissioned to provide effective coverage of the wastes and the commissioning plan will be approved by the Environment Agency before waste activities can commence in this area.

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. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: Local Authority Environmental Protection Team Public Health England Relevant Director of Public Health Food Standards Agency Health and Safety Executive The comments and our responses are summarised in the consultation section .
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 operator for environmental permits.
The facility	
The regulated facility	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'. 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.
The site	
Extent of the site of the facility	The operator has provided plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.

Aspect considered	Decision
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.
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 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> <p>We have not consulted Natural England on the application. 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>
Operating techniques for emissions that screen out as insignificant	<p>Emissions of dust, odour, noise, litter and pests have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</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>
Fire prevention plan	We have set pre-operational conditions to allow the operator time in which to implement their fire prevention plan before commencing the activities authorised.
Permit conditions	
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.

Aspect considered	Decision
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>The operator will store fuels and oils on site, which are generally located within secondary containment facilities. Storage locations of drums and non-permanent vessels are protected by use of barriers or fencing. Fuel deliveries will be supervised and drip trays and spill response materials will be used. Plant and equipment will be refuelled in designated areas with impervious surface. The site has a preventative maintenance regime in place where any underground pipes and tanks are tested for integrity and pipework is insulated and protected.</p> <p>Surface water run-off is collected in an on-site effluent tank for re-use to damp down & control moisture levels during the active composting process.</p> <p>The operator is required to report with respect to raw material and water usage under condition 1.3 and Schedule 4.</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> <ul style="list-style-type: none"> • they are suitable for the proposed activities • the proposed infrastructure is appropriate • the environmental risk assessment is acceptable. <p>We made these decisions with respect to waste types in accordance with How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector, LIT 8705, version 1.0.</p>
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>A condition preventing storage or treatment of combustible waste within the extended permit area until the detection system specified in Appendix J of the approved Fire Prevention Plan has been installed and commissioned effectively has been included in the permit.</p> <p>The reasons and purposes for this is covered in key issues.</p>
Emission limits	<p>We have decided that emission limits are not required in the permit.</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure consistency with the requirements at other installations undertaking the same activities.</p> <p>We made these decisions in accordance with How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector, LIT 8705, version 1.0.</p> <p>Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS</p>

Aspect considered	Decision
	certification or MCERTS accreditation as appropriate.
Reporting	<p>We have specified reporting in the permit.</p> <p>We have specified the reporting requirements specified in Schedule 4 of the permit either to meet the reporting requirements set out in the IED, or to ensure data is reported to enable timely review by the Environment Agency to ensure compliance with permit conditions and to monitor the efficiency of material use and energy recovery at the installation.</p> <p>We made these decisions in accordance with How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector, LIT 8705, version 1.0.</p>
Considerations of foul sewer	<p>We agree with the operator's justification for not connecting to foul sewer.</p> <p>The facility is in a location where it is not reasonable to connect to the foul sewer and a proportion of effluent will be reused during the active composting process.</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> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
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 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>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</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> <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</p>

Aspect considered	Decision
	<p>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
Wigan Council Environmental Health Section
Brief summary of issues raised
<p>The site has the potential to give rise to noise issues from plant, commercial vehicle movements to and from the site and loading/ unloading activities.</p> <p>The site has the potential to generate dust emissions from the activities carried out on site.</p>
Summary of actions taken or show how this has been covered
<p>The site is at least 250 metres from the nearest sensitive receptor. Condition 3.4 of the permit limits noise emissions from the permitted activities and requires the operator to submit a noise and vibration management plan if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to noise and vibration and to implement the approved plan.</p>