

Permitting decisions

Variation

We have decided to grant the variation for Mossborough Hall Farm operated by Mr George William Heyes, Mr James Heyes and Mr James Heyes.

The variation number is EPR/EP3594CN/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

This permit allows the operation of a composting facility at the specified location. The inputs are limited to green wastes only and do not include catering or animal waste. Composting can only be carried out under predominantly aerobic conditions in open windrows. The site aims to produce non-waste compost under the PAS100 specification.

Subject to completion of improvement conditions IC1, IC2 and IC3, the variation authorises an increase in annual throughput at the site from 25,000 to 45,000 tonnes. This annual throughput increases the daily capacity of the site over the schedule 1 activity threshold and therefore it will be regulated as a Section 5.4 Part A (1) (b) (i) activity – Recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day involving biological treatment. The permit has been updated and consolidated as a result of this variation.

The site is located in the Borough of St Helens, approximately 3km East of Kirkham and 2km South West of Rainford. There are local wildlife sites within 2km of the site but these are not considered sensitive to the operations on site. There are human receptors with 250 metres of the facility, namely an estate cottage 85m west of the site, farm office and residence 150 south west of the site and keepers cottage 150m east of the site.

The key issues of our decision are explained in further detail below.

Bioaerosols

Due to human receptors being within 250 metres of the facility, bioaerosols monitoring is now a requirement of the updated permit. As the site was originally permitted in 2005, there was no requirement for a quantitative site specific bioaerosols risk assessment (SSBRA) but a qualitative SSBRA was requested for this variation due to the increase in waste throughput which has the potential to generate additional bioaerosols at the nearest sensitive receptor.

The SSBRA submitted in response to the Schedule 5 notice for information dated 12 March 2018 was not satisfactory as the monitoring data submitted in support of the risk assessment was from 2004 and so did not reflect the current operations on site. Improvement conditions have been added to the permit (IC1 and IC2) requesting that the level of bioaerosols from active composting operations is established prior to the increase in waste throughput going ahead. The operator will need to submit a revised SSBRA for approval and will not be permitted to increase throughput until the improvement conditions have been completed and agreed in writing by the Environment Agency.

We have included the newly published bioaerosols monitoring requirements (TGN M9) for all regulated biowaste treatment facilities.

Best Available Techniques

Leachate lagoons

In accordance with Best Available Techniques (BAT) - How to comply with your permit: Additional technical guidance: Composting and aerobic treatment sector, Section 7.11.2, BAT No5 (Version 1.0), leachate and other potentially polluting liquids should be directed to impermeable storage tanks or lagoons made either of concrete or manmade materials which are chemically compatible with the liquid they will contain e.g. such as HDPE (high density polyethylene). There are currently two earth bank lagoons on site used for leachate collection which do not meet the BAT standards specified. Following discussions with the operator's consultant in response to the Schedule 5 request for information dated 25 May 2018, the operator confirmed that one of the lagoons would be taken out of use and would no longer be used to store materials or waste subject to the permitted operations on site. We have accepted this proposal as the lagoons can and will be isolated from each other to ensure that there is no transfer of liquids between them. As the 'de-commissioned' lagoon will remain within the permit boundary, it will be subject to the surrender test when the permit is surrendered in future.

In order to allow the operator time to redesign and construct the remaining lagoon to meet BAT an improvement condition (IC3) has been added to the permit. This requires that prior to the re-construction of the lagoon, the operator shall submit a detailed report on the design, construction and maintenance of the lagoon to demonstrate compliance with Best Available Techniques (BAT) - How to comply with your permit: Additional technical guidance for: Composting and aerobic treatment sector, Section 7.11.2, BAT No5 (Version 1.0). The report shall be submitted to the Environment Agency for approval in writing. Following completion, the lagoon will be used to store leachate from composting operations and fire waters in the event of a fire on site. Section 13.2 of the Fire Prevention Plan (v7 dated July 2018) specifies how the lagoon will be used to contain firewater in the event of a fire and confirms that it will have a suitable capacity. Waste throughput at the site shall not be allowed to increase to 45,000 tonnes per annum until this condition has been complied with.

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 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'.</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	
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.
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>

Aspect considered	Decision
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 based on the remote location and the good operational history of the site whereby the site has received no odour complaints since operations began.</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>
Permit conditions	
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 permit(s).</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"> • The operator has been permitted to accept these wastes prior to this variation. • they are suitable for the proposed activities • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable. <p>We made these decisions with respect to waste types in accordance with <i>How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector</i></p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure that:</p> <ul style="list-style-type: none"> • The current level of bioaerosols emitted from operations is under control and within the threshold limits specified in Table S3.2 of the permit. • The earth bank lagoon on site is redesigned and constructed to meet BAT standards as specified in 'How to comply with your permit: Additional technical guidance for: Composting and aerobic treatment sector', Section 7.11.2, BAT No5 (Version 1.0).
Emission limits	<p>Bioaerosols threshold limits have been added for total bacteria and aspergillus fumigatus in accordance with TGN M9: environmental monitoring of bioaerosols at regulated facilities.</p>
Monitoring	<p>We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:</p> <ul style="list-style-type: none"> • Composting process monitoring comprising of temperature (daily) and moisture checks • Odour monitoring daily

Aspect considered	Decision
	<ul style="list-style-type: none"> • Lagoon integrity monitoring weekly • Quarterly bioaerosols monitoring comprising of total bacteria and <i>aspergillus fumigatus</i> in accordance with TGN M9: environmental monitoring of bioaerosols at regulated facilities.
Reporting	<p>We have added reporting in the permit for the following parameters:</p> <ul style="list-style-type: none"> • Bioaerosols • Annual production of processed compost • Performance parameters for water, energy and raw material use <p>We made these decisions in accordance with the Industrial Emissions Directive 2010 and TGN M9: environmental monitoring of bioaerosols at regulated facilities</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 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 Public Health England
Brief summary of issues raised
Recommend that any permit issued should contain conditions to ensure that fugitive emissions of dust and bioaerosols, odour and noise are controlled and managed. No significant concerns were raised regarding risk to health of the local population from this proposed activity, providing that the operator takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.
Summary of actions taken or show how this has been covered
The permit has been varied and updated to include the latest conditions on fugitive emissions, odour and noise, which state that emissions shall not cause pollution outside of the site boundary. As the site is within 250 metres of sensitive human receptors, the variation also requires that quarterly bioaerosols monitoring is carried out and improvement conditions require that the current level of bioaerosols emitted from the facility is established with a report of the findings to be submitted to the Environment Agency for approval. The improvement condition must be satisfactorily completed before the waste throughput is permitted to increase to 45,000 tonnes per annum as applied for.
Response received from Director of Public Health
Brief summary of issues raised
Increased vehicle movements may lead to increases in air pollution and dust. Risk assessment to manage any negative impacts should be in place.
Summary of actions taken or show how this has been covered
The number of vehicle movements is a planning consideration, however the permit requires that fugitive emissions should not cause pollution outside of the site boundary. Further to this, the sites environmental management system includes cleaning schedules which involves keeping the site free from dust and debris with regular inspections and the use of road sweepers and brushes on roads as well as damping down where necessary. The operator has submitted a risk assessment which we have assessed and we are satisfied that appropriate measures are in place to manage the risk associated with the site.