

Permitting decisions

Variation

We have decided to grant the variation for Ryedale Farm Organics Recycling Facility operated by Ryedale Organics Limited.

The variation number is EPR/DB3701LG/V004.

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

Impact of bioaerosols emissions on human health

The operator provided a site specific bioaerosols risk assessment (SSBRA) during the determination. The SSBRA included the ambient monitoring of bioaerosols carried out on 19 August 2019. Ambient bioaerosols monitoring was undertaken in accordance with the M9 Technical Guidance Note. The monitoring results are shown in the table below:

Table 1 – Ambient bioaerosols monitoring results at Ryedale Organics Recycling Facility

Parameter	Upwind	Downwind 1	Downwind 2	Downwind 3
Mesophilic bacteria (cfu/m ³)	833	555	694	694
Aspergillus fumigatus (cfu/m ³)	<139	<139	<139	<139

Mesophilic Bacteria

The upwind and downwind results do not exceed the Environment Agency threshold for Total Bacteria (1,000 cfu/m³).

Aspergillus fumigatus

The upwind and downwind results do not exceed the Environment Agency threshold for Total Bacteria (500 cfu/m³).

We have reviewed the revised operator's mitigation measures outlined in section 7.0 and 7.1 of the site specific bioaerosols risk assessment report risk assessment dated 19 September 2019. We are satisfied that the measures adopted by the operator are adequate to minimise the impact of bioaerosols emissions associated with the increase in annual throughput on site. The current ambient bioaerosols monitoring requirements are considered appropriate.

Improvement condition 1

We have extended the timescales for improvement condition 1 until 17 December 2019 to allow the operator to undertake the second round of ambient bioaerosols monitoring under improvement condition 1.

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. The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • East Riding of Yorkshire Council (Environmental Health Department) • East Riding of Yorkshire Council (Planning Authority) • Public Health England • Director of Public Health (East Riding of Yorkshire Council) • Health & Safety Executive • Local Fire & Rescue Service <p>The comments and our responses are summarised in the consultation section.</p>
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' and Appendix 2 of RGN 2 'Defining the scope of the installation'. 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	
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. 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>

Aspect considered	Decision
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.
Operating techniques	
General operating techniques	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. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory.
Fire prevention plan	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.
Permit conditions	
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; and • the environmental risk assessment is acceptable.
Improvement programme	We have made changes to improvement condition 1 (see key issues).
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	Monitoring has not changed as a result of this variation.
Reporting	Reporting has not changed as a result of this variation.
Operator competence	
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	Technical competence is required for activities permitted. The operator is a member of an agreed scheme. We are satisfied that the operator is technically competent.

Aspect considered	Decision
Relevant convictions	The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator 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 East Riding of Yorkshire Council (Environmental Health)
Brief summary of issues raised
The Council have no comments to make on this application.
Summary of actions taken or show how this has been covered
No further action.

Response received from Public Health England
Brief summary of issues raised
The Environment Agency should be satisfied that the bioaerosol assessment has been carried out and adequate controls methods implemented. This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.
Summary of actions taken or show how this has been covered
We have reviewed the site specific bioaerosols risk assessment and we consider that the mitigation measures currently used by the operator are adequate to minimise the impact of bioaerosols emissions on human health (see key issues).

No representations received from:
<ul style="list-style-type: none">• East Riding of Yorkshire Council (Planning Authority)• Public Health England• Director of Public Health (East Riding of Yorkshire Council)• Health & Safety Executive• Local Fire & Rescue Service• Members of the Public