

Permitting decisions

Bespoke permit

We have decided to grant the permit for Geminor UK operated by Geminor UK Limited.

The permit number is EPR/GP3303PN

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

The facility will primarily be accepting dry mixed municipal waste to produce Refuse Derived Fuel (RDF) for onward transfer to the nearby Energy Works Energy from Waste Facility (EA Ref: PR/NP3837NV) for incineration.

The site will also operate a waste activity as a Material Recycling Facility (MRF) for household, construction and industrial waste types for treatment and storage destined for recovery at other sites. The activities will comprise of the storage and physical treatment of waste by sorting, separation, screening, shredding and baling (and wrapping) for further recovery or disposal.

Listed Activity

Section 5.4, Part A (1) (a) (ii) – Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving physicochemical treatment and pre-treatment waste for incineration or co-incineration.

The facility will accept up to 150,000 tonnes per annum (tpa). All storage and treatment will take place within a building. There are no point sources to land, air or water.

Subject to the implementation of management measures, it is concluded that the Installation is unlikely to result in a significant accident risk or risk to the amenity of the local environment or human health. The risk assessment concludes that the fugitive release of noise and odour from the facility would require further management and mitigation methods to ensure sufficient control.

Dust

All operations for both the RDF operation and the MRF waste facility take place within a building. Consequently, the risk of dust emissions will be insignificant.

Noise

A noise risk assessment was submitted in support of the application but because of the sites proximity to sensitive receptors a Noise Impact Assessment was requested and assessed as part of the determination. This plan will forms part of the operating techniques within the permit.

The assessment of operational noise has shown that there should be a 'low' risk of adverse impact on residential receptors (in accordance with BS 4142:2014), whereby the predicted rating level is between 1.3 dB and 7.0 dB below the background sound level in the daytime and night-time periods respectively. Additionally, the context of the site is that there are several other industrial and commercial sites in the area which contribute significantly to the existing noise environment, therefore the character of noise from the proposed site would not be significantly different to the current soundscape. In the context of other standards (BS 8233:2014 and WHO guidelines) which apply to residential properties, predicted noise levels would not exceed these targets either.

An assessment has also been made on the operational noise impact on industrial and commercial receptors in accordance with IEMA guidelines, which has shown a 'negligible' risk of adverse impact, as the ambient noise level will only marginally increase.

Noise generated during the construction stage has been assessed, using BS 5228-1:2009+A1:2014 guidelines to assess the risk of impact on the nearest residential receptors. Based upon the results of the baseline sound survey, a threshold level of 65 dB LAeq,T has been recommended, on the assumption that construction will only occur during the daytime between 07:00 and 19:00 on weekdays and 07:00 and 13:00 on Saturdays. The predicted noise levels from construction activities do not exceed this threshold, hence there is not an indication of a potentially significant adverse effect. To conclude at this stage, noise from the proposed development should not pose a constraint against granting planning permission for the proposed development

Odour

An Odour Management Plan was included with the application and following approval forms part of the sites operating techniques. The plan will comply with our H4 Guidance document. We consider the measures in the plan to be satisfactory. This plan forms part of the operating techniques within the permit.

Fire Prevention

Current Environment Agency guidance regarding Fire Prevention Plans requires operators who store combustible waste to have an approved Fire Prevention Plan in place. The information contained within the Fire Prevention Plan for the facility aims to meet the following 3 main objectives:

- Minimise the likelihood of a fire happening;
- Aim for a fire to be extinguished within 4 hours; and
- Minimise the spread of fire within the site and to neighbouring sites.

The Fire Prevention Plan was approved by the Environment Agency. This plan forms part of the operating techniques within the permit.

Drainage

There are no discharges to surface waters. Drainage from the site yard is directed to foul sewer via a surface water flow control box.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has been not been made.
Consultation	
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> <ul style="list-style-type: none"> • (Environmental Health Department) • (Planning Authority) • Public Health England • Health & Safety Executive <p>The comments and our responses are summarised in the consultation section.</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 operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN 2 '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	
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	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 and baseline reporting under the Industrial Emissions Directive.
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</p>

Aspect considered	Decision
	<p>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. 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. 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. See 'key issues' section above for further information.</p>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes including, H4 – Odour Management 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.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory (see Key issues).</p>
Permit conditions	
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
Raw materials	<p>We have specified limits and controls on the use of fuels as required by the Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007 and 2014 (Amendment).</p>
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the Operator can accept these wastes because they have the necessary infrastructure, operating systems and technical capability to manage these wastes in an appropriate manner.</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. 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. The Operator is a</p>

Aspect considered	Decision
	member of an agreed scheme. We are satisfied that the operator is technically competent.
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 Public Health England
Brief summary of issues raised
Summary of actions taken or show how this has been covered
<ul style="list-style-type: none">•

Response received Member of the public
Brief summary of issues raised
Summary of actions taken or show how this has been covered