

## Permitting Decisions - Bespoke Permit

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We have decided to grant the permit for BD Gas Permits Biogas Upgrading Facility operated by BD Gas Permits Ltd.

The permit number is EPR/KP3707LX.

The application is for a biogas upgrading plant (BUP), Directly Associated Activity (DAA) permit. The site is located adjacent to Bio Dynamic (UK) Limited's anaerobic digestion (AD) facility (permit reference: EPR/DP3935ER). The BUP shall 'clean' the biogas created at the AD site, prior to it going to the national grid.

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 to show how the main relevant factors have been taken into account.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit.

### **Decision considerations**

#### **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**

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website. We also consulted the Local Authority - Environmental Health and Health and Safety Executive.

No responses were received.

## **Operator**

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 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 RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

This permit applies to only one part of the installation. The permit is for a biogas upgrading plant (BUP), which is a Directly Associated Activity (DAA) to the neighbouring Bio Dynamic (UK) Limited's anaerobic digestion (AD) facility (permit reference: EPR/DP3935ER).

Biogas shall be piped from the AD facility to the BUP. The treated gas is then passed to the grid entry unit. Any off spec gas shall be returned to the gas storage at the AD site. The AD site has an emergency flare should this be required.

The names and permit numbers of the operators of other parts of the installation are detailed in the permit's introductory note.

## **The site**

The operator has provided a plan which we consider to be satisfactory.

The plans show the location of the part of the installation to which this permit applies on that site. 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.

The permit boundary overlaps the existing permit boundary for Bio Dynamic (UK) Limited's anaerobic digestion facility (permit reference: EPR/DP3935ER). The baseline for this area was established by the original AD permit.

## **Nature conservation, landscape, heritage and protected species and habitat designations**

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England. The decision was taken in accordance with our guidance.

## **Environmental risk**

We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.

Air emissions from the BUP stack and two other minor emission points, have been assessed by the applicant using predicted BUP emission values in the Environment Agency's H1 tool. The only pollutant requiring assessment, in accordance with our guidance on air quality assessments, was hydrogen sulphide (H<sub>2</sub>S). We agree with the conclusion of the assessment that H<sub>2</sub>S screens out as insignificant. Improvement Conditions (IC1 and IC2) have been included that require the H1 assessment tool is run again using real monitoring data once the BUP is operational to ensure the assessment conclusions are accurate..

## **Operating techniques**

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance 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 and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

## **Waste types**

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 for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

We made these decisions with respect to waste types in accordance with Guidance on the classification and assessment of waste: technical guidance WM3.

## **Improvement programme**

Based on the information on the application, we consider that we need to include an improvement programme. We have included an improvement programme to ensure that emissions to air from the BUP stack are insignificant.

## **Emission Limits**

We have decided that emission limits are not required in the permit.

## **Monitoring**

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.

These monitoring requirements have been included in order to ensure that there are no leaks of emissions to air from the BUP.

## **Reporting**

We have specified reporting in the permit. We made these decisions in accordance with BAT for this sector.

## **Management System**

We are not aware of any 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.

## **Technical Competence**

Technical competence is required for activities permitted. The operator is a member of the CIWM/WAMITAB scheme. We are satisfied that the operator is technically competent.

## **Previous performance**

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

We have checked our systems 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**

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.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.