

Permitting Decisions- Bespoke Permit

Permitting decisions: Bespoke Permit

We have decided to grant the permit for Waste Knot Energy operated by WKE (Middlesbrough) Ltd.

The permit number is EPR/NP3109LB

The application is for

WKE are making this application for a Bespoke Installation Permit under The Environmental Permitting (England and Wales) Regulations 2018 (as amended) in order to operate a pellet manufacturing facility on their site at the North Sea Supply Base and Dawson's Wharf.

The subject site is located at North Sea Supply Base and Dawson's Wharf, Dawson's Wharf Industrial Estate, Riverside Park Road, Middlesbrough, TS2 1UT.

The proposed development of the site comprises a materials processing line to produce a pelletised fuel from selected SRF materials derived from commercial and industrial wastes. This product fuel pellet will be used within the European cement industry as a direct low carbon replacement for coal and PET coke within the cement manufacturing process.

There will be three processing lines each comprising screening and separation equipment in addition to driers, hammer mills and pellet mills.

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.

This decision document provides a record of the decision-making process. It:

- summarises the decision making process in the decision considerations section to show how the main 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.

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

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

The comments and our responses are summarised in the consultation responses section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Food Standards Agency – No response received.

Middlesbrough Planning Department – No response received.

Middlesbrough Environmental Health – No response received.

Health and Safety Executive – No response received.

Fire Service – No response received.

Public Health England - Response received.

The comments and our responses are summarised in the consultation responses section.

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' and 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

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

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.

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.

The following operational controls / emission limits / conditions have been placed on the permit to protect the following SAC (Special Areas of Conservation), SPA (Special Protection Area), Ramsar, SSSI Sites of Special Scientific Interest & local wildlife site.

With regard to particulate emissions the ELV has been reduced to 5mg/Nm³ with an increased monitoring frequency of every 3 months.

With regard to emissions of oxides of nitrogen the ELV has been reduced to 30mg/Nm³ with an increased monitoring frequency of yearly following the initial monitoring 4 months from permit issue/commissioning.

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.

Climate change adaptation

We have assessed the climate change adaptation risk assessment.

We consider the climate change adaptation risk assessment is satisfactory.

We have decided to include a condition in the permit requiring the operator to review and update their climate change risk assessment over the life of the permit.

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.

The proposed techniques/ emission levels for emissions that do not screen out as insignificant depart from the techniques and benchmark levels contained in the technical guidance. We have considered and accept the operator's justification for departure from the guidance.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this 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'.

The plan has been incorporated into the operating techniques S1.2.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration 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'.||

The plan has been incorporated into the operating techniques S1.2.

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.

The plan has been incorporated into the operating techniques S1.2.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission 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.

The plan has been incorporated into the operating techniques S1.2.

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.

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 demonstrate the activities are not having an impact on the environment.

Reporting

We have specified reporting in the permit in respect to both oxides of nitrogen and particulate matter.

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.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

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.

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.

Consultation Responses

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:

The main emissions of potential concern are fugitive emissions to air of particulate matter/dust. However, the proposed mitigation measures set out in the application will minimise the risk to public health.

It is the position of PHE, that reducing public exposures to non-threshold pollutants such as particulate matter below air quality standards has potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants and address inequalities (in exposure) and encourage their consideration during site design, operational management, and regulation,

We are reassured that the Operator has submitted a Fire Prevention Plan which summarises the assessment of fire risk at the site and the measures in place to prevent, detect, suppress, mitigate and contain fires.

Based on the information contained in the application supplied to us, PHE has no significant concerns regarding the risk to the health of the local population from the installation.

Summary of actions taken:

In addition to the mitigation measures set out in the application we have reduced the ELV for particulate matter to 5mg/Nm³ and increased the frequency of monitoring to every 3 months.

Representations from individual members of the public

Brief summary of issues raised:

- Impact of dust emissions on the local area and environment
- NO_x emissions at sensitive receptors
- Odour concerns

Summary of actions taken:

With regard to dust emissions PHE have confirmed the proposed mitigation measures set out in the application will minimise the risk to public health. In addition to those measures we have set the ELV to 5mg/Nm³ and increased the frequency of monitoring to every 3 months.

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. The condition used in the permit allows the Agency to require the operator to update and implement changes to their dust management plan if required.

In respect to NO_x emissions the ELV limit has been reduced to 30mg/Nm³ with an increased monitoring frequency of yearly following the initial monitoring 4 months from permit issue/commissioning.

An odour management plan has been submitted and assessed as suitable for approval. However, 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. The condition used in the permit allows the Agency to require the operator to update and implement changes to their dust management plan if required.