

## Permitting decisions - Bespoke Permit

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We have decided to grant the permit for Charlton Park Farm operated by Charlton Park Biogas Limited.

The permit number is EPR/PP3137RK.

The application is for an anaerobic digestion installation which is permitted to process up to 50,000 tonnes of biodegradable waste.

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 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.

## 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 consulted the following organisations:

- Environmental Health - Wiltshire Council
- Health and Safety Executive
- Director of Public Health & UKHSA

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', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The extent of the facility is defined in the permit. The activities are defined in table S1.1 of the permit.

## **The site**

The operator has provided a plan which we consider to be satisfactory. These show the extent of the site of the facility including 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.

The results of the desk-based study found that there are no significant contamination risks at or near the site based upon a review of historical maps, land uses surrounding the site and the regulatory database. There was also no visual evidence of contamination on the site.

## **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 Quality**

The operator has submitted an air quality impact assessment to determine the impact of the emissions from the CHP unit, boilers, and flare on human and environmental receptors (reference: Air Quality Impact Assessment, v1.0, dated: 11/08/2021).

The operator has used worst case operational scenarios, and have stated that emissions of NO<sub>2</sub>, CO, SO<sub>2</sub>, and Benzene are either insignificant or not significant for environmental impacts.

We have reviewed with the operator's assessment and are satisfied with the assessment and conclusions. We have included improvement condition IC1 which requires the operator to monitor emissions from the CHP, boilers and flare, and corroborate that the assumptions made in the air quality impact assessment are correct.

## **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.

We have carried out a detailed review of the Operator's proposed Best Available Techniques. This was compared against the latest standard for Best Available Techniques. Some areas have been identified which require additional information. However, it is suitable for this information to be received once the site is operational, and we have therefore included this within the permit as an improvement condition.

## **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.

There is one sensitive receptor within 250 m from the site, a Charlton Park Farm owned residential property approximately 90m from the site.

## **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.

## **Raw materials**

We have specified limits and controls on the use of raw materials and fuels.

## **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 have excluded the following waste streams ending with “99” code(s) because more suitable waste codes are already in the European Waste Catalogue (EWC) that accommodate the waste described:

<b>Waste code</b>	<b>Description</b>
02 02 99	sludges from gelatine production, animal gut contents
02 03 99	sludge from production of edible fats and oils to include seasoning residues, molasses residues, residues from production of potato, corn, or rice starch
02 04 99	other wastes
02 07 99	spent grains, hops and whisky filter sheets/ cloths, yeast and yeast like residues, sludge from production process.

Our technical guidance on waste classification WM3 specifically sets out clear instructions for the use of the European Waste Catalogue (EWC), particularly with regard to “99” codes.

The guidance specifies that the Operator must:

- Identify the source generating the waste in chapters 01 to 12 or 17 to 20 and identify the appropriate six-digit code of the waste (excluding codes ending with 99 of these chapters).
- If no appropriate waste code can be found in chapters 01 to 12 or 17 to 20, the chapters 13, 14 and 15 must be examined to identify the waste.
- If none of these waste codes apply, the waste must be identified according to chapter 16.
- If the waste is not in chapter 16, the 99 code (wastes not otherwise specified) must be used in the section of the list corresponding to the activity identified in step one as a last resort.

We made this decision with respect to “99” codes in accordance with the Technical Guidance WM3: Waste Classification – Guidance on the classification and assessment of waste [1st Edition v1.1, May 2018].

The following wastes in the current permit are not specified in the revised biowaste treatment permit templates. We have retained these wastes in the current permit provided the Operator undertakes a detailed characterisation of the wastes prior to acceptance for treatment at the site in accordance with BATc 2a.

<b>Waste code</b>	<b>Description</b>
03 03 02	green liquor sludge
03 03 08	wastes from sorting of paper and cardboard destined for recycling (excluding any non-biodegradable coating or preserving substance present)
03 03 10	fibre rejects, fibre-, filler- and coating-sludges from mechanical separation
03 03 11	sludges from on-site effluent treatment other than those mentioned in 03 03 10
04 01 01	fleshings and lime split wastes
04 01 05	tanning liquor free of chromium
04 01 07	sludges free of chromium

We made this decision with respect to waste types in accordance with the Framework Guidance Note – Framework for assessing suitability of wastes going to anaerobic digestion, composting and biological treatment (July 2013).

## **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 the emissions to air are monitored and consistent with the emissions stated in the application.

We have also included an improvement programme to ensure that the fuel storage facility is identified in a site plan.

## **Emission Limits**

Emission Limit Values (ELVs) and/or equivalent parameters or technical measures based on Best Available Techniques (BAT) have been included in the permit for the following substances:

- Oxides of Nitrogen (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>)
- Carbon monoxide
- Total VOCs

## **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.

We made these decisions in accordance with the standard requirements for biowaste sites.

## **Reporting**

We have specified reporting in the permit. We made these decisions in accordance with the standard requirements for biowaste sites.

## **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.

## **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 Environmental Control and Protection, Wiltshire Council (dated 08/09/2022) and UKHSA (dated: 03/09/2022).

Brief summary of issues raised: Residential dwellings are in close proximity to the site. The applicant should therefore be mindful of odour controls, noise, vibration, bioaerosols, accidents and pest impacts the site may have.

Summary of actions taken: All comments on potential emissions have been taken into account during the permit determination. We are satisfied with the measures stated by the Operator.