

## Permitting Decisions- Bespoke Permit

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We have decided to grant the permit for Melton Recycling Facility operated by Eco Power Green Energy Ltd.

The permit number is EPR/MP3107PP.

The application is for a permit to accept and process 250,000 tonnes of wastes from other waste Management facilities to produce Solid Recovered Fuel (“SRF”) and Refuse Derived Fuel (“RDF”) to be sent off site for use as a fuel at an appropriate facility. In order to reduce the moisture content of waste outputs, Eco-Power applied to carry out drying operations by passing warm air through the waste materials to produce higher quality SRF. Following drying, SRF will be pelletised and stored in the internal dedicated bays pending removal off-site. Due to the capacity of the site this is a Schedule 5.4 activity and will therefore be an installation with a number of directly associated activities.

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

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination
- 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.

### Key issues of the decision

A letter was sent to the applicant (Eco-Power Environmental (Hull) Ltd) on 21 October 2020 confirming that the application was of high public interest and explained how we would charge for the application.

The reasons for considering the application to be of high public interest were stated in the letter dated namely:

- Historic compliance and amenity issues with the associated Transwaste site.
- A high level of complaints from a significant number of people over the previous 12-18 months.
- Media interest in the site including MP/Councillor involvement and the likelihood of increased media and community interest in the site due to the proposal to significantly expand its operations.

On 11<sup>th</sup> December 2020 the internal and external engagement/consultation process on the application commenced.

On 13<sup>th</sup> January 2021 the consultation process closed for comments, a summary of the responses is given in “Consultation Responses”.

On 21<sup>st</sup> January 2021 the Agency issued a notice of request for more information under the provisions of Schedule 5 EPR 2016 (“Schedule 5 Notice”) requesting information which the Agency considered to be necessary to determine the application (odour management, air quality and fire prevention). The initial deadline of 19<sup>th</sup> March 2021 was subsequently extended by 1 week.

On 22<sup>nd</sup> February 2021 the Agency issued a notice of request for more information under the provisions of Schedule 5 EPR 2016 (“Schedule 5 Notice”) requesting information which the Agency considered to be necessary to determine the application in relation to the Emission Management Plan (EMP), Noise Management Plan (NMP), Pest Management Plan (PMP), Best Available Techniques (BAT) and clarity about the design/operation of the site). The initial deadline of 17<sup>th</sup> May 2021 was extended to 23<sup>rd</sup> July 2021.

On 27<sup>th</sup> September 2021 the Agency issued a notice of request for more information under the provisions of Schedule 5 EPR 2016 (“Schedule 5 Notice”) requesting information which the Agency considered to be necessary to determine the application in relation to the OMP, EMP, PMP and fire prevention/surface water management.

On 12<sup>th</sup> December 2021 the Agency issued a notice of request for more information under the provisions of Schedule 5 EPR 2016 (“Schedule 5 Notice”) requesting information which the Agency considered to be necessary to determine the application in relation to the OMP, EMP and NMP.

On 31<sup>st</sup> March 2022 the Agency was informed Eco-Power Environmental (Hull) Ltd was entering voluntary insolvency. Work on permit determination was therefore suspended pending further information. Subsequently a different company requested the transfer of the permit application to themselves with the agreement of the previous applicant. The new applicant was advised to submit information supporting the request and that the change in operator was on the proviso that outstanding fees (for time and materials) as well as a fee to change the applicant would need to be paid. Once this process was complete work on permit determination recommenced with the applicant now being Eco-Power Green Energy Ltd.

Following a review of the complaint’s history for the site and local interest in other similar sites we concluded that the site no longer fitted within the definition of a site of high public interest. This decision was formalised 8<sup>th</sup> August 2022, and the applicant was advised that the application would now be dealt with as a routine installation application.

Following a review of the volume and content of information submitted since the original application was consulted upon and as the applicant had changed we decided that a limited 2<sup>nd</sup> consultation was required. Not all the original consultees were consulted as either their comments had been addressed already or they had not replied to the original consultation. The consultee list for the 2<sup>nd</sup> consultation also incorporated suggested interested parties and was based on community engagement.

The applicant provided further information about the need to use diesel generators at the site to provide electrical power. This is needed as the grid connection capacity is insufficient to provide peak demand and needs to be supplemented using the on-site generators. The applicant confirmed that each generator provides approximately 500 kW of electrical power and has <1MW thermal input, each being served by a separate exhaust system. The capacity and design meaning they can be classed as directly associated activities of the permitted activity.

### **Fire Prevention Plan**

The fire prevention plan (FPP) as submitted with the application was not deemed satisfactory and an improved version was requested via a Schedule 5 notice. The amended plan was still not satisfactory due to some minor details and a revision was again requested. A satisfactory FPP dated 15<sup>th</sup> July 2021 was subsequently submitted. A consolidated final version of the FPP was submitted 14<sup>th</sup> September 2022.

## **Dust Management**

The emissions management plan as submitted with the application was not deemed satisfactory and an improved version was requested via a Schedule 5 notice. A revised version dated 23<sup>rd</sup> July 2021 was still not satisfactory and an improved version was requested via a Schedule 5 notice. A revised version dated 14<sup>th</sup> October 2021 was still not satisfactory and an improved version was requested via a Schedule 5 notice. A response to the Schedule 5 dated 12<sup>th</sup> December 2021 reference Tech Memo 784-B028992 dated 22<sup>nd</sup> February 2022 provided adequate information to allow the EMP to be approved.

## **Odour Management**

The odour management plan as submitted with the application was not deemed satisfactory and an improved version was requested via a Schedule 5 notice. A revised version dated 25<sup>th</sup> March 2021 was still not satisfactory and an improved version was requested via a Schedule 5 notice. A revised version dated 14<sup>th</sup> October 2021 was still not satisfactory and an improved version was requested via a Schedule 5 notice. A response to the Schedule 5 dated 12<sup>th</sup> December 2021 reference Tech Memo 784-B028992 dated 22<sup>nd</sup> February 2022 provided additional information in support of the proposals for odour management. This included a proposal that any remedial improvements needed for odour control subsequently highlighted by the running of the site process could be dealt with via an improvement condition. A final consolidated version of the OMP containing minor changes/improvements was submitted in October 2022.

## **Noise and Vibration Management**

The noise and vibration management plan as submitted with the application was not deemed satisfactory and an improved version was requested via a Schedule 5 notice. A revised version dated 13<sup>th</sup> September 2021 was still not satisfactory and an improved version was requested via a Schedule 5 notice. A response to the Schedule 5 dated 12<sup>th</sup> December 2021 reference Eco17.02.2022/NMP Issue 3 provided adequate information to allow the NMP to be approved.

## **Pest Management**

The pest management plan as submitted with the application was not deemed satisfactory and an improved version was requested via a Schedule 5 notice. A revised version dated 23<sup>rd</sup> July 2021 was still not satisfactory and an improved version was requested via a Schedule 5 notice. A satisfactory PMP dated 23<sup>rd</sup> July 2021 (with clarification to several points provided in Schedule 5 response dated 14<sup>th</sup> October 2021) was subsequently submitted.

## **Air Quality**

The proposed process includes the use of heat to dry waste. This entails the use of up to 41 130KW biomass units to provide heat for a series of boilers that provide heat to a drying floor. Warmed air is pulled through the waste and vented via 13 emission stacks. Due to the complexity of the proposed emission system and the definition of the site as one of high public interest the application was referred to our Air Quality Modelling & Assessment Unit (AQMAU) service for assessment. AQMAU provided an initial view of the air quality monitoring data and how conclusions had been reached that prompted a request for additional information/modelling data. This was subsequently provided in reports dated 25<sup>th</sup> May and 23<sup>rd</sup> June 2021. The final AQMAU assessment concluded that the application conclusions for air quality at human receptors can be used for permit determination and the applications predictions regarding ecological impacts can be used in permit determination for the site alone. We agree with the consultant's conclusion that based on the impacts from the boilers alone there would not likely be an exceedence of any critical levels or loads at nearby habitat sites.

## **Use of Best Available Techniques (BAT)**

Note: when referring to BAT the BAT documents used for reference were:

*Sector Guidance Note IPPC S5.06 Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste (S5.06);*

*This was subsequently superseded by Guidance; Non-hazardous and inert waste: appropriate measures for permitted facilities issued 12<sup>th</sup> July 2021.*

*Best Available Techniques (BAT) Reference Document for Waste Treatment Industrial Emissions Directive 2010/75/EU (Integrated Pollution Prevention and Control) (2018); and*

*BAT conclusions for waste treatment 2010/75/EU dated August 2018.*

The BAT document submitted in support of the original application was not deemed satisfactory in relation to BAT numbers 2, 4, 10, 11, 12, 14, 23, 25 and 31. Information submitted in support of the application during the determining stage (in response to requests for information) revised the applicant's approach to BAT to the point where the responses were satisfactory.

## **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 originally considered this application to be of high public interest and so publicised the application using a newsletter to the local community via interested parties and the local parish council. We also communicated directly with the local Member of Parliament and met with the local parish council. We also publicised the application via Twitter and using a news release.

The application was advertised in the Hull Daily Mail

We consulted the following organisations:

- East Riding of Yorkshire Planning Department
- East Riding of Yorkshire Environmental Protection
- Health and Safety Executive
- Natural England
- Food Standards Agency
- Humberside Fire and Rescue Service
- Public Health England

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' and Appendix 2 of RGN2 '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**

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

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.

## **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. The site is within 2km of Melton Bottom SSSI (Geological feature), the Humber SSSI (Nationally important habitat) and the Humber Estuary Special Area of Conservation/Special Protection Area/Ramsar Site.

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 consulted Natural England on our Habitats Regulation assessment and taken their comments into account in the permitting decision.

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.

## **Operating techniques for emissions that screen out as insignificant**

Emissions of particulates have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

## **Odour management**

We have reviewed the odour management plan in accordance with our guidance on odour management.

While we consider that the applicant's proposals represent the appropriate measures to prevent/ minimise odour from the permitted activities, we also consider that it is appropriate to include an improvement programme to ensure that the assumptions on odour generation from the permitted waste types and using the treatment techniques listed in the permit are correct in concluding that appropriate measures are being used to minimise odour generation.

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'.

## **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.



We have approved the fire prevention 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 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.

## **Raw materials**

We have specified limits and controls on the use of raw materials and fuels. In the case of this application the fuel type permitted to be used in the Biomass boilers has been limited to accredited biomass only.

## **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.

## **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 assumptions on odour generation from the permitted waste types and using the treatment techniques listed in the permit are correct in concluding that appropriate measures are being used to minimise odour generation.

## **Emission Limits**

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

- Particulate matter

Emission limits for particulates have been included at the appropriate BAT level for emissions to air from the waste drying plant, dust extraction system and pellet cooling plant.

## **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 to ensure that emission limits are met.

We made these decisions in accordance with technical standards in relation to Best available techniques as described in BAT conclusions 2018/1147.

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

## **Reporting**

We have specified reporting in the permit.

We made these decisions in accordance with Non-hazardous and inert waste: appropriate measures for permitted facilities issued 12<sup>th</sup> July 2021.

Best Available Techniques (BAT) Reference Document for Waste Treatment Industrial Emissions Directive 2010/75/EU (Integrated Pollution Prevention and Control) (2018)

## **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.

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.

## **Consultation Responses**

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, newspaper advertising and the way in which we have considered these in the determination process. Due to the change in operator and in response to the extensive additional information received since the original application a 2<sup>nd</sup> limited consultation exercise was undertaken in September 2022.

### **Responses from organisations listed in the consultation section:**

#### Response received from Public Health England.

Summary of issues raised: whilst supportive of modelling approach used for air quality assessment concern raised regarding lack of consideration of diesel generators as a contributing factor in existing background levels when determining cumulative impact. Consideration should be made to ensuring mitigation measures in the odour management plan are sufficient to prevent annoyance to residential neighbours.

Summary of actions taken: A schedule 5 was issued requesting further information and revision of the OMP, this included elements of the air quality modelling report submitted as part of the application. The revised air quality model was submitted to AQMAU for assessment.

#### Response received from Humberside Fire and Rescue Service.

Summary of issues raised: The submitted fire prevention plan is satisfactory but consideration should be given to ensuring adequate fire hydrant coverage within the site to augment the public supply.

Summary of actions taken: the FPP refers to hydrant supplies and extra information was requested to demonstrate these can supply the amounts of water quoted. A revised FPP submitted following the issue of a Schedule 5 notice included the details of the fire suppression system to be used at the site, this includes provision for on-site water storage that is independent of the hydrant system.

## **Representations from local MPs, assembly members, councillors and parish/town community councils**

### Response received from Rt Hon David Davis, MP

Summary of issues raised: Impact of wood smoke odour from drying process on residents, addition of 250,000 tonnes on top of existing 750,000 tonnes, we should reject application

Summary of actions taken: We issued a Schedule 5 notice requiring further information relating to the odour management plan that included the issue of odour from the wood burning heating appliances. The issue of waste volumes is considered in the various risk assessments in the application and our assessment of their validity. We assess application on a technical basis and nothing raised in the response raised issues that would allow us to refuse the application.

### Response received from Julie Abraham, East Riding of Yorkshire County Councillor

Summary of issues raised: Wood smoke odour and history of fires on site.

Summary of actions taken: We issued a Schedule 5 notice requiring further information relating to the odour management plan that included the issue of odour from the wood burning heating appliances. We also requested that the fire prevention plan be revised to improve fire protection measures at the site.

### Response received from North Ferriby Parish Council

Summary of issues raised: odour from the wood fired heating appliances and the drying of waste, including lack of mitigation measures. Disease risk from the drying process, fire risk from the proposed activity given past history of fires. Air pollution from the heating units and interaction/conflict with planning permission such as 24-hour operation (start/stop and throughput) and source of waste i.e., from external sources versus from on-site processes.

Summary of actions taken: Impacts on health is a matter for PHE to comment upon and they were consulted as part of the determination process. The air quality model was submitted to AQMAU for assessment. We required and received a revised FPP, matters relating to the sites planning permission are a matter for East Riding of Yorkshire Council to enforce, and ERYC were consulted as part of the determination.

## **Representations from individual members of the public**

Summary of issues raised: Concern about the odour of smoke from the biomass units now and in the future. Concerns about how the equipment and plant at the site will be signed off as fit for purpose. Concern about the competence of the operator to run the site. Concern about health and safety issues at the site.

Summary of actions taken: The possible impact of smoke odour was raised in a schedule 5 sent in response to the OMP. Operator competence is assessed as part of the determination process. The Environment Agency does not “sign off” equipment and health and safety is a matter for HSE who were consulted as part of this application.

Summary of issues raised: Concern that the site has been running for 3 years, during this time there have been complaints to the Environment Agency and ERYC about blue smoke, air contamination and noise. There should be robust monitoring requirements imposed on the applicant and we have failed to communicate.

Summary of actions taken: We reviewed the complaint history and there was not an extensive history observed, as the site sits within the Melton Waste Park it is not clear which activity could be the source of complaints. We have added monitoring requirements and emission limits for particulate matter and an assessment of emissions from the boiler by AQMAU supported the conclusions of the applicant. Issues with the original design have been addressed via the use of requests for further information. We contribute to the local liaison group and have consulted on the application twice.

## **Representations from Environment Agency consultation**

No comments were received from the Environment Agency consultation.

## **Representations from the applicant consultation**

The only response was a query about whether diesel generators used at the site should be included within the permit.