

## Permitting Decisions- Variation

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We have decided to grant the variation for Unit 25 - The Hangar operated by Millers Contracting Limited.

The variation number is EPR/GB3809TC/V004.

The variation is for the following changes to the permit:

- Increase in tonnage for a composting activity to 70,0000 tonnes per annum. This changes the permitted activities to being Installation activities, and therefore the conditions of the permit have been amended accordingly.
- Surrender of an activity from the permit that has not been previously used.

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 and the variation notice.

## Decision considerations

### Confidential information

A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.

### 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 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:

- Local Authority – Environmental Health, Allerdale Borough Council
- Sewerage Authorities
- Health and Safety Executive
- Director of Public Health and UK Health Security Agency (UKHSA)

The comments and our responses are summarised in the [consultation responses](#) section.

### The regulated facility

We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', 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.

As a result of the increase in throughput for the In Vessel Composting (IVC) activity, this will now become an installation activity, with associated directly associated activities. Due to the principle of aggregation under the Environmental Permitting Regulations 2016, all biowaste activities on site are now considered installations.

The household, commercial and industrial waste transfer station with treatment, shall remain a waste activity, and is not an installation.

## **The site**

The operator has provided a plan which we consider to be satisfactory. These show the extent of the site of the facility. The plan is included in the permit. No land has been added to the permit as a result of this variation.

## **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.

## **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 operator was required to demonstrate that the biowaste activities were operated in accordance with Best Available Techniques (BAT). To demonstrate this the operator submitted a BAT assessment for review (reference: 'REVISED DOC 8 BAT', received: 22/09/2022).

This assessment provided a comparison of the operating techniques against *The Sector Guidance Note IPPC S5.06 Guidance for the Recovery and Disposal of Hazardous and Non-Hazardous Waste*, and Waste Best Available Techniques 2018.

We are satisfied that the stated operating techniques meet BAT, but we shall continue to ensure these standards are met through permit compliance.

A number of aspects of BAT have now been introduced into the permit, in accordance with modern biowaste standards.

## **Odour management**

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

Whilst the plan has been adequate to date, and this variation should have negligible impact on odour emissions from the site, the OMP has not been formally approved as part of this variation, and requires updating.

The plan has been incorporated into the operating techniques (Table S1.2 of the permit), however condition 3.3.1 is included in the permit. This requires that if notified by the Environment Agency that the activities are giving rise to pollution outside the site due to odour, the operator must submit to the Environment Agency for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour. Therefore, further improvements can be included in the OMP as part of compliance.

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'.

Improvement Condition 1 has been included in the permit, requiring the operator to review the appropriateness of the odour abatement plant from the site.

Odour monitoring has also now been incorporated into the 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.

## Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.

## 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.

No new waste types have been included as part of this permit variation. New exclusions have been placed on the waste codes within the permit, in accordance with modern biowaste standards.

The operator must meet the standards set by waste Best Available Techniques (2018), including the requirements for waste characterisation and ensuring wastes are appropriate for composting. The operator shall continue to ensure this standard is met.

## Emission limits

Emission Limit Values (ELVs) and/or equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added for the following substances: Ammonia 20 mg/m<sup>3</sup>.

We have included these limits based on BAT standards for odour abatement plant.

## Monitoring

We have decided that monitoring should be added for the parameters stated in Table S3.1 and S3.2 of the permit, using the methods detailed and to the frequencies specified:

These monitoring requirements have been included in order to ensure the installations activities meet BAT.

We made these decisions in accordance with BAT and modern biowaste standards.

## Reporting

We have added reporting in the permit for the parameters stated in Table S4.1 of the permit. We made these decisions in accordance with modern standards for biowaste permits.

## 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.

## Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not 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 variation.

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, and the way in which we have considered these in the determination process.

### Responses from organisations listed in the consultation section

Response received from Allerdale Borough Council Environmental Health.

**Brief summary of issues raised:** Historical complaints of dust/dirt have been received by this department therefore this should be considered in determining the variation and considering permit conditions to be applied to the variation.

**Summary of actions taken:** The risk assessment has been reviewed as part of this application. We are satisfied with the measures taken. Dust is not expected to increase as a result of the variation. The permit conditions should ensure that should there be any future dust pollution, the operator shall need to review their practices to address these issues.

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Response received from UK Health Security Agency.

**Brief summary of issues raised:**

Bioaerosols and Odour - The Bioaerosol report concluded that there were moderate or minimal levels of bioaerosol concentrations downwind of the site, with sampling undertaken in March 2020. It is recommended that risks to human health receptors from bioaerosols as a result of the increased throughput at the site, be assessed using updated modelling or monitoring.

In light of the proposals for increased throughput and the inherent potential for abnormal /emergency conditions to happen, it is recommended that the application include further details regarding which odour abatement measures and techniques will be used in the event of an odour incident.

Incidents and Accidents - Better consistency is required between the Environmental Management System (EMS) document and the Environmental Risk Assessment. For example, the Environmental Risk Assessment document should include details regarding risks from equipment failure and the EMS document, risks from fires.

**Summary of actions taken:**

Bioaerosols and Odour - The documentation has been assessed by the Environment Agency, and has been deemed to be appropriate. Bioaerosol



monitoring has now been included in the permit, and shall be reviewed in the future.

The Odour Management Plan has been reviewed and details are provided in the Odour Management Plan section above. The plan does address incident response.

Incidents and Accidents - We do not assess Environment Management Systems (EMS) during permit determination; however, this will be reviewed for consistency as part of compliance. A fire prevention plan has been assessed as part of this variation, which includes risks from equipment failure and fire incidents.