



Permitting decisions

Variation and consolidation

We have decided to grant the variation and partial surrender for Protos Energy Recovery Facility operated by Covanta Energy Limited.

The variation number is EPR/LP3132FX/V007.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health

Purpose of this document

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

- Highlights [key issues](#) in the determination.
- Summarises the decision making process in the [decision checklist](#) to show how all 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 Operator's proposals. Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

This variation (and partial surrender) application EPR/LP3132FX/V007 varies an existing permit for a municipal waste incineration plant located near Elton, Cheshire. The waste incineration plant is currently permitted to treat non-hazardous waste, primarily refuse-derived fuels (RDF). The plant has not yet been built or operated.

The facility is now in the final design stage and this variation is to reflect the following revisions:

- an increase in the annual permitted throughput of waste from 400,000 tonnes to 500,000 tonnes
- an updated Installation boundary including the removal of land which has not been used for permitted activities
- the revised location of the incinerator stack (circa 10m from original location)
- the new location of the surface water emission point (W1) and the addition of a second surface water emission point (W2)
- addition of one emergency backup generator
- an increase in the generation of electrical power (gross) from 49MWe to 49.9MWe: and
- removal of the proposed odour abatement system to treat odorous air during periods of shut-down (due to the two stream design negating the requirement).

The applicant has also provided details to demonstrate that improvement condition IC9 is no longer relevant as the facility will now operate with two lines and that pre-operational conditions PO10, PO11 and PO13 have been completed. Consequently, these POs have been removed from the permit. PO7 has been superseded by a new PO (PO14 in the varied permit) which takes into account the fact that the operator has provided a partial response to the original PO7.

The sections below summarise the key issues that have been considered during the variation application determination with regards to the changes applied. Aspects of the facility that are not subject to the specific changes applied for through the variation application remain as assessed and permitted under the original permit application determination (and subsequent permit variations).

Number of incineration lines

The previous permit variation considered scenarios for the incinerator having either one or two incineration lines with a requirement for the operator to confirm at a later date which scenario would be implemented and to demonstrate that the environmental impact assessment if there were any updates, such as the increase in throughput would be valid for the selected option.

The air quality assessment provided in this variation application is based on a configuration involving two incineration lines.

We consider the air quality impact assessment submitted with the variation adequate to satisfy pre-operational condition 10 (PO10) in the permit, with the operator selecting the second option in the condition. This required the Operator to:

- Provide evidence that the conclusions of the air quality impact and human health risk assessment has not changed; or
- Provide a revised air quality impact and human health risk assessment.

We have therefore permitted the site as a two line waste incineration installation based on our assessment of the potential air quality impact and human health risk assessment as set out in the following sections.

Assessment of the installation's emissions to air (air quality and ecological impacts)

The methodology for risk assessment of point source emissions to air, which we use to assess the risk of applications we receive for permits, is set out in our guidance *Air emissions risk assessment for your environmental permit* and has the following steps:

- Describe emissions and receptors.
- Calculate process contributions.
- Screen out insignificant emissions that do not warrant further investigation using the Environment Agency's screening tool.
- Decide if detailed air modelling is needed.
- Assess emissions against relevant standards.
- Summarise the effects of emissions.

The methodology uses a concept of 'process contribution' (PC), which is the estimated concentration of emitted substances after dispersion into the receiving environmental media at the point where the magnitude of the concentration is greatest. The methodology provides a simple method of calculating PC primarily for screening purposes and for estimating process contributions where environmental consequences are relatively low. It is based on using dispersion factors. These factors assume worst case dispersion conditions with no allowance made for thermal or momentum plume rise and so the process contributions calculated are likely to be an overestimate of the actual maximum concentrations. More accurate calculation of process contributions can be achieved by mathematical dispersion models, which take into account relevant parameters of the release and surrounding conditions, including local meteorology.

Air dispersion modelling enables the PC to be predicted at any environmental receptor that might be impacted by the plant. Once short-term and long-term PCs have been calculated in this way, they are compared with Environmental Standards (ES).

PCs are considered insignificant if:

- the long-term process contribution is less than 1% of the relevant ES; and
- the short-term process contribution is less than 10% of the relevant ES.

The long term 1% process contribution insignificance threshold is based on the judgements that:

- It is unlikely that an emission at this level will make a significant contribution to air quality; and
- the threshold provides a substantial safety margin to protect health and the environment.

The short term 10% process contribution insignificance threshold is based on the judgements that:

- spatial and temporal conditions mean that short term process contributions are transient and limited in comparison with long term process contributions; and
- the threshold provides a substantial safety margin to protect health and the environment.

Where an emission is screened out in this way, we would normally consider that the Operator's proposals for the prevention and control of the emission to be acceptable. However, where an emission cannot be screened out as insignificant, it does not mean it will necessarily be significant.

For those pollutants which do not screen out as insignificant, we determine whether exceedances of the relevant ES are likely. This is done through detailed audit and review of the Operator's air dispersion modelling, taking background concentrations and modelling uncertainties into account.

Where the PC is greater than these thresholds, the assessment must continue to determine the impact by considering the predicted environmental concentration (PEC). The PEC is the combination of the PC substance to air and the background concentration of the substance which is already present in the environment.

The PECs can be considered 'not significant' if the assessment has shown that both the following apply:

- proposed emissions comply with associated emission levels (AELs) or the equivalent requirements where there is no AEL.

- the resulting PECs will not exceed 100% of the environmental standards

The Operator's air dispersion model used the modelling software, ADMS 5.2, which is a commonly used computer model for regulatory dispersion. There are three assessments provided as part of this application; a dispersion modelling assessment, an abnormal operations assessment and a human health risk assessment. The reports are titled:

- *Covanta. Protos Energy Recovery Facility. Dispersion Modelling Assessment. S3240-0185-0005RSF*
- *Covanta. Protos Energy Recovery Facility. Abnormal Emissions Assessment. S3240-0185-0007HKL*
- *Covanta. Protos Energy Recovery Facility. Human Health Risk Assessment. Ref: S3240-0185-0006MSN*

We have assessed the Operator's assessments and we agree with the Operator's conclusions that impacts will not be significant and there will be no exceedances of the relevant environmental standards. Our consideration of the Operator's assessments is described below.

Assessment of impact upon air quality (normal operations)

The Operator has assessed the Installation's potential emissions to air against the relevant air quality standards, and their potential impact upon local conservation and habitat sites and human health. These assessments predicted the potential effects on local air quality from the Installation's stack emissions.

We have checked the background pollution data used by the Operator for those pollutants which did not screen out as insignificant. We consider the assumed background concentrations to be appropriate. The way in which the dispersion models were used, the selection of input data, use of background data and the assumptions made have been reviewed by the Environment Agency's modelling specialists to establish the robustness of the Operator's air impact assessment.

The consultant's predicted maximum PCs are shown in tables 27-34 of the Dispersion Modelling Assessment and tables 57-60 of the Dispersion Modelling Assessment Appendix D. The annual nitrogen dioxide (NO₂) PCs and the annual volatile organic compounds (VOC) PCs (when VOCs are considered to be 100% 1,3-butadiene) are not insignificant. However, the PECs do not exceed the relevant ES and there is considerable headroom available. All other pollutant PCs are predicted to be insignificant.

The consultant has followed the Metals Guidance for Municipal Waste Incinerators (MWI)¹ when considering impacts from metals. Their PCs are presented in Tables 37 and 38 of their Dispersion Modelling Assessment. Their annual cadmium (Cd) PC is not insignificant; however, when considering the PEC there is considerable headroom available. The PCs of all other metals are predicted to be insignificant.

The consultant's predicted abnormal emissions PECs are shown in tables 3-5 of their Abnormal Emissions Assessment. They do not predict any exceedances of the PEC at any receptor location for all relevant pollutants.

We are in agreement with the consultant's conclusions that:

- The assessment shows that any increases in impacts from the proposed facility are marginal and emissions would not have a significant impact on local air quality.
- Emissions from the facility will not cause a breach of any environmental standard (ES) when considering both normal and abnormal operations. In all instances, predicted environmental concentrations (PEC) are below 70% of the ES.

The primary and secondary techniques employed for preventing and minimising these emissions from the permitted facility have not changed as a result of this variation and based upon predicted emissions (as assessed above) we consider that the Operator's proposals are BAT for the Installation. The secondary control measure for the minimising of nitrogen oxides will remain as selective non-catalytic reduction (SNCR).

¹ AQMAU, Environment Agency, Guidance to Consultants on impact Assessment for group 3 Metals Stack Released from municipal waste incinerators – V.4

Impacts on Habitats sites, Sites of Special Scientific Interest and non-statutory conservation sites

There are a number of protected conservation sites within the relevant screening distances from the installation. These include the following (with proximity to the installation):

- Mersey Estuary – Special Protection Area (SPA) and Ramsar (896 m)
- Midland Meres and Mosses – Ramsar (9,247 m)
- Mersey Estuary – Site of Special Scientific Interest (SSSI) (578 m)
- Frodsham and Helsby and Ince Marshes – Local Wildlife Site (0 m situated within the site boundary)

The primary impacts from this installation will be from the combustion emissions to the SSSIs, SPAs Ramsars and non-statutory sites. These pollutants include NO_x, NH₃, HF and SO₂ ambient concentrations and deposition from nutrient nitrogen and acidification. The assessment was also audited by the Environment Agency's air quality specialists. We agree with the consultant that there are unlikely to be any exceedances of the relevant critical levels at any sensitive ecological receptors.

The consultant has screened out the PCs against the long-term and short-term critical levels as less than the insignificance criteria for all pollutants at all habitat sites, with the exception of at the annual and daily NO_x at Mersey Estuary SPA/SSSI/Ramsar. The results are shown in table 40 of the Dispersion Modelling Assessment and tables 61 and 62 of the Dispersion Modelling Assessment Appendix D. The consultant explains that the annual and daily mean NO_x PECs are not significant, however, they have not provided numerical evidence to support this conclusion. We have, however, included an assessment of PECs in our checks.

The consultant has also screened out PC impact against nutrient nitrogen deposition at all ecological receptors with the exception of the Mersey Estuary SPA and Ramsar. The results are presented in table 66 of the Dispersion Modelling Assessment Appendix D. The impacts on the Mersey Estuary can be screened out as a PEC using a background and a critical load relevant for littoral sediment which is the relevant habitat type at this area of the site as found using APIS² and Magic Maps³.

The consultant has screened out acid deposition PCs at all ecological sites except for Midland Meres and Mosses Ramsar. The background deposition at this location already exceeds the site-relevant critical loads, therefore, the PCs have the potential to be significant. The consultant explains that the increase in PCs compared to the current permitted facility is marginal and would be unlikely to result in a significant impact to the ecological site.

Unlike other protected European Habitats sites (SACs and SPAs), APIS does not specify site specific critical loads for the relevant ecological interest features of the designated site. Therefore, for Midland Meres and Mosses, the Operator has chosen surrogate critical loads from Flaxmere Moss SSSI. The Environment Agency agrees that the choice of these designations to assess the impact on the site is an appropriate approach.

We agree that the consultant's acid deposition PCs can be used as a basis of assessment and in table 42 of the Dispersion Modelling Assessment, the consultant presents a further analysis on acid deposition at this site. Table 42 is replicated in Table 1 below:

Table 1 Further Analysis –Acid Deposition at Midland Meres and Mosses				
Met data year	Operation at the IED limits (100% availability)		Operation at the BAT AEL for an existing plant (100% availability)	
	Existing Facility (PC)	Proposed Facility (PC)	Existing Facility (PC)	Proposed Facility (PC)
2016	0.97%	1.08%	0.83%	0.92%

² Air Pollution Information System www.apis.ac.uk [Accessed June 2022]

³ <https://magic.defra.gov.uk/> [Accessed June 2022]

2017	1.09%	1.21%	0.94%	1.03%
2018	0.91%	1.01%	0.78%	0.87%
2019	0.85%	0.94%	0.73%	0.81%
2020	0.89%	0.98%	0.76%	0.84%
Max	1.09%	1.21%	0.94%	1.03%
Average	0.94%	1.04%	0.81%	0.89%

They also explain that further reductions in acid deposition PCs as a result of the introduction of the Waste Incineration BREF BAT AELs would likely reduce the PCs to less than 1% of the critical load. Modelling data has not been presented to enable us to verify their conclusions, however, the modelling approach is the same as that used for the existing IED limits and we are satisfied that impacts are likely to be insignificant due to:

- the small contribution to the existing background deposition levels;
- the conservatism within the modelling; and
- the fact that, under the new BAT AELs which the permit will be operating under, limits for Oxides of nitrogen (as NO₂) will be reduced by 10%, Sulphur Dioxide by 20% and Hydrogen Chloride by 20% when compared to the IED limits.

We find that the annual and daily NO_x PECs are below 100% and are unlikely to exceed the ES.

We find that we disagree with the consultant's numerical acid deposition PCs at Mersey Estuary SPA/SSSI/Ramsar. We find that the PCs could be greater than 1% over areas of exposure where background deposition already exceeds the site-relevant critical loads. A review of ecological site on APIS shows that the site is designated for a range of species. Whilst the habitat types are sensitive to acid, the species are not sensitive to acid deposition impacts on the broad habitat, therefore, there is no expected negative impact due to acid deposition. It is agreed that the PC is only a small proportion of the total PEC.

In conclusion, we do not agree with all the consultant's numerical predictions, however we do agree with their overall conclusions that the facility is unlikely to lead to adverse impacts on habitat sites.

Assessment of Human Health Effects from the Installation

The Environment Agency has a statutory role to protect the environment and human health from all processes and activities it regulates.

We have assessed the health effects from the operation of this installation in relation to our statutory role. We have applied the relevant requirements of the national and European legislation in imposing the permit conditions. We are satisfied that compliance with these conditions will ensure protection of the environment and human health.

Taking into account all of the expert opinion available, we agree with the conclusion reached by UK HSA that "While it is not possible to rule out adverse health effects from modern, well-regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable."

In carrying out air dispersion modelling as part of the Environmental Impact assessment and comparing the predicted environmental concentrations with European and national air quality standards, the Applicant has effectively made a health risk assessment for many pollutants. These air quality standards have been developed primarily in order to protect human health.

The Environment Agency has reviewed the methodology employed by the Applicant to carry out the health impact assessment.

For the Human Health Risk Assessment (HHRA), the consultant has considered the dioxins and dioxin-like-PCB emissions from the IBP and P2H facilities.

For the HHRA, the consultant concludes that:

- At the point of maximum impacts from emissions from the facility, the intake of dioxins and dioxin-like-PCBs via inhalation and digestion is below the tolerable daily intake (TDI). Impacts will be even lower at sensitive human receptor locations.
- The impacts from dioxins and dioxin-like-PCBs from the facility on human health is predicted to be not significant.

The consultant's HHRA shows predictions at residential receptors will not exceed 1% of the TDI and therefore would not cause harm to human health at any relevant receptor location.

We have audited the consultant's submission and have made observations relating to the methodologies used and assumptions made.

We conclude that for air quality impacts at human receptors, whilst we do not agree with the consultant's absolute numerical predictions, the consultant's conclusions can be used for the basis of permit determination. We do not predict any exceedances of the ES under normal or abnormal conditions.

We note that the consultant's dioxin-like PCB emission rates are around 50% lower than currently permitted. It is unclear why this is, however, the emission rates associated with the current permitted facility are unlikely to exceed 1% of the TDI

Our sensitivity checks of the Human Health Risk Assessment agree with the consultant that the intake of dioxins, furans and dioxin-like PCBs are less than 1% of the TDI. Therefore, the risk associated with the proposed installation is unlikely to have an adverse impact to human health from normal or abnormal operations. Our HHRA checks include the dioxins and dioxin-like PCB contribution from the near-by IBP and P2H facilities.

We agree with the consultant that there is unlikely to be an exceedance of 10% of the TDI under both normal and abnormal conditions.

Overall, taking into account the conservative nature of the impact assessment (i.e. that it is based upon an individual exposed for a life-time to the effects of the highest predicted relevant airborne concentrations and consuming mostly locally grown food), it was concluded that the operation of the proposed facility will not pose a significant carcinogenic or non-carcinogenic risk to human health.

The UK Health Security Agency (UK HSA) and the Local Authority Director of Public Health were consulted on the Application and concluded that they had no significant concerns regarding the risk to the health of humans from the installation. Details of the responses provided by the UK HSA to the consultation on this Application can be found in the 'consultation section' at the end of this document.

The Environment Agency is therefore satisfied that the Applicant's conclusions presented above are soundly based and we conclude that the potential emissions of pollutants including dioxins, furans and metals from the proposed facility are unlikely to have an impact upon human health.

Impacts from 'abnormal operations'

Article 50(4)(c) of IED requires that waste incineration and co-incineration plants shall operate an automatic system to prevent waste feed whenever any of the continuous emission monitors show that an emission limit value (ELV) is exceeded due to disturbances or failures of the purification devices. Notwithstanding this, Article 46(6) allows for the continued incineration and co-incineration of waste under such conditions provided that this period does not (in any circumstances) exceed 4 hours uninterrupted continuous operation or the cumulative period of operation does not exceed 60 hours in a calendar year. This is a recognition that the emissions during transient states (e.g. start-up and shut-down) are higher than during steady-state operation, and the overall environmental impact of continued operation with a limited exceedance of an ELV may be less than that of a partial shut-down and re-start.

For incineration plants, IED sets backstop limits for particulates, CO and TOC which must continue to be met at all times. The CO and TOC limits are the same as for normal operation, and are intended to ensure that good combustion conditions are maintained. The backstop limit for particulates is 150 mg/m³ (as a half-hourly average) which is five times the emission limit in normal operation.

Article 45(1)(f) requires that the permit shall specify the maximum permissible period of any technically unavoidable stoppages, disturbances, or failures of the purification devices or the measurement devices, during which the concentrations in the discharges into the air may exceed the prescribed emission limit values. In this case, we have decided to set the time limit at 4 hours, which is the maximum period prescribed by Article 46(6) of the IED.

These abnormal operations are limited to no more than a period of 4 hours continuous operation and no more than 60 hour aggregated operation in any calendar year. This is less than 1% of total operating hours and so abnormal operating conditions are not expected to have any significant long term environmental impact unless the background conditions were already close to, or exceeding, an ES. For the most part therefore, consideration of abnormal operations is limited to consideration of its impact on short term ESs.

In making an assessment of abnormal operations, the following worst case scenario has been assumed:

- Dioxin emissions of 10 ng/m³ (100 x normal)
- Mercury emissions are 15 times those of normal operation
- NOx emissions of 500 mg/m³ (1.25 x normal)
- Particulate emissions of 150 mg/m³ (5 x normal)
- Metal emissions other than mercury are 15 times those of normal operation
- SO₂ emissions of 450 mg/m³ (2.25 x normal)
- HCl emissions of 900 mg/m³ (15 x normal)
- PCB emission of 0.5 mg/m³ (100 x normal)

This is a worst case scenario in that these abnormal conditions include a number of different equipment failures not all of which will necessarily result in an adverse impact on the environment (e.g. a failure of a monitoring instrument does not necessarily mean that the incinerator or abatement plant is malfunctioning). This analysis assumes that any failure of any equipment results in all the negative impacts set out above occurring simultaneously.

The result on the Operator’s short-term environmental impact is summarised in the table below.

Pollutant	ES	⁹ Background	Process contribution (PC)		Predicted environmental concentration (PEC)	
	µg/m ³		µg/m ³	µg/m ³	% of ES	µg/m ³
NO ₂	² 200	39.44	14.56	7.26	--	--
PM ₁₀	³ 50	28.84	2.23	4.47	--	--
SO ₂	⁴ 266	13.24	47.5	17.87	60.74	22.83
	⁵ 350	13.24	35.7	10.19	48.94	13.98
	⁶ 125	13.24	13.34	10.68	26.58	21.26

HCl	⁷ 750	1.42	202.6	27.01	204.02	27.2
HF	⁷ 160	4.7	4,5	2.81	--	--
Hg	⁸ 7.5	0.038	0.12556	1.67	--	--
Sb	⁸ 150	--	0.03883	0.026	--	--
Cu	⁸ 200	--	0.09792	0.049	--	--
Mn	⁸ 1,500	--	0.2026	0.014	--	--
Cr (II)(III)	⁸ 150	--	0.31065	0.207	--	--
V	¹ 1	--	0.02026	2.026	--	--
PCBs	⁸ 6	0.00013	0.11256	1.876	--	--

Notes

¹ 24 hour maximum

² 99.9th percentile of 1 hour means

³ 90.41st percentile of 24 hour means

⁴ 99.9th percentile of 15 minute means

⁵ 99.73rd percentile of 1 hour means

⁶ 99.18th percentile of 24 hour means

⁷ 1 hour average

⁸ 1 hour maximum

⁹ Background values taken from 'Proteus Energy Recovery Facility: Dispersion Modelling Assessment' dated 2021.

The result on the Operator's short-term abnormal environmental impact is summarised in the table above. From the table above, the emissions of the following substances can be considered insignificant, in that the PC is <10% of the short-term ES:

- NO₂, PM₁₀, HF, PCBs and metals (Hg, Sb, Cu, Mn, Cr and V).

Also, from the table above, emissions of the remaining pollutants (which were not screened out as insignificant) have been assessed as being unlikely to give rise to significant pollution in that the predicted environmental concentration is less than 100% of short term ES:

- SO₂ and HCl.

We are therefore satisfied that it is not necessary to further constrain the conditions and duration of the periods of abnormal operation beyond those permitted under Chapter IV of the IED. We have not assessed the impact of abnormal operations against long term ESs for the reasons set out above.

Fugitive emissions – impact from noise

Impacts from noise pollution have previously been assessed under the original permit application. We do not consider that this variation will result in a significant change to the risk of noise impact from the installation compared to the scenarios previously assessed as unlikely to result in an adverse impact on sensitive receptors. We consider the proposals BAT for the noise management in line with previous assessments.

Impact from odour emissions

During normal operations at municipal waste incinerators, point source and fugitive emissions are maintained at a minimal level. Incineration plants have the potential to cause odour from the reception area including the waste bunker. However odour is not usually a major issue for this sector with the usual control measures being highly effective in preventing odour nuisance at receptors. The key measures normally used are as follows:

- Combustion air creates a negative pressure in the waste reception area. Air is pulled through this area and into the furnace where odours are destroyed.
- Fast acting self-closing doors that are kept closed between waste deliveries.
- The waste is only stored for a short time in the bunker before being incinerated.

Odour impacts are more likely to occur during periods of shut down of an incineration line at the site. This variation confirms that the incinerator will consist of two incineration lines rather than a single incineration line. Negative pressure would still be achieved by the operation of the other line during the shutdown of one incineration line.

The improvement condition and pre-operational condition (IC9 and PO13) were specified to ensure that the odour abatement installed at the installation would be BAT in the instance that there would only be one incineration line. As there will be two incineration lines we consider these conditions are no longer relevant and have therefore removed them.

Decision checklist

Aspect considered	Decision
Receipt of application	
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 facility	
The regulated facility	<p>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 RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</p> <p>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 facility is no longer a multi-operator installation.</p>
The site	
Extent of the site of the facility	The operator has provided plans which we consider to be satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	<p>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.</p> <p>Permitted operations at the site have never commenced. We are satisfied that there has never been a source of potential ground and groundwater contamination from this process. No baseline data was submitted with the application. The operator submitted an updated baseline report in response to PO7. Pre-operational condition PO14 requires the operator to submit a revised report setting out how they will ensure compliance with Article 22(2) of IED.</p>
Extent of the surrender application	The operator has provided a plan showing the extent of the site of the facility that is to be surrendered. We consider this plan to be satisfactory.
Pollution risk	<p>We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.</p> <p>The area of land removed under this surrender application has never been developed as permitted operations have never commenced. The land is still considered to be green agricultural land.</p>
Satisfactory state	The area of land removed under this surrender application has never been developed as permitted operations have never commenced. The land is still considered to be green agricultural land.

Aspect considered	Decision
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory. See key issues for further details.</p>
Operating techniques	
Operating techniques	<p>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.</p> <p>The operating techniques that the Operator must use are specified in table S1.2 in the environmental permit.</p>
Odour management	<p>Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour. See key issues section on odour for further details.</p>
Permit conditions	
Updating permit conditions during consolidation	<p>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 permit(s).</p>
Pre-operational conditions	<p>Based on the information in the application, we have not set additional pre-operational conditions. We have removed PO10 to PO13 and amended PO7 taking into account information already provided by the operator. See key issues for further details.</p>
Emission limits	<p>We have not updated the emission limit values as part of this variation.</p>
Monitoring	<p>We have amended the permit to confirm that the monitoring specified is applicable to both incineration lines.</p>
Reporting	<p>We have amended the permit to confirm that the reporting specified is applicable to both incineration lines.</p>

Aspect considered	Decision
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.</p> <p>The comments and our responses are summarised in the consultation responses section.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Local Authority – Environmental Health</p> <p>UK Health Security Agency</p> <p>Health Protection Agency</p> <p>Director of Public Health</p> <p>The comments and our responses are summarised in the consultation responses section.</p>
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Relevant convictions	The Case Management System and National Enforcement Database has been checked to ensure that all relevant convictions have been declared.
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	
Section 108 Deregulation Act 2015 – Growth duty	<p>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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p>

Aspect considered	Decision
	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: UK Health Security Agency

Brief summary of issues raised:

There was no documentation submitted by the Operator regarding Incidents/Accidents Hazards & Risks associated with this process, thus we are unable to make an assessment on this aspect of the application.

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

Summary of actions taken:

The operator is required to produce and maintain an accident management plan as part of their site Environmental Management System which is required condition 1.1 and improvement condition IC1.

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

None received

Representations from community and other organisations

None received

Representations from individual members of the public

None received