We have decided to grant the permit for Eye Landfill OWC Facility operated by Biffa Waste Services Limited.

The permit number is EPR/YP3829SF

The application is for an Open Windrow Composting Facility (OWC) and will authorise the following activities:

* Biological treatment – Aerobic composting, sanitisation, and stabilisation
* Physical treatment – shredding, sorting, and screening

There are no point source emissions from the facility

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](#Decision_considerations) section to show how the main relevant factors have been taken into account
* highlights [key issues](#Key_issues) in the determination
* shows how we have considered the [consultation responses](#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.

Key issues of the decision

Odour

Composting in open windrows can sometimes result in releases of odour which may migrate beyond the perimeters of the site. With the site being in a semi-rural area we did not consider this to be a major issue. However, following external consultation some minor concerns were raised by Cambridgeshire County Council over potential odour emissions from the site. The site is over 250m from the nearest public receptor which is just one farm. There are conditions in the permit for regulating odour emissions and an odour management plan which provides more control of how the operator deals with odour emissions. The Odour Management Plan was submitted to the county council who acknowledged that this was sufficient. No further action was deemed necessary.

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.

We consulted the local authority.

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

The application was publicised on the GOV.UK website.

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 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.

This shows the extent of the site of the facility

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.

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 significantly 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 generally represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

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, or by imposing a limit to the operational hours through the permit conditions, 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 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.

Fire Prevention Plan

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.

The plan sets out alternative measures that we consider meet the objectives of 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.

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

**Waste types**

We have specified the permitted waste types, descriptions, and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

* they are suitable for the proposed activities
* the proposed infrastructure is appropriate; and
* the environmental risk assessment is acceptable.

We have excluded the following wastes for the following reasons

* EWC 04 02 10
* EWC 19 12 07
* EWC 20 01 38

We did not allow these waste as they are not in the list of accepted wastes for open windrows sites and no risk assessment was provided.

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. This is detailed in process monitoring, table S3.3 of the permit.

These monitoring requirements have been included in order to compliance

We made these decisions in accordance with the WT BAT Conclusions guidance

Reporting

We have specified reporting in the permit

We made these decisions in accordance with the WT BAT Conclusions guidance

Management system

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.

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 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 1** received from UK Health Security Agency (UKHSA) 11/08/2023

**Summary of issues raised**: Potential emissions of potential bioaerosols and fugitive dust.

**Summary of actions taken**: The risk assessment which included modelling indicates that the potential impact on all receptors is at an acceptable level given the distance (>250 m) to the source. As the site is over 250m from human receptors a Bioaerosol Risk Assessment was not required as part of the permit determination. No further action was necessary.

**Response 2 received from Cambridgeshire County Council/Local Environmental Health 11/10/2023,**

**Summary of issues raised** They had commented that they had not seen an odour management plan along with the other application documents in September 2023. This is because the applicant did not submit the plan until after the application was received and published on the public website.

**Summary of actions taken**: A copy of the odour management plan was sent to the above respondent as soon as it was received and approved. They comment below:

Thank you for forwarding a copy of the Odour Management Plan to Public Health and to our Environmental Health Service. Also, for my discussion with your EA Case Officer this afternoon. Public Health and Environmental Health have discussed the Odour Management plan received. We agreed that Public Health will: Defer to Environmental Health for the response on the technicalities of what is set out in the OMP- and we note their email response to you of 18/10/23 (from the Senior Environmental and Pollution Control Officer); but, ask the Agency to ensure that odour control is robustly conditioned to ensure that Human health is protected, as necessary, from the activities.