

## Permitting Decisions – Variation

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We have decided to grant the variation for Waterbeach Mechanical Biological Treatment Facility operated by Thalia WB ODC Limited.

The variation number is EPR/AP3339XG/V006.

The variation is to add a waste transfer activity (as a waste operation) to the existing installation permit.

The site was previously permitted to store/transfer waste only as a DAA to the Schedule 5.4 A(1) (b) (i) activity; the permit did not allow waste transfer operations as a standalone activity. The Schedule 5.4 A(1) (b) (i) activity is not currently operating due to improvement works, therefore this variation was sought to add a waste operation into the permit, allowing the non-hazardous waste transfer activity to operate independently.

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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.

We consulted the following organisations:

- South Cambridgeshire District Council
- Health & Safety Executive
- Fire & Rescue Service

No responses were received.

## **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' and 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.

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

## **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 has indicated that the environmental risk will not increase with the addition of activity AR8. The site was already permitted to store/transfer waste as a DAA to the Schedule 5.4 A(1) (b) (i) activity; the variation seeks only to allow the storage/transfer of waste as a standalone activity.

The new waste transfer activity (AR8) will not operate at the same time as the Schedule 5.4 A(1) (b) (i) activity – (AR1 – AR7), as noted in Table S1.1 in the permit. The conclusion that there will be no increase in risk is based on the following:

- Storage arrangements in the enclosed reception area are not changing
- Total throughput of the facility will not increase
- The amount of waste stored at any one time will not increase
- Retention time of waste will not increase

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.

Waste is stored within an enclosed building (waste reception hall) on an impermeable concrete surface, within a sealed drainage system. The waste reception hall has fast acting roller shutter doors to reduce the risk of odour and fugitive emissions. Waste will be stored for ~24 hours (up to a maximum of 72 hours) before being transferred off-site; it is processed on a first in first out basis.

The maximum waste pile size is 720m<sup>3</sup>, in accordance with the approved fire prevention plan.

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

The Fire Prevention Plan covers all activities but has only been assessed in relation to AR8, which cannot operate simultaneously with any other activities on the permit (AR1 – AR7).

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 Table 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.

## **Emission limits**

No emission limits have been added, amended or deleted as a result of this variation.

## **Management system**

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

## **Technical competence**

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme.

We are satisfied that the operator is technically competent.

## **Previous performance**

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

The previous variation highlighted improvements to be made to the existing 5.4 A(1) (b) (i) activity. The operator has temporarily stopped this activity and DAAs, whilst infrastructure is upgraded (including abatement systems) to ensure that they can comply with permit conditions. The operator is currently operating as a waste transfer station on a Local Enforcement Position – we consider the environmental risk to be considerably reduced when only operating as a waste transfer station, as opposed to managing a mechanical biological treatment activity. Their most recent inspection (09/08/2023) showed no compliance breaches.

## **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.