

Permitting Decisions- Variation

We have decided to grant the variation for Acton Composting Site operated by Veolia ES Landfill Limited.

The variation number is EPR/EB3007MG/V003.

The permit was issued on 21/03/2024.

The variation is for the increase in the annual throughput of waste from 30,000 tonnes to 35,000 tonnes. The site is moving from a waste operation to an installation.

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:

- 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 and the variation notice.

Key issues of the decision

1. Fire Prevention Plan

1.1 Quarantine / refuge area

In the Fire Prevention Plan (FFP) one of the quarantine/refuge areas identified as 'without isolated drainage (permeable ground)' is not acceptable, as it does not meet the fire prevention guidance and best available techniques (BAT) conclusions for waste treatment BAT 19. To prevent pollution, especially to surface water and groundwater from contaminated fire water, a quarantine area is required to be on an impermeable surface and within a sealed drainage system. In addition, all waste should be on an impermeable surface and within the sealed drainage area. It is acceptable for finished product that is no longer a waste and has achieved PAS100 to be temporarily kept on permeable ground.

This quarantine option was removed for 'isolation of wastes that are not burning' and replaced with 'isolation of PAS100 products that are not burning'.

1.2 Water supply

The Fire Prevention Plan guidance states that firefighting water volume should be 167m³ suggested water availability for a pile size of 140m³. However, this site has two surface water collection tanks with a total capacity of 82m³ (70m³ and 12m³) and alternative fire fighting options, including controlled burn and a proactive fire break procedure which reduces the amount of water needed to control a fire.

2. Noise Assessment

Noise and Vibration Management Plan was submitted, but this is not required based on the result our internal Quantitative Noise Screening Tool (QNST) which indicates that both NIA and Noise Management Plan (NMP) are not required. Therefore, we have not assessed or considered the plan in the determination of this application.

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.

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 consulted the following organisations:

- Local Authority Environmental Protection Department
- Health and Safety Executive
- UK Health Security Agency (previously Public Health England) and relevant Director of Public Health

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

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', guidance on waste recovery plans and permits.

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/s which we consider to be satisfactory.

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

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 not within our screening distances for these designations.

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

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

Odour management

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

We consider that the odour management plan is satisfactory and we approve this plan.

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'.

Fire prevention plan

The plan sets out alternative measures that we consider meet the objectives of the Fire Prevention Plan guidance.

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.

Emission limits

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

Monitoring

Monitoring has not changed as a result of this variation.

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with the Waste Treatment BAT Conclusions and Non-hazardous and inert waste: appropriate measures for permitted facilities.

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

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.

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, 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 (UKHSA).

Brief summary of issues raised: The UKHSA made the below comments.

- The main emissions of potential concern are bioaerosols, dusts, and odour arising from composting operations. In the application, bioaerosol emissions are qualitatively monitored and assessed in accordance with EA screening criteria, and Odour and Fire Prevention Plans are provided. The applicant proposes suitable mitigation measures to protect wider public health from emissions and nuisances.
- 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.
- This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.

Summary of actions taken: we have taken the comments above into consideration and have included appropriate measures in the permit to prevent and control pollution.