

## Permitting Decisions- Variation

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We have decided to grant the variation for Creeting Compost Facility operated by Material Change Limited.

The variation number is EPR/FP3890VK/V002.

The permit was issued on 26/06/2024

The variation is for

- Change of permitted activity from a bespoke waste operation under Section 9 of the EPR (Environmental Permitting Regulations 2016) to a Schedule 1 EPR Installations (A1) activity, this is due to the waste accepted at the facility now exceeding the <75 Tonnes per day limit.
- Increase in throughput of wastes from 25,000 to 50,000 tonnes per day.
- Correction of permitted boundary to include the leachate lagoon (Directly Associated Activity).

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.

## 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 application was publicised on the GOV.UK website,

We consulted the following organisations:

- Local Authority – Environmental Protection Department
- Director of PH/UKHSA
- Health and Safety Executive

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' 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 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.

## **Site condition report**

The IED requires that the operator of any IED installation using, producing or releasing “relevant hazardous substances” (RHS) shall, having regarded the possibility that they might cause pollution of soil and groundwater, submit a “baseline report” with its permit application. The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the regulated facility and at cessation of activities. It must enable a quantified comparison to be made between the baseline and the state of the site at surrender.

At the definitive cessation of activities, the Operator must satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site’s current or approved future use. To do this, the Operator must submit a surrender application to us, which we will not grant unless and until we are satisfied that these requirements have been met.

The Operator submitted an updated site condition report AET09 dated February 2011, which includes a description of the condition of the site and a consideration of the possibility of soil and groundwater contamination at the installation. No site baseline condition was included in the submission.

The Operator has accepted ‘zero contamination’ beneath the site. This means that when the Operator applies to surrender the Permit, any contamination by substances used at, produced or released from the facility would be considered to have resulted from the operation of the installation. This is in accordance with the Environment Agency Guidance H5 – Site Condition Report.

## **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.

### **Sites of Special Scientific Interest - England**

Creeping St. Mary Pits (SSSI) 759m radial

### **Local Nature Reserves – England:**

Fen Alder Carr (LNR) 349m radial

Needham Lake (LNR) 1161m radial

### **Local Wildlife Sites Name:**

River Gipping (Sections) 279m radial  
Fen Alder Carr 344m radial  
RNR 217 519m radial  
Creeting St Mary Meadows 540m radial  
Creeting St Mary Churchyard 642m radial  
River Gipping (Sections) 1144m radial  
Flordon Road Grassland 1164m radial  
RNR 157 1224m radial  
RNR 200 1374m radial  
RNR 145 1698m radial  
Alderson Lake 1753m radial  
Lion Inn Meadow & Chalk Pit 1888m radial  
Keyfield Groves 1980m radial  
Lion Inn Meadow & Chalk Pit 1990m radial

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.

## **Operating techniques**

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

## **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 applicant has provided a full and comprehensive review of operating techniques in accordance with the latest Waste treatment BAT reference document and associated BAT conclusions document (08.2018) under Directive 2010/75/EU.

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'.

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

## **Noise and vibration management**

The operator has implemented and included a noise management plan document as part of this variation application.

The applicability of BATc 17 is restricted to cases where noise or vibration nuisance at sensitive receptors is expected and/or has been substantiated. The site does not generate noise/vibration complaints. We are therefore satisfied that BATc 17 does not apply to the installation.

We have not reviewed the noise and vibration management plan.

The applicant is advised to keep the plan under constant review and revise annually or if circumstances change.

## **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 permit.

## **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 made this decision with respect to waste types in accordance with the Framework Guidance Note – Framework for assessing suitability of wastes going to anaerobic digestion, composting and biological treatment (July 2013).

## **Improvement programme**

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that:

- Existing primary containment meets the standards set out in CIRIA C736 (2014)
- Lagoon construction standards comply with CIRIA C736 (2014) guidance or equivalent.
- To ensure suitable contingency operational storage capacity exists at the facility.
- Emissions of odour, ammonia and methane are minimised from the leachate lagoon.
- Compliance with appropriate measures for the biological treatment of waste.

We consider this to be proportionate to the risk posed by the operation of the facility.

## **Emission limits**

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

## **Monitoring**

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

These monitoring requirements have been included to ensure the maintenance of optimal composting conditions, process efficiency and prevention of fugitive emissions.

We made these decisions in accordance with the BAT Conclusions for the Waste Treatment industry sector published on 10 August 2018 in the Official Journal of the European Union and Appropriate measures for the biological treatment of waste.

## **Reporting**

We have specified the reporting requirements in Schedule 4 of the Permit either to meet the reporting requirements set out in the IED, or to ensure data is reported to enable timely review by the Environment Agency to ensure compliance with permit conditions.

We have added reporting in the permit for the following parameters:

- Process monitoring
- Bioaerosols monitoring
- Non-compostable contamination removal efficiency

We made these decisions in accordance with reference the relevant technical guidance Appropriate measures for the biological treatment of waste and BAT Conclusions for the Waste Treatment industry sector published on 10 August 2018 in the Official Journal of the European Union.

## **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.

## **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.

Brief summary of issues raised:



- In consideration of the proposal to expand throughput, we recommend that the
- regulator is reassured that controls relevant to addressing bioaerosols remain valid.

It is not clear whether the lagoon located within the site boundary is being applied for in this variation application. We recommend that the regulator is reassured that operation of the lagoon will not give rise to odour impacts off-site and that any complaints will be satisfactorily addressed.

#### Summary of actions taken:

- Bioaerosol monitoring requirements will remain unchanged in the permit with appropriate action levels.
- Improvement condition (IC1) included within the permit requiring the operator to submit the results of an inspection and program of works undertaken by a competent structural engineer, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of the site lagoon where compost leachate /liquor is being stored, treated, and/or handled including existing cover arrangements on storage lagoons used to store compost leachate /liquor to minimise odour, ammonia and methane emissions
- Operators odour management plan incorporates a suitable complaints and investigation procedure subject to a complaint being received.