

## Permitting Decisions- Variation

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We have decided to grant the variation for Birch Airfield Composting Services operated by Birch Airfield Composting Services Ltd.

The variation number is EPR/HP3294NJ/V007.

The permit was issued on 08/08/2024.

The variation is for the operator to add two new waste codes (EWC 17 05 04 and 20 02 02) and the permit becoming an installations bespoke permit. The operator was previously operating under Part A installation standard rules permit, SR2021 No1 – Composting in open systems.

A new waste operation has been included for the physical treatment of imported soil waste. Following treatment, the two new waste codes will be blended with the existing 10mm compost to produce BS 3882 certified topsoil. The annual throughput of soil waste is 10,000 tonnes.

The operator also requested an addition to their original variation application to increase the permitted site boundary, on the southwest boundary, to accommodate additional windrows and increase the annual throughput of material from 75,000 tonnes to 100,000 tonnes.

We consider in reaching this 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. Inert soil waste

The operator was asked to demonstrate and prove how the soil waste proposed is inert and free from contamination prior to acceptance on site. The operator submitted an inert soil waste acceptance procedure that mentioned '*any load containing 1% or more non-targeted materials by weight shall be considered above the acceptable contamination threshold and will result in rejection*'.

The list of non-targeted materials included hazardous substances including oil and fuel. We responded that this 1% was not acceptable, as it is not clear if this level of contamination (<1%) is low enough for the material to be classed as inert and we do not expect inert soil to contain contaminants, such as oil, fuel etc. because of the inherent pollution risks.

The operator was asked how they derived the benchmark of 1%. They responded that it was the acceptance procedure for the green waste as plastics and other non-biodegradable materials could be picked out of the green waste. After further engagements, we determined that the 1% contamination benchmark could be removed from the soil waste acceptance procedure in the EMS.

## 2. Visual inspection of inert soil waste

The operator proposed visual inspection as their sampling/waste acceptance approach for the soil waste which is impractical. Section 3.1 of the [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) is explicit on the cases where visual assessment can be applied.

It explained that visual inspection should not be used in the case where waste is a mirror entry that has not been properly assessed. Waste code EWC 17 05 03 for instance, is a mirror entry code as defined in WM3. Therefore, visual assessment alone will not be enough to assess whether it is hazardous or not.

Section 3.1 of the [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) set out procedures of when and how to sample, including the need to analyse the samples in a UKAS or MCERT accredited laboratory. The operator accepted this and updated the EMS to include appropriate laboratory analysis of the soil waste samples prior to acceptance on site.

### **3. Pre-operational condition for new attenuation lagoon.**

The operator was asked to perform an assessment by an appropriately qualified person of the proposed drawings for the new purpose-built attenuation lagoon to confirm it will meet the appropriate CIRIA C736 standards. The operator responded that the plans are in its early stages and only the location and volume have been calculated, so requested this be inserted as a pre-operational condition. This was accepted and included as a pre-operational condition.

## **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.

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 plan/s which we consider to be satisfactory. These show 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.

## **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.

For the site boundary extension activity, this does not change the risk and there is still no direct pathway to the designated habitats or protected species.

## **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 represent appropriate techniques for the facility.

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**

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory, and we approve this plan.

We have approved the noise and vibration 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**

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.

## **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.

## **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 permits.

## **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.

## **Pre-operational conditions**

Based on the information in the application, we consider that we need to include pre-operational conditions.

## **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 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.

## **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.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

## **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 fugitive releases of dust, bioaerosols and odorous gases. However, UKHSA is satisfied that the control measures proposed by the applicant in the odour management plan, dust emissions management plan and fugitive emissions management plan should be sufficient to ensure that there are no significant impacts on public health given distance to nearest housing.
- 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.