

Permitting Decisions- Variation

We have decided to grant the variation for Wroot Road Composting Facility operated by Rosedale Nursery.

The variation number is EPR/EB3208HK/V004.

The permit was issued on 24/01/2025

The variation is for:

- Change of permitted activity from a bespoke waste operation under Schedule 9, Part 1 of the EPR (Environmental Permitting Regulations 2016) to a Schedule 1, Part 2, EPR Installations (Part A1) activity, this is due to the waste accepted at the facility now exceeding the <75 Tonnes per day threshold capacity limit.

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.

The Consolidated Variation Notice contains many conditions taken from our standard Environmental Permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Notice, we have considered the techniques identified by the operator for the operation of their installation, and have accepted that the details are sufficient and satisfactory to make those standard conditions appropriate. This document does, however, provide an explanation of our installation-specific conditions.

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 Public Health
- Health and Safety Executive
- Foods Standards Agency

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 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 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 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 has to 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 has to 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 does not appear to have submitted a risk assessment which includes a description of the condition of the site and a consideration of the possibility of soil and groundwater contamination at the installation.

Given the fact that the site is existing and operational, we have included an Improvement condition in the permit (IC1 and IC2) which requires the Operator to submit an updated site condition report which includes baseline soil and groundwater data.

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.

- Ash Holt Local Wildlife Site

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.

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 operator has submitted a full BAT Conclusions review against the European Commission establishing Best Available Techniques (BAT) Conclusions (BATc) for Waste Treatment as detailed in document reference C (2018) 5070 and have confirmed they are fully compliant with the requirements. In addition, the operator had the opportunity to comment on the draft permit as part of the permit variation application. The operator has not objected to the BAT requirements as stated in the permit or stated that these cannot be met. We consider that they can and will be met. Consequently, we expect compliance with the requirements. We will take enforcement action where existing permitted activities are not compliant with BAT, in accordance with our enforcement and sanctions policy.

As well as considering the review of the operating techniques used by the Operator for the operation of the plant and activities of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue.

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

Odour management

The operator has supplied an odour risk assessment and an Odour Management Plan as part of their variation application. We have not reviewed the odour management plan.

The requirement for an Odour Management Plan under BATc12 under the European Commission establishing Best Available Techniques (BAT) Conclusions (BATc) for Waste Treatment as detailed in document reference C (2018) 5070 is only applicable to facilities that generate odour complaints. The facility is currently operational and does not attract odour complaints

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.'

Condition 3.31 and 3.2 f the permit provides adequate protection should the need arise for a formal odour management plan to be submitted and agreed with the Environment Agency

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.

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.

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 activities¹
- the proposed infrastructure is appropriate; and

- the environmental risk assessment is acceptable.

Note 1 Excluding additional codes not in our revised biowaste treatment permit templates, subject to Pro-operational measure Condition 1 being completed.

The Operator has requested retention of the following wastes (EWC 03 03 07, 03 03 08, 19 12 07 and 20 01 38) for biological treatment which are not listed in our revised biowaste treatment permit templates. We have retained these wastes in the permit provided the Operator undertakes a detailed characterisation of the wastes prior to acceptance for treatment at the site in accordance with BATc 2a. Pre-operational condition 1 in Table S1.4B has been included in the permit to ensure a detailed characterisation of the waste is undertaken.

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.

Secondary containment and lagoon storage infrastructure design

The operators report included a basic review of the integrity of the site secondary containment which was conducted by a structural or civil engineer dated 18th August 2014, 21st May 2014, and 19th July 2021 respectively, it did not include the lagoon storage infrastructure. In addition the review did not compare the existing site secondary containment against CIRIA C736 or other relevant industry standard. The report included a review of the:

- Physical condition of the secondary containment

We assessed the Operator's assessment having regard to following guidance documents:

- CIRIA C736 Containment systems for the prevention of pollution
- ADBA Industry Guide: Secondary Containment at AD Plants (Version 1, 2016);
- ADBA PROJEN AD Containment Classification Tool

We are not satisfied that the existing site containment and storage lagoons where meets the standards set out in CIRIA C736.

Given the fact that the site already exists and has been operational under an environmental permit since 12th October 2006, we have set improvement

conditions in the permit to address the deficiencies in the existing site secondary containment (IC4) and lagoon storage infrastructure (IC5).

Primary containment infrastructure design (tanks /vessels used for storage and/or treatment activities)

The operator's application report included a basic review of the integrity of the site secondary containment which was conducted by a structural or civil engineer dated 19th July 2021, respectively. The report did not include an assessment of the suitability of any existing above ground storage or primary containment (tanks and/or vessels) used for the storage and treatment of waste in comparison to the relevant standard in the CIRIA C736 guidance or another equivalent industry standard.

We are not satisfied that the existing primary containment (tanks and vessels) meets the standards set out in CIRIA C736.

Given the fact that the site already exists and has been operational under an environmental permit since 12th October 2006, we have set improvement conditions in the permit to address the deficiencies in the existing site existing primary containment (IC3).

Lagoon cover and digestate storage capacity

The Operator did not provide any information on the existing lagoon cover arrangements and operational digestate storage capacity on site.

Given the fact that the site already exists and has been operational under an environmental permit since 12th October 2006, we have therefore set Improvement Conditions (IC5) in the permit.

Emission limits

Bioaerosol action levels have been added (Table S3.2) for the following substances:

- Total Bacteria
- Aspergillus Fumigatus

This is to ensure that appropriate measures are taken to mitigate impact on sensitive receptors.

Monitoring

We have decided monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified in Table S3.1 and S3.2 of the permit document.

There are external site operational processes within 250 metres of a sensitive receptor.

We consider it appropriate to insert the bioaerosols monitoring requirements (Table S3.2) in the permit in accordance with our guidance TGN M9 Environmental monitoring of bioaerosols at regulated facilities (version 2, July 2018). The Operator is required to comply with the new monitoring requirements from the date of permit issue.

We have decided process monitoring should be added, 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
- Non-compostable contamination removal efficiency
- Bioaerosols

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.

A full review of the management system is undertaken during compliance checks.

The site is currently managed and accredited to ISO9001 and ISO14001 standards.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB

Previous performance

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

We have checked our systems to ensure that all relevant convictions have been declared.

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.