Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Clayton Hall Farm Bioenergy Plant operated by Clayton Hall Farm Bioenergy LLP.

The permit number is EPR/FP3596EY.

The permit was granted on 19/01/2026

The application is for a substantial variation. The facility is an existing waste operation first permitted in 2010 that undertakes anaerobic digestion with combustion of the biogas produced. The application is increasing the maximum annual throughput from 49,000 tonnes to 100,000 tonnes. This increase means the operation now becomes a scheduled installation activity under the Environmental Permitting Regulations as below:

- S5.4 A(1) (b) (i) *Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (**or 100 tonnes per day if the only waste treatment activity is anaerobic digestion**) involving biological treatment*

A small increase in site boundary is also being permitted, to include a new silage clamp. The extension will have an impermeable surface and sealed drainage system.

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 in the decision considerations section to show how the main relevant factors have been taken into account

- 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.

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.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- HSE – no response received
- Food Standards Agency – no response received
- Local authority environmental health
- UKHSA

The comments and our responses are summarised in the consultation responses section.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.

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 site

The operator has provided plans 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 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 installation is not considered relevant for assessment under the Agency's procedures which cover the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) and/or the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act (CRoW). This was determined by referring to the Agency's guidance "*AQTAG 14: Guidance on identifying relevance for assessment under the Habitats Regulations for Installations with combustion processes*". There are no other emissions from the installation, thus no detailed assessment of the effect of the releases from the installation on SACs, SPAs and Ramsar sites is required.

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

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this 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 only partially satisfactory as we do not consider it addresses the management of odours from the reception building adequately. BATc 14(d) of the Waste Treatment BAT conclusions considers appropriate techniques to be containment, collection and treatment of diffuse emissions e.g. maintaining enclosed equipment or buildings under adequate pressure and collecting and directing the emissions to an appropriate abatement system via an air extraction system or air suction system close to emission sources, while BATc 34 provides narrative BAT techniques and BAT-AELs to reduce odorous compounds, dust and organic compounds from channelled emissions to air.

We have therefore included improvement condition IC3 which requires the operator to review BAT compliance against BATc 14d and BATc 34 and implement the recommendations to an agreed timeline (see Improvement Programme section below).

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. The wastes are specified in Table S2.2 of the permit.

The operator requested additional waste codes as part of the permit variation. Following discussion these were narrowed down to:

- **02 07 05** *wastes from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)*; subgroup *sludges from on-site effluent treatment – sludges from the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa)*; and

- **20 01 25** *Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions;* subgroup *edible oil and fat*

Both of which we consider acceptable as they are in our standard Anaerobic Digestion (AD) template and have been assessed as suitable for anaerobic digestion.

We also requested waste characterisations for EWC codes that are not in our current standard AD template to ensure their suitability. Characterisation was not provided, and the operator withdrew the following EWC waste codes; 02 03 02; 02 07 03; 03 03 02; 03 03 08; 03 03 10; 04 01 05; 04 01 07 and 19 08 05.

We removed EWC 07 02 13 from the permit as this is waste plastic and we would not expect to see this as an incoming waste stream for anaerobic digestion.

We are satisfied that the operator can accept the wastes listed in Table 2.2 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 these decisions with respect to waste types in accordance with biowaste appropriate measures and Waste Treatment BAT conclusions.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme to ensure compliance with sector standards.

Methane slip

We have included improvement condition IC1 in the permit which requires the operator to assess methane slip resulting from the combustion of biogas via the CHP engines. Following an assessment of the data, the Environment Agency shall consider whether emission limits for volatile organic compounds are applicable for this installation.

Leak detection and repair

As part of the Environment Agency approach to reduce methane emissions in the biowaste treatment sector, we have included improvement condition IC2 which requires the operator to review all sources of methane leaks from the site using a leak detection and repair (LDAR) programme. We have therefore set an improvement condition for the operator to submit a LDAR programme to detect and mitigate the release of VOCs (including methane) from diffuse sources and set up a monitoring regime.

Odour abatement

The operator was unable to provide supporting evidence that compliance with BATc 14d of the Waste Treatment BAT conclusions could be met in relation to containment and abatement of odours from the reception building.

The Waste Treatment BREF and BAT conclusion 14 states, "i*n order to prevent or, where that is not practicable, to reduce diffuse emissions to air, in particular of dust, organic compounds and odour, BAT is to use an appropriate combination of the techniques…..,* as listed in the BAT Conclusion. BATc14d requirements are shown in Table 1 below.

Table 1

Technique		**Description**	**Applicability**
d	Containment, collection and treatment of diffuse emissions	This includes techniques such as: • storing, treating and handling waste and material that may generate diffuse emissions in enclosed buildings and/or enclosed equipment (e.g. conveyor belts); • maintaining the enclosed equipment or buildings under an adequate pressure; • collecting and directing the emissions to an appropriate abatement system, via an air extraction system and/or air suction systems close to the emission sources.	The use of enclosed equipment or buildings may be restricted by safety considerations such as the risk of explosion or oxygen depletion. The use of enclosed equipment or buildings may also be constrained by the volume of waste.

Furthermore, BATc 34 gives narrative techniques and BAT-AELs in order to reduce channelled emissions to air.

We have therefore included improvement condition IC3 to ensure compliance with BATc 14d and BATc 34.

We have also included improvement condition IC4 which requires the operator to review the odour abatement plant effectiveness.

Secondary containment

Secondary containment is a fundamental principle of pollution prevention at industrial sites and waste management facilities. We assess secondary containment provision when determining permit applications. Secondary/tertiary containment is an appropriate protective measure and is a standard requirement of an environmental permit. The Waste Treatment BREF includes BAT conclusion 19 which identifies several relevant techniques to prevent or, where that is not practicable, to reduce emissions to soil and water.

Although the operator did submit a review of current containment, it fell short on several aspects. We recognise existing facilities may be unlikely to be compliant with CIRIA C736 due to the viability of retrofitting to meet the recommendations, but the application did not demonstrate that the alternative measures can meet at least an equivalent standard to provide at least the same level of environmental protection. It should also be noted that CIRIA C736 includes specific guidance for operators who need to implement secondary containment provisions at existing facilities.

We have therefore included improvement condition IC5 which will require a complete review of the secondary containment on site along with recommendations for improvement and timelines for implementation.

Emission Limits

Emission Limit Values (ELVs) based on Best Available Techniques (BAT) have been added for the following substances; ammonia, and odour concentration.

These limits apply to odour abatement plant on site. The limits are required by BAT conclusion 34 of the Waste Treatment BAT conclusions.

We also considered combustion plant on site. The operator confirmed that the existing combined heat and power (CHP) engine 2, emission point A2, has a 1.441 MWth input, meaning it comes under the Medium Combustion Plant regulations. The existing ELVs in Table S3.1 of the permit comply with the currents limits but we have also added stricter limits that will come into effect for the future compliance date of 1st January 2030.

We made this decision in line with the Medium Combustion Plant regulations.

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been included. We made these decisions in accordance with the Waste Treatment BAT conclusions.

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with our technical guidance.

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.

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.

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 UKHSA.

Brief summary of issues raised: The main emissions of potential concern are oxides of nitrogen and carbon monoxide from exhaust of the biogas engines, and odours from storage and treatment of waste. They noted they are no sensitive receptors within 500 m of the site but highlighted the site is within an Air Quality Management Area (AQMA) for oxides of nitrogen particulate matter. They recommend the EA should satisfy themselves that the limits for the combined heat and power are sufficient to protect public health. The consultation response assumes 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: The applicant has confirmed that there will be no change in air emissions from the engines. Appropriate emission limit values and monitoring have been set.

Response from Local Authority Environmental Health

Summary of comments: No objections to the variation application

Summary of action taken: No further action