

## Permitting Decisions – High Public Interest

---

### Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016

#### Consultation on our draft decision document recording the decision-making process of the decision we are minded to make

The Permit Number is: EPR/BS7951IB

The Applicant / Operator is: Valencia Waste Management Limited

The site is located at: Pilsworth South Landfill Site  
Pilsworth Road  
Bury  
Lancashire  
BL9 8QZ

Consultation commences on: 06/06/2025

Consultation ends on: 04/07/2025

### What this document is about

This is a draft decision document, which accompanies a draft Permit.

It explains how we have considered the Application, and why we have included the specific conditions in the draft Permit we are proposing to issue to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our minded to decision. Unless the document explains otherwise, we have accepted the Applicant's proposals.

The document is in draft at this stage because we have yet to make a final decision. Before we make this decision, we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully considering any relevant matter raised in the responses we receive. Our mind remains open at this stage. Although we believe we have

covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any further information that may be provided that is relevant to the issues we have to consider. However, unless we receive information that leads us to alter the conditions in the draft Permit, or to reject the Application altogether, we will issue the Permit in its current form.

In this document we frequently say “we have decided”. That gives the impression that our mind is already made up; but as we have explained above, we have not yet done so. The language we use enables this document to become the final decision document in due course with no more re-drafting than is absolutely necessary.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future. A lot of technical terms and acronyms are inevitable in a document of this nature: we provide a glossary of acronyms for ease of reference, this can be found in [Annex 1](#) at the end of the document.

## Contents

Consultation on our draft decision document recording the decision-making process of the decision we are minded to make.....	1
What this document is about .....	1
Contents.....	2
Preliminary information and use of terms.....	4
1 · Our proposed decision .....	5
2 · How we reached our draft decision .....	5
2.1 Receipt of Application .....	5
2.2 Confidential information .....	5
2.3 Identifying confidential information.....	5
2.4 Consultation on the Application.....	5
2.5 Engagement.....	6
2.6 Requests for Further Information .....	7
3 · The legal framework.....	7
4 · Key Issues in the Determination.....	8
5 The Regulated Facility .....	14
5.1 Management.....	15
5.2 The permitted activities .....	15
5.3 The site's location .....	15
5.3.1 Off-site conditions.....	16

5.4 Operation of the regulated facility .....	16
5.4.1 Process carried out.....	16
5.4.2 Environmental management system .....	17
5.4.3 Site security.....	18
5.5 Management plans.....	18
5.5.1 Accident management plan .....	18
5.5.2 Fire prevention plan.....	18
5.5.3 Environmental risk.....	19
5.6 Operating techniques.....	19
5.6.1 General operating techniques .....	21
5.6.4 Waste types.....	27
6 · Nature conservation, landscape, heritage and protected species and habitat designations .....	28
6.1 Sites considered.....	28
7 · Minimising the regulated facility's environmental impact.....	29
7.1 Odour Management .....	29
7.2 Fugitive emissions management.....	30
8 · Draft Permit conditions, competence, monitoring and reporting .....	30
8.1 Reporting .....	30
8.2 Technical competence .....	31
8.3 Financial competence .....	31
9 · Other legal requirements.....	31
9.1 The EPR 2016 and related Directives .....	31
9.2 National primary legislation .....	34
9.3 National secondary legislation.....	38
9.4 Other relevant legal requirements .....	38
10 · Consultation Responses .....	39
10.1 Advertising and Consultation on the Application .....	39
10.2 Consultation Responses from Statutory and Non-Statutory Bodies.....	39
10.3 Representations from local MPs, assembly members, councillors and parish/town community councils .....	40
10.4 Representations from individual members of the public.....	43
10.6 Representations on issues that do not fall within the scope of this Permit determination .....	49
Annex 1. Glossary of acronyms used in this document.....	51

## Preliminary information and use of terms

We gave the application the reference number EPR/BS7951IB/V019 We refer to the application as “the **Application**” in this document.

The Application was duly made on 27/03/2024.

The Applicant is Valencia Waste Management Limited. We refer to Valencia Waste Management Limited as “the **Applicant**” in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call Valencia Waste Management Limited “the **Operator**”.

Valencia Waste Management Limited’s proposed facility is located at Pilsworth South Landfill Site, Pilsworth Road, Bury, Lancashire, BL9 8QZ. We refer to this as “the regulated facility” in this document.

A glossary of acronyms used in this document has been provided in Annex 1.

### Links to guidance documents

The list below provides links to the key guidance documents referred to in this document. The links were correct at the time of producing this document.

- [Risk assessments for your environmental permit](#);
- [RGN 2 \(Regulatory Guidance Note 2: Understanding the meaning of regulated facility\)](#);
- [RGN 2 Appendices 1 and 2](#);
- [Control and monitor emissions for your environmental permit](#);
- [Environmental permitting: H4 odour management](#);
- [Fire prevention plans: environmental permits](#);
- [Non-hazardous and inert waste: appropriate measures for permitted facilities](#);
- [Best Available Techniques \(BAT\) Reference Document for Waste Treatment](#); and,
- [Best Available Techniques \(BAT\) Conclusions for Waste Treatment](#).

# **1 · Our proposed decision**

We are minded to grant the variation to the Applicant. This will allow it to operate the regulated facility, subject to the conditions in the Permit.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the Permit will ensure that a high level of protection is provided for the environment and human health.

The draft Permit contains conditions, including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations (EPR) and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Permit, we have considered the Application and accepted that the details provided are sufficient and satisfactory to make use of the standard condition acceptable and appropriate.

## **2 · How we reached our draft decision**

### **2.1 Receipt of Application**

The Application was duly made on 27/03/2024. This means we considered it was in the correct form and contained sufficient information for us to begin our determination but not that it necessarily contained all the information we would require to determine the Application: see section 2.6 Requests for Further Information.

### **2.2 Confidential information**

A claim for commercial or industrial confidentiality has not been made by the Applicant.

### **2.3 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.

### **2.4 Consultation on the Application**

We carried out consultation on the Application in accordance with the EPR, our statutory Public Participation Statement (PPS) and our own internal guidance RGN 6 for Determinations involving Sites of High Public Interest. RGN 6 was withdrawn as external guidance, but it is still relevant as Environment Agency internal guidance.

We consider that this process satisfies and frequently goes beyond the requirements of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which are directly incorporated into the Industrial Emissions Directive (IED), which applies to the regulated facility and the Application. We have also taken into account our obligations under the Local Democracy, Economic Development and Construction Act 2009 (particularly Section 23). This requires us, where we consider it appropriate, to take such steps as we consider appropriate to secure the involvement of representatives of interested persons in the exercise of our functions, by providing them with information, consulting them or involving them in any other way. In this case, we consider that our consultation already satisfies the requirements of the 2009 Act.

## 2.5 Engagement

We made the Application available online via our Citizen Space page where the public were able to provide comments. This contained all the information required by the IED, including telling people where and when they could see a copy of the Application. We also placed an advertisement in the Bury Times that was published on 25/07/2025 that contained the same information.

The Application and all other documents relevant to our determination available to view on our Public Register. Anyone wishing to see these documents could do so and arrange for copies to be made.

Local residents were also informed of the consultation with newsletters and stakeholders were briefed on the application. The dedicated information page for Pilsworth South Landfill was updated with the details of the consultation.

We sent copies of the Application to the following bodies, which includes those with whom we have “Working Together Agreements”:

- Health and Safety Executive;
- UK Health Security Agency;
- Bury Local Planning Authority; and,
- Local Fire Service.

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly. Note under our Working Together Agreement with Natural England, we only inform Natural England of the results of our assessment of the impact of the regulated facility on designated Habitats sites.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 4. We have taken all relevant representations into consideration in reaching our **draft** determination.

## 2.6 Requests for Further Information

Although we were able to consider the Application duly made, we needed more information in order to determine it and issued formal information notices on 08/01/2025 and 11/03/2025. A copy of each information notice was placed on our public register.

In addition to our information notices, we received additional information during the determination the Applicant. The Applicant submitted a fire prevention plan in response to the first Schedule 5 notice. However, the submission was incomplete, as it did not include the required site plan. We subsequently received the fire prevention plan with updated site plans on 27/01/2025. We made a copy of this information available to the public via the public register; in the same way as the responses to our information notices.

Having carefully considered the Application and all other relevant information, we are now putting our draft decision before the public and other interested parties in the form of a draft Permit, together with this explanatory document. As a result of this stage in the process, the public has been provided with all the information that is relevant to our determination, including the original Application and additional information obtained subsequently, and we have given the public two separate opportunities (including this one) to comment on the Application and its determination. Once again, we will consider all relevant representations we receive in response to this final consultation and will amend this explanatory document as appropriate to explain how we have done this, when we publish our final decision.

## 3 · The legal framework

The variation will be issued, if appropriate, under Regulation 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an installation as described by the Industrial Emissions Directive (IED)
- an operation covered by the Waste Framework Directive (WFD)
- subject to aspects of other relevant legislation which also must be addressed.

We address some of the major legal requirements directly where relevant in the body of this document. Other requirements are covered in section 7 towards the end of this document.

We consider that, if we grant the varied Permit, it will ensure that the operation of the regulated facility complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

## **4 · Key Issues in the Determination**

The key issues arising during determination of the Application were regarding odour issues from the activities currently authorised by the permit, see below, and the potential for this variation to compound these issues. We will describe how we determined these issues in greater detail in the body of this document.

### **The Site**

Valencia Waste Management Limited is currently authorised to operate a non-hazardous landfill with an asbestos cell at Pilsworth under the permit EPR/BS7951IB. The site has been developed in voids from sand and gravel quarrying excavations. Further details regarding the site's location can be found in section 5.3.

### **Existing Activities**

The permitted activities at the site are:

- Landfill for non-hazardous waste and landfill restoration;
- Landfill for hazardous waste (asbestos);
- Temporary green waste shredding facility;
- Waste transfer and recycling facility; and,
- Incinerator bottom ash and hardcore waste storage and treatment facility.

The two landfill activities are the main installation activities. The green waste shredding facility, waste transfer and recycling facility and incinerator bottom ash and hardcore waste storage and treatment facility are waste operations. Besides these activities, there are also other 'Directly Associated Activities' (DAAs) that are technically linked to the installation:

- Temporary storage of landfill leachate;
- Flaring of landfill gas for disposal in an appliance;
- Discharges of site drainage from the landfill; and,
- Storage of fuel for operation of plant and equipment.

There are no changes to the existing installations activities, waste operations or DAAs as a result of this variation. These activities will continue to operate as



previously permitted. There are also no changes to the mode of operations for these activities.

### **Site of High Public Interest**

We consider Pilsworth South Landfill to be a site of High Public Interest as there has been significant local concern about the environmental risks arising from the site's odour production. As a result, the Environment Agency received an increase in reports of an issue and the Applicant received an increase in complaints.

During consultation, further details of which can be found in sections 2.4 and 10, it also became clear that due to the local interest in the site there are concerns about the implications of this variation and the potential for further activities or extensions to existing planning permissions as a result. Any future changes considered or proposed by the Applicant will require applications to the relevant authorities; including local planning and/or the Environment Agency. We would assess any such an application and would only grant a variation if we were satisfied that it would not cause a significant impact. Future proposals are not a consideration of this variation application.

### **This variation**

This variation is to permit the operation of a materials recycling facility (MRF) to prevent recyclable and recoverable wastes from going to disposal in accordance with the waste hierarchy.

A materials facility (as defined by the Environmental Permitting (England and Wales) Regulations 2016) is a regulated facility that receives mixed waste material in order to separate it into specified output material for the purpose of selling it or transferring it to other facilities to enable that material to be recycled.

The Applicant has applied for a Section 5.4 Part A(1) (b) (ii) – pre-treatment for incineration or co-incineration activity and a physical treatment of non-hazardous waste operation to treat waste for the aforementioned purpose.

The proposal is for non-hazardous waste to be received into a dedicated building, providing containment for fugitive emissions, where it will be sorted using a combination of fixed plant and picking stations. The full process is detailed in further detail in 'Process carried out'.

The sorted wastes will be removed from the site for recycling, or incineration as refuse derived fuel, at other appropriately permitted facilities. The remaining wastes will consist of heavy fraction, which may be used as daily cover or maintaining site roads and some residual waste that will be disposed of in the landfill or other appropriately permitted facility.

There are no changes proposed to the landfill activity or other activities already authorised by the permit. We cannot, therefore, make any changes to pre-existing activities. Emissions from the new activities will be considered as part of the wider context of the site.

## **Odour**

The Applicant proposes waste treatment in a materials recycling facility and is therefore required to provide an odour management plan in line with our guidance. Sensitive receptors consist of residential properties and commercial and leisure premises the closest of which is less than 50m from the site boundary. The proposed activities take place within a fully enclosed building containing a waste reception, waste storage bays and fixed plant to sort wastes.

### Potential sources of odour:

- Deliveries of waste (1 additional two-way vehicle movement per hour – see below in 'Conclusion');
- Storage of waste within the building; and,
- Storage of non-conforming waste.

The submitted odour management plan proposes the level of risk posed by the intended waste types as follows:

- Municipal solid waste: medium risk
- Commercial and industrial waste: low risk.

Municipal solid waste may contain black bag waste and/or putrescible waste, which poses a significant risk of odour. The Applicant has stated in the odour management plan that any incoming loads of municipal solid waste containing black bag waste or putrescible waste will be directed to the landfill in line with permit conditions and landfill management procedures.

### Measures to manage odour:

Pre-acceptance and waste acceptance techniques including visual inspection at the weighbridge to ensure it complies with the waste transfer note and is suitable for treatment in the MRF. Any odorous loads (for example, municipal solid waste containing black bag waste or putrescible waste) identified at pre-acceptance or at point of inspection on the weighbridge will be directed to the landfill, if suitable under the permit, or refused entry to the site. Any incidental odorous wastes that are received in the regulated facility will be loaded onto the next available vehicle

for removal from the MRF. If required, any residue of such waste will be washed down and contained within the sealed drainage system before removal from the site.

Plant and equipment utilised for the operation of the MRF will be maintained in accordance to supplier / manufacturer specifications to handle all delivered waste in an efficient and, wherever possible, odour free manner.

Waste transport vehicles utilised for the delivery of waste to the MRF, and the removal of wastes offsite (recyclate and RDF), will be covered and will deposit or load waste within the enclosed building with the doors closed.

From arrival at the regulated facility, any potentially odorous wastes will be removed from the site within 72 hours. The only wastes that will be stored longer than 72 hours from arrival within the facility are hardcore, heavies and ferrous metals, which do not pose an odour risk. The onward transfer of waste will be on a first-in, first-out basis meaning that the oldest wastes will be treated and removed first and bays will be emptied wholly and in rotation to ensure that there is no residual waste present before being utilised again.

A traffic statement that formed part of the updated planning application has been provided. This statement considers the number of vehicles required to transport the wastes to and from the MRF. Fundamentally, inputs to the site will not increase as the facility will treat wastes otherwise headed to the landfill. However, the recovery of materials from incoming wastes will result in additional vehicles outgoing from the MRF containing recyclable material. This equates to an additional two-way vehicle movement per hour over and above typical vehicle movements for the site. We are satisfied that this additional vehicle movement does not pose a significant risk of odour.

Vehicles, including third party vehicles delivering waste to the site, will be inspected on an on-going basis to identify cleaning / maintenance requirements to reduce the potential for the build-up of potentially odorous materials within the waste vehicles.

### Monitoring

Odour monitoring will still be undertaken along the site boundary as per the existing (and still current) odour management plan for the landfill. This has not been changed as part of this variation.

An additional odour management plan has been submitted, which is specific to the MRF. This includes daily odour checks (as per the daily site log) and routine inspections during MRF operational periods. The odour management plan also specifies that odour surveys will be undertaken by staff who are not based in the

operational area as staff working within the operational area full time may be desensitised to site odour.

### Conclusion

Overall, we consider that the Operator has proposed appropriate odour management measures to minimise any impact on nearby sensitive receptors. In the event that odour emissions are causing pollution, the permit conditions require the Operator to comply with the measures specified in the OMP. The daily olfactory monitoring being carried out as part of the OMP and process monitoring within the permit should ensure that emissions of odour are detected and can thereafter be appropriately managed and prevented in the future.

We have reviewed and approved the OMP in its current format with the additional information submitted during the determination. We consider that the OMP complies with the requirements of our H4 odour guidance, which covers our regulatory requirements with regard to odour, advice on the management of odour and the aspects that should be dealt with in an odour management plan. We agree with the scope and suitability of key measures, but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

### **Dust**

Waste treatment in a materials recycling facility is required to provide a dust management plan in line with our guidance. Sensitive receptors consist of residential properties and commercial and leisure premises the closest of which is less than 50m from the site boundary. The proposed activities will take place within a fully enclosed building containing a waste reception, waste storage bays and fixed plant to sort wastes.

There are no point source emissions associated with this proposal.

### Potential sources of dust

- Deliveries, including tipping, of waste;
- Sorting of wastes;
- Mechanical treatment of wastes; and,
- Operation of mobile plant, including for loading and unloading wastes, and other vehicles.

### Measures to manage dust

- Pre-acceptance and waste acceptance techniques including visual inspection at the weighbridge to ensure it complies with the waste transfer note and is suitable for treatment in the MRF;
- Waste transport vehicles delivering waste to the MRF will be covered and discharged directly onto the floor within the MRF with the doors closed;
- The building to be fitted with fast acting roller shutter doors;
- Drop heights of weight to be minimised to limit the mobilisation of dust present in wastes;
- Plant and equipment will be maintained in accordance to supplier / manufacturer specifications and adequately to handle all delivered waste in an efficient manner and, wherever possible, to minimise dust;
- Waste transport vehicles removing waste from the MRF will be loaded and covered within the MRF with the doors closed; and,
- Site roads to be appropriately surfaced and swept clean as necessary to limit build up of dusts;
- Traffic speed limits to minimise raising of dust;
- Damping of site roads as necessary in hot and/or windy conditions;
- Wheel washing of vehicles and mobile plant to prevent the tracking of mud and mobilisation of dust;
- Localised air extraction, which will direct air back into the building via dust filters;
- Regular visual inspections and housekeeping to ensure plant is cleaned to prevent a build-up of dust; and,
- Adjacent public roads to be swept if it is found that dust is leaving the site.

### Monitoring

The dust and emissions management plan (DEMP) submitted as part of the Application specifies a formal monitoring taking place at least once a day including inspection around the outside of the MRF building and along the site road and entrance.

Where dust is noted leaving the site or MRF building, it will be reported immediately and steps will be taken to confirm the source and take remedial action to resolve the issue and prevent it from happening again.

Overall, we consider that the Operator has proposed appropriate dust management measures to minimise any impact on nearby sensitive receptors. In the event that fugitive dust emissions are causing pollution, the permit conditions require the Operator to comply with the measures specified in the DEMP. The daily monitoring being carried out as part of the DEMP should ensure that emissions of odour are detected and can thereafter be appropriately managed.

We have reviewed and approved the DEMP as amended with the additional information submitted during the determination. We consider that the DEMP complies with the requirements of our guidance: Control and Monitor Emissions

for your Environmental Permit, Non-hazardous and inert waste: appropriate measures for permitted facilities, Best Available Techniques (BAT) Reference Document for Waste Treatment and Best Available Techniques (BAT) Conclusions for Waste Treatment.

## Noise

The MRF would introduce the following noise-generating activities to the site:

- Delivery, tipping, bulking and storage within the bulking bays within the MRF building;
- Delivery, offloading and storage within the MRF building;
- Loading of waste into hopper and MRF plant operations for processing of waste;
- Loading of sorted waste streams and baled waste into bulker vehicles; and,
- Noise from the movement of HGVs on site and mobile plant movement within the MRF building.

The nearest noise sensitive receptors (NSRs) are located 280-600m from the location of the MRF on the site, on Pilsworth Road to the north, on Moss Hall Road to the east/south-east and on Castle Road to the south.

In line with our procedures on sites with the potential to create noise pollution, the Applicant was obliged to carry out a noise impact assessment of their proposed operations. The noise impact assessment was based on simple calculations of noise sources and their impact on the sensitive receptors at their respective background noise levels. It concluded that the risk of negative impact on the sensitive receptors was low.

We audited the noise impact assessment and agree with the conclusion and consider the conclusions appropriate to be used for permit determination. The conclusions do not present a barrier to this variation being issued on noise grounds and a noise management plan is not required.

The activities will be subject to conditions 3.4.1 and 3.4.2 of the permit, which require site activities to be free from noise at levels likely to cause pollution outside the site.

## 5 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 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.

## **5.1 Management**

The Applicant is the sole Operator of the regulated facility.

We are satisfied that the Applicant is the person who will have control over the operation of the regulated facility after the issuing of the variation; and that the Applicant will be able to operate the Installation so as to comply with the conditions included in the Permit.

## **5.2 The permitted activities**

The Installation is subject to the EPR because it carries out an activity listed in Part 1 of Schedule 1 to the EPR as detailed in 'Key Issues'. It is proposed to include the following additional activities as part of this variation:

- Section 5.4 Part A(1) (b) (ii) – pre-treatment for incineration or co-incineration

An installation may also comprise “directly associated activities” (DAA), which for the proposed activity includes:

- Temporary storage of non-hazardous waste prior to pre-treatment of waste for incineration or co-incineration; and,
- Bulking and storage of recyclable and residual wastes recovered as an incidental part of the Section 5.4 activity.

These activities comprise one installation, because these activities are successive steps in an integrated activity.

The following waste operation activities are also proposed to be carried out at the regulated facility:

- Physical treatment of non-hazardous waste

## **5.3 The site's location**

The Applicant has provided a site plan which we consider to be satisfactory.

These show the extent of the site of the facility.

The plans show the location of the part of the regulated facility to which this Permit applies on that site.

The plan is included in the draft Permit.

Pilsworth South Landfill is centred on National Grid Reference (NGR) SY 89600 89400 and is situated adjacent to junction 3 of the M66; approximately 750m due east of Pilsworth, Bury.

There is 1 Special Areas of Conservation (SAC) and no Ramsars or Special Protection Areas within 10km of the installation. There are no Sites of Special Scientific Interest (SSSI) within 5km of the site and no National Nature Reserve or ancient woodlands within 2km of the installation. There is 1 Local Nature Reserve and 5 Local Wildlife Sites within 2km of the site.

The area surrounding the site comprises of variety of land uses including farmland to the south, a commercial distribution park to the north-east and a mixture of residential and commercial areas to the west. The closest residential buildings are located at Jackson Fold Farm, 250m to the north, and Pilsworth Cottages, 650m to the south.

### **5.3.1 Off-site conditions**

We do not consider that any off-site conditions are necessary.

## **5.4 Operation of the regulated facility**

### **5.4.1 Process carried out**

Waste is received in the facility building and unloaded into the reception bay. If necessary, waste will be treated through a shredder to ensure a suitable fraction size (less than 300mm in any direction) before entering the plant. At this stage a long part separator will remove incidental long parts to protect the plant. Long parts will then be sent for disposal at the landfill or alternate suitably permitted facility.

Waste will pass through a combi screen to sort the waste into three sizes:

- <10mm fines - treated as residual waste with no further sorting;
- 10-60mm - sent to a 2-way density separator via an overband magnet; and,
- 60-300mm - sent to the 4-way separator.

The overband magnet will remove ferrous metal from the 10-60mm fraction. Ferrous metals will be placed in a dedicated bay pending removal to a suitably permitted facility for recycling. The 10-60mm will then proceed to a 2-way separator where it will be divided into light and heavy fraction. The light fraction will be collected and sent off site as refuse derived fuel (RDF).

The heavy fraction will pass through an eddy current separator with magnet drum to separate any ferrous and non-ferrous metal. These wastes will be directed to dedicated storage bays pending removal to a suitably permitted facility for recycling. Remaining heavy waste will be processed through a picking station to allow final quality control on the outputs. Heavy fraction is expected to contain a high content of grit, stone and glass and will be used within the landfill for maintaining site roads and for daily cover.



Larger material – 60-300mm – will pass through a 4-way separator producing:

- A super light fraction - sent off site as high calorific value (CV) RDF;
- A light fraction - sent to an optical sorter;
- A mid-heavy fraction - sent to an optical sorter; and,
- A heavy fraction - sent to the 10-60mm sorted heavy fraction via an inline magnet.

The light fraction will be sent to an optical sorter, which will separate plastics from residual waste. Residual fraction will be sent off site as a low CV RDF. The plastics will undergo picking and quality control before being stored in a dedicated bay pending removal to a suitably permitted facility for recycling.

The mid-heavy fraction will be sent to an optical sorter to separate wood and rigid plastic from the remaining residual waste. These two waste streams will undergo picking and quality control before being stored in a dedicated bay pending removal to a suitably permitted facility for recycling.

Residuals will pass via an inline magnet to remove ferrous metal and placed in a dedicated bay pending removal to a suitably permitted facility for recycling. Remaining residual waste will be sent for disposal at the landfill or alternative suitably permitted facility.

Plastic, wood, residual waste and heavy waste that passes through the picking station will be sorted by hand by trained site operatives to remove any materials remaining in the wrong stream and ensure it is directed to the correct storage bay or container.

The heavy fraction will pass via an inline magnet to remove ferrous metal and placed in a dedicated bay pending removal to a suitably permitted facility for recycling. Remaining heavy fraction will be added to heavy fraction from the 10-60mm process.

All wastes outgoing from the MRF will be routed via the weighbridge to ensure accurate weights are recorded. From reception to dispatch from the regulated facility all wastes, with the exception of hardcore, heavy fraction and metals, will be stored less than 72 hours.

#### **5.4.2 Environmental management system**

We are satisfied that appropriate management systems and management structures will be in place for this regulated facility, and that sufficient resources are available to the Applicant to ensure compliance with all the Permit conditions.

Our decision was taken in accordance with the guidance on Operator competence and how to develop a management system for environmental permits.

### **5.4.3 Site security**

Having considered the information submitted in the Application, we are satisfied that appropriate infrastructure and procedures will be in place to ensure that the site remains secure.

The regulated facility will feature CCTV that will be monitored by control room 24 hours a day and 7 days a week. The MRF building is located fully within the security fence for the landfill and will be locked shut outside of operational hours.

## **5.5 Management plans**

### **5.5.1 Accident management plan**

The Applicant has not submitted an Accident Management Plan (AMP). As part of the application a summary of the management system, operating techniques, fire prevention plan, dust management plan and odour management plan were submitted. After considering the other plans submitted in the Application, we are satisfied that appropriate measures will be in place to ensure that accidents, incidents or events that may cause pollution or prevent the Operator from complying with their permit are prevented but that, if they should occur, their consequences are minimised.

### **5.5.2 Fire prevention plan**

The Applicant submitted a Fire Prevention Plan (FPP).

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the FPP guidance:

- minimise the likelihood of a fire happening;
- aim for a fire to be extinguished within 4 hours; and,
- minimise the spread of fire within the site and to neighbouring sites.

We are satisfied that these objectives have been met and 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 Operator 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.

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

### 5.5.3 Environmental risk

We have reviewed the Applicant's assessment of the environmental risk from the facility and found it to be satisfactory. In addition, we carried out additional internal audits and checks and are satisfied that there are sufficient controls, and management plans where relevant, to prevent significant impacts from the site on local, sensitive receptors.

- Land – there are no emissions from the site to land or groundwater;
- Water – there are no direct discharges from the facility. Waste materials are using BAT and we are satisfied there is sufficient containment and control procedures in place to control and mitigate accidents and emergencies which may result in loss of containment;
- Air – there are no channelled emissions to air (fugitive emissions such as dust, noise and odour are addressed below) from the facility;
- Odour – we are satisfied there are sufficient measures outlined in the OMP. Waste acceptance procedures are in place to control malodorous wastes received in error, which will be quarantined and removed on the next available vehicle. The Operator will maintain a complaints procedure as part of the EMS to ensure that complaints of odour are investigated should they arise;
- Noise – as part of our audit of the noise impact assessment and sensitivity checks, we are satisfied that noise impacts from the site are acceptable and do not prevent a permit being granted for the site. The Operator has demonstrated compliance with BAT for noise emissions from their processes which are related to mitigation measures considered within the noise impact assessment; and,
- Dust – we are satisfied that there are sufficient management controls outlined in the dust management plan. Further, there is a condition in the permit controlling substances not controlled by emission limit.

## 5.6 Operating techniques

We have specified that the Applicant must operate the regulated facility in accordance with the following documents contained in table S1.2 of the draft Permit:

Description	Parts Included	Reasons we have included
Information received as part of the variation application	Application EPR/BS7951IB/V019 to add a Material Recycling Facility.	This includes documents that have not required amendments during determination (such as those listed on other rows).

Response to Not Duly Made letter dated 25/03/2024	Response to not duly made letter providing application form C4.	Application form C4 was required following the addition of the waste operation to the application.
Response to Schedule 5 Notice dated 08/01/2025	Response to questions 3 and 7 of the Schedule 5 response document referenced AS/AC/ST20310/LT002 detailing the storage and management of wastes including the external quarantine bay.	<p>The questions specified here provide clarification of information within the operating techniques and / or management plans.</p> <p>Responses to all other questions were incorporated directly into the relevant document and therefore did not need specifying individually.</p>
Response to request for information dated 27/01/2025	Response to request for information to provide the fire prevention plan with updated site plans showing the infrastructure, facility layout and safety layout.	This is the final version of the fire prevention plan including amendments following our assessment of the plan.
Response to Schedule 5 Notice dated 11/03/2025	<p>Response to questions 2a, 2b, 3f and 3g of the Schedule 5 response document referenced AS/AC/ST20310/LT003 detailing procedures for abnormal events with relation to dust and odour management and further information regarding onsite vehicle movements.</p> <p>All parts of documents received as part of the Schedule 5 response:</p> <p>Operating Techniques Odour Management Plan; and, Dust Management Plan.</p>	<p>The questions specified here provide clarification of information within the operating techniques and / or management plans.</p> <p>Responses to all other questions were incorporated directly into the relevant document and therefore did not need specifying individually.</p> <p>The documents referenced here are the final versions following amendments and contain the operating techniques for the proposed facility</p>

		including measures for preventing or minimising emissions.
--	--	--

### 5.6.1 General operating techniques

We have considered the relevant guidance and we are satisfied that the operating techniques represent the most appropriate techniques for the facility.

The operating techniques that the Operator must use are specified in table S1.2 in the environmental permit. The sections that follow will identify applicable guidance and key measures the Operator is proposing.

### 5.6.2 Assessment of BAT

We have considered the application of Best Available Techniques (BAT) and we are satisfied that the operating techniques comply with the BAT conclusions for waste treatment.

Where relevant to the key issues, specific BAT conclusions (BAT C) have been identified, below, alongside measures proposed by the Operator. A link to the BAT C can be found in this document in the section 'Links to guidance documents'.

This list is not exhaustive and all applicable BAT C will still apply even if they have not been listed here.

BAT Conclusion	Operating techniques
<u>BAT 10</u> BAT is to periodically monitor odour emissions.	An Odour Management Plan (OMP) was submitted as part of the application.
<u>BAT 12</u> In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1), that includes all of the elements given [in the BAT C].	The OMP identifies potential odour sources. Municipal wastes, which is which it is proposed to treat in the MRF, has the potential to include putrescible waste; however, there is no intention or requirement to treat putrescible wastes in the MRF.
<i>Applicability for both BAT 10 and BAT 12:</i>	Incidental, odorous waste identified within the MRF will be prioritised for removal from the building and subsequent disposal.
	The measures have been provided in more detail in 'Key Issues'; however, in brief the OMP specifies that the

<p>The applicability is restricted to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated.</p>	<p>following measures will prevent, or reduce, odour emissions from the MRF:</p> <ul style="list-style-type: none"> <li>• Pre-acceptance and waste acceptance checks;</li> <li>• Covered / enclosed vehicles;</li> <li>• Limit waste storage times to 72 hours for higher risk wastes;</li> <li>• Plant and equipment maintained to manufacturer specifications;</li> <li>• Onward transfer of waste on a first in, first out basis;</li> <li>• Unloading and loading of waste will be undertaken with the doors closed; and,</li> <li>• Inspection and cleaning of vehicles to reduce build up of odorous materials.</li> </ul> <p>The pre-acceptance and waste acceptance checks will identify loads that are not suitable, for example, those containing putrescible waste, and will divert these loads to the landfill (where authorised by the permit) or another suitably permitted facility.</p> <p>The OMP specifies that odour checks will be undertaken daily and not undertaken by individuals who work mainly in the operational area as they may become desensitised to odour.</p> <p>We are satisfied with the measures outlined within the OMP, which has been incorporated into the operating techniques (S1.2) and that an odour nuisance will not result from this facility.</p>
<p><b>BAT 14</b></p> <p>In 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</p>	<p>The operating techniques, odour management plan and dust management plan contain measures that aim to prevent, or reduce, fugitive emissions to air:</p>

<p>to use an appropriate combination of the techniques given [in the BAT C].</p>	<ul style="list-style-type: none"> <li>• The operation will be wholly contained within a building with fast acting roller doors (open only for the ingress or egress of vehicles);</li> <li>• Limiting drop height of material;</li> <li>• Limiting traffic speed on site;</li> <li>• Dampening of dust on site roads where necessary (for example, during hot, windy weather); and,</li> <li>• Sweeping of on site roads.</li> </ul> <p>The MRF will not treat any putrescible waste. Waste pre-acceptance and waste acceptance procedures will identify unsuitable loads (for example, odorous loads) and redirect them to the landfill or alternative suitably permitted facility for disposal.</p> <p>Furthermore, most of the wastes that will be treated through the facility will be received, treated and removed from the MRF within 72 hours. The only wastes that may be stored for longer periods of time are non-ferrous metals, ferrous metals, heavies and fines (residual waste not suitable for treatment that will be disposed of). This other waste will be removed from the building for recovery or disposal within 1 month.</p> <p>Any potentially odorous waste will be removed from the facility within 72 hours, limiting the odour potential of this operation.</p>
<p><b><u>BAT 17</u></b></p> <p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to set up, implement and regularly review a noise and vibration management plan, as part of the environmental management system (see BAT 1),</p>	<p>A Noise Impact Assessment (NIA) was submitted as part of the application.</p> <p>We agree with the conclusions that a low impact is likely at the nearest residential receptors because of this proposal.</p> <p>As a noise or vibration nuisance is not expected at sensitive receptors, no</p>

<p>that includes all of the measures given [in the BAT C].</p> <p><i>Applicability</i></p> <p>The applicability is restricted to cases where a noise or vibration nuisance at sensitive receptors is expected and/or has been substantiated.</p>	<p>noise management plan has been, or will be, required.</p> <p>See the 'Key issues' section for further details.</p> <p>The facility will still be subject to permit conditions that require the activity to be free from noise and vibration at levels likely to cause pollution outside the site.</p>
<p><b>BAT 18</b></p> <p>In order to prevent or, where that is not practicable, to reduce noise and vibration emissions, BAT is to use one or a combination of the techniques given [in the BAT C].</p>	<p>The operating techniques, and noise impact assessment, provided by the Operator as part of this proposal include a number of measures to reduce or prevent noise emissions.</p> <p>The measures include:</p> <ul style="list-style-type: none"> <li>• Undertaking the activity within a fully enclosed building;</li> <li>• Fitting the building with fast acting roller doors, which will be kept shut other than for the ingress or egress of vehicles;</li> <li>• Inspection and maintenance of plant in line with manufacturer recommendations; and,</li> <li>• Limiting operation to 07:00 – 18:00 (Mon-Fri) and 07:00 – 13:00 (Sat).</li> </ul> <p>As per BAT 17, we have assessed the impact assessment that takes into account these measures and agree with the conclusion that a noise or vibration nuisance is not expected at sensitive receptors.</p>

### 5.6.3 Assessment of appropriate measures

We have considered the application of appropriate measures, and we are satisfied that the operating techniques comply with the appropriate measures for non-hazardous and inert waste.



Appropriate measures, with respect to this application, is guidance that applies to permitted waste management facilities, such as, the materials facility proposed as part of this application.

Where relevant to the key issues, appropriate measures have been identified, below, alongside measures proposed by the Operator. A link to the appropriate measures can be found in this document in the section 'Links to guidance documents'.

This list is not exhaustive and all applicable appropriate measures will still apply even if they have not been listed here.

### **Waste pre-acceptance**

All waste will be received at the site by pre-arrangement. The Operator has pre-acceptance procedures that are undertaken when customers provide details of the waste type, quantities and other information is provided. These checks are in place to confirm that the wastes arriving on site are suitable to meet the requirements of the permit. At pre-acceptance stage, customers are required to provide the Operator with information including, but not limited to: waste type and quantity, six figure waste catalogue code, sampling / analysis requirements, copy of the analysis (where required) and whether the waste is for treatment or landfill.

This information will be assessed by trained staff to determine whether the waste is suitable for treatment in the MRF or whether it should be delivered directly to the landfill. Where loads have been characterised as excessively dusty or odorous will not be accepted for treatment in the MRF. If appropriate, the waste may be accepted for disposal in the landfill; alternatively, the waste will be directed to a suitable permitted facility.

### **Waste acceptance**

The transfer note for wastes arriving on site will be checked against the pre-acceptance information and a visual inspection will be undertaken at the weighbridge to check the wastes are as characterised at pre-acceptance.

Waste loads received in the waste reception area of the MRF will be inspected during unloading to ensure they are compliant with the permit and suitable for treatment. Non-permitted and other non-conforming waste types will be re-loaded or quarantined for removal as soon as possible. Rejected wastes will be returned to the site of origin or re-directed to an appropriately permitted facility.

### **Waste storage**

The receipt, treatment and storage of wastes takes place within a fully enclosed building with fast acting roller shutter doors, an impermeable floor and sealed drainage. The doors will only be open to enable the ingress or egress of vehicles from the building and tipping and/or loading will only take place with the doors closed.

To prevent the accumulation of waste and reduce storage times, waste is processed on a first in, first out basis. Waste will be rotated with the oldest wastes being removed first and bays being completely emptied in rotation to ensure there is no residual waste in the bays. With the exception of heavy fraction and metals, wastes will be stored in the MRF less than 72 hours.

During loading and unloading within the MRF, the doors will be kept closed and drop heights will be minimised to reduce the risk of fugitive emissions to air. Vehicles leaving the MRF will be sheeted before leaving the building to aid containment of the waste.

### **Emissions control – Enclosure within buildings**

To reduce the emission of noise, odour and dust, the receipt, storage, handling and treatment of waste will take place within the MRF building. The building will have fast acting roller shutter doors, which will only be open for the ingress or egress of vehicles.

The building also has an impermeable floor and sealed drainage for the containment of any incidental liquids (as there is no intention to treat liquid waste nor does water form part of the treatment process) and firewater in the event of a fire.

### **Emissions control – Fugitive emissions to air**

Pre-acceptance and acceptance procedures have been provided, and summarised in the two sections above, and require customers of the site to characterise loads as, for example, dusty or odorous. Where these are not suitable for treatment within the MRF the load will be rejected or accepted to the landfill (if in line with waste acceptance and requirements of the permit).

Waste will be received, treated and despatched from within the enclosed building. The whole treatment process takes place within the enclosed building. This will limit fugitive emissions alongside housekeeping procedures and waste storage procedures (see above), which will limit the risk of fugitive emissions from this facility.

Regarding specific emissions, the Operator has submitted both a dust and emissions management plan and an odour management plan. Further details of

the specific measures contained within these management plans can be found in the 'Key issues' and 'Assessment of BAT' sections. These management plans have been incorporated into the operating techniques for the site (S1.2 on the permit) and the Operator will be required to operate according to the measures in these management plans. We are satisfied that the measures proposed in the management plans are sufficient to prevent a significant impact on the environment.

Where noise is a risk, the Operator should assess this risk using a noise impact assessment, using an appropriate methodology. We have audited this assessment and agree with the methodology and conclusion that there is considered to be a low impact at the nearest sensitive receptor. Further details of our audit, and the impact assessment, can be found in the 'Key issues' and 'Assessment of BAT' sections.

#### **5.6.4 Waste types**

Article 45(1) of the IED requires that the Permit shall include a list of all types of waste which may be treated using at least the types of waste set out in the European Waste List established by Decision 2005/532/EC, EC, and containing information on the quantity of each type of waste, where appropriate. The Application contains a list of those wastes, coded by the European Waste Catalogue (EWC) number and so we are satisfied that this requirement is met.

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 have considered the relevant guidance (Appropriate measures for non-hazardous and inert waste and BAT Conclusions for Waste Treatment) and we are satisfied that the waste types are appropriate for the facility.

We have limited the capacity of the regulated facility to 250,000 tonnes per year. This is based on the regulated facility operating 2,000 hours per year.

The Installation will be operated using best available techniques (BAT). We are satisfied that the operating techniques are BAT for accepting and treating these waste types.

## **6 · Nature conservation, landscape, heritage and protected species and habitat designations**

The Conservation of Habitats and Species Regulations 2017, widely known as the Habitats Regulations, covers sites of European importance such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Ramsar sites, classified under the Ramsar convention of 1971, are classed as having the same protection as European sites. We screen for potential effects on the ecological integrity of a European site when considering any proposal. These regulations enshrine the precautionary principle in law.

We screen for Sites of Special Scientific Interest (SSSI) as covered by The Wildlife and Countryside Act 1981 (WCA81), The Countryside and Rights of Way Act 2000 (CRoW Act) subsequently amended and strengthened this act, and the Natural Environment and Rural Communities Act 2006 (NERC06).

We also screen for Marine Conservation Zones (MCZ). MCZs are statutory designated sites that protect a range of nationally important, rare or threatened habitats and species. They are designated under the Marine and Coastal Access Act 2009 (MCAA).

Screening is also carried out for protected species, National nature reserves (NNR), Local nature reserves (LNR), Local wildlife sites (LWS), and non-statutory sites such as areas of outstanding natural beauty (AONB), landscape and heritage sites.

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.

### **6.1 Sites considered**

The following Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites are located within 10 km of the regulated facility:

- Rochdale Canal SAC.

There are no Sites of Special Scientific Interest (SSSI) within 2 km of the regulated facility.

The following local nature sites (ancient woodlands, local wildlife sites and national and local nature reserves) are located within 2 km of the regulated facility:

- Pilsworth Local Wildlife Site;
- Hollins Vale Local Wildlife Site;
- Hollins Plantation Local Wildlife Site;

- Railway Cutting at Heywood Local Wildlife Site;
- Parrk Brook Local Wildlife Site; and,
- Hollins Vale Local Nature Reserve.

There are no protected species and habitat designations within 2km.

There are no landscape and heritage designations within 2km.

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; however, we have sent a Habitats Regulations Assessment Stage 1 to Natural England for information only. This means we do not consider there to be a likely significant effect as a result of this proposal and we are notifying Natural England of our conclusion.

Due to the distance between Rochdale Canal SAC and the site, and the nature of the activities (i.e. no point source emissions), we conclude there is no likely significant effect on the designated site.

The decision was taken in accordance with our guidance.

## **7 · Minimising the regulated facility's environmental impact**

Regulated activities can present different types of risk to the environment, these include odour, noise and vibration; accidents, fugitive emissions to air and water; as well as point source releases to air, discharges to ground or groundwater, global warming potential (GWP) and generation of waste and other environmental impacts. Consideration may also have to be given to the effect of emissions being subsequently deposited onto land (where there are ecological receptors). All these factors are discussed in this and other sections of this document.

The next sections of this document explain how we have approached the critical issue of assessing the likely impact of the emission from the regulated facility on human health and the environment and what measures we are requiring the Operator to take to ensure a high level of protection.

### **7.1 Odour Management**

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

For further details regarding the measures in the odour management plan see 'Key Issues' or 'Assessment of BAT'.

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 table, S1.2 of the Permit.

## **7.2 Fugitive emissions 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'.

The plan has been incorporated into the operating techniques table, S1.2 of the Permit.

## **8 · Draft Permit conditions, competence, monitoring and reporting**

### **8.1 Reporting**

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

<b>Annual production/treatment</b>	
Ferrous metal recovered	Tonnes
Non-ferrous metal recovered	Tonnes
Plastics recovered	Tonnes
RDF recovered	Tonnes
Wood recovered	Tonnes
Other fractions recovered	Tonnes
Residual waste removed from the Material Recycling Facility and sent to landfill.	Tonnes

We made these decisions in accordance with our guidance.

## 8.2 Technical competence

Technical competence is required for the activities that are being permitted.

The Operator is a member of the CIWM/WAMITAB scheme

We are satisfied that the Operator is technically competent.

## 8.3 Financial competence

There is no known reason to consider that the Operator will not be financially able to comply with the Permit conditions.

# 9 · Other legal requirements

In this section we explain how we have addressed other relevant legal requirements, to the extent that we have not addressed them elsewhere in this document.

## 9.1 The EPR 2016 and related Directives

The EPR delivers the requirements of a number of assimilated and national laws.

### 9.1.1 Schedules 1 and 7 to the EPR 2016 – IED Directive

We address the requirements of the IED in the body of this document above and the specific requirements of Chapter IV in Annex 1 of this document.

There is one requirement not addressed above, which is that contained in Article 5(3) IED. Article 5(3) requires that “In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EC (now Directive 2011/92/EU) (the EIA Directive) applies, any relevant information obtained or conclusion arrived at

pursuant to articles 5, 6 and 7 of that Directive shall be examined and used for the purposes of granting the permit.”

Article 5 of EIA Directive relates to the obligation on developers to supply the information set out in Annex IV of the Directive when making an application for development consent.

Article 6(1) requires Member States to ensure that the authorities likely to be concerned by a development by reason of their specific environmental responsibilities are consulted on the Environmental Statement and the request for development consent.

Article 6(2)-6(6) makes provision for public consultation on applications for development consent.

Article 7 relates to projects with transboundary effects and consequential obligations to consult with affected Member States.

The grant or refusal of development consent is a matter for the relevant local planning authority. The Environment Agency’s obligation is therefore to examine and use any relevant information obtained or conclusion arrived at by the local planning authorities pursuant to those EIA Directive articles.

In determining the Application we have considered the following documents:

- The Environmental Statement submitted with the planning application (which also formed part of the Environmental Permit Application).

From consideration of all the documents above, the Environment Agency considers that no additional or different conditions are necessary.

### **9.1.2 Schedule 9 to the EPR 2016 – Waste Framework Directive**

As the regulated facility involves the treatment of waste, it is carrying out a waste operation for the purposes of the EPR 2016, and the requirements of Schedule 9 therefore apply. This means that we must exercise our functions so as to ensure implementation of certain articles of the WFD.

We must exercise our relevant functions for the purposes of ensuring that the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste and that any waste generated is treated in accordance with Article 4 of the Waste Framework Directive. (See also section 4.3.9)

The conditions of the permit ensure that waste generation from the facility is minimised. Where the production of waste cannot be prevented it will be recovered wherever possible or otherwise disposed of in a manner that minimises its impact on the environment. This is in accordance with Article 4.



We must also exercise our relevant functions for the purposes of implementing Article 13 of the Waste Framework Directive; ensuring that the requirements in the second paragraph of Article 23(1) of the Waste Framework Directive are met; and ensuring compliance with Articles 18(2)(b), 18(2)(c), 23(3), 23(4) and 35(1) of the Waste Framework Directive.

Article 13 relates to the protection of human health and the environment. These objectives are addressed elsewhere in this document.

Article 23(1) requires the permit to specify:

- the types and quantities of waste that may be treated
- for each type of operation permitted, the technical and any other requirements relevant to the site concerned
- the safety and precautionary measures to be taken
- the method to be used for each type of operation
- such monitoring and control operations as may be necessary
- such closure and after-care provisions as may be necessary

These are all covered by permit conditions.

The permit does not allow the mixing of hazardous waste so Article 18(2) is not relevant.

We consider that the intended method of waste treatment is acceptable from the point of view of environmental protection so Article 23(3) does not apply.

Energy efficiency is dealt with elsewhere in this document but we consider the conditions of the permit ensure that the recovery of energy take place with a high level of energy efficiency in accordance with Article 23(4).

Article 35(1) relates to record keeping and its requirements are delivered through permit conditions.

#### **9.1.4 Directive 2003/35/EC – The Public Participation Directive**

Regulation 60 of the EPR 2016 requires the Environment Agency to prepare and publish a statement of its policies for complying with its public participation duties. We have published our public participation statement.

This Application is being consulted upon in line with this statement, as well as with our guidance RGS6 on Sites of High Public Interest, which addresses specifically extended consultation arrangements for determinations where public interest is

particularly high. This satisfies the requirements of the Public Participation Directive.

Our draft decision in this case has been reached following a programme of extended public consultation, on the original application. The way in which this has been done is set out in section 2.4. A summary of the responses received to our consultations and our consideration of them is set out in section 10.

## **9.2 National primary legislation**

### **9.2.1 Environment Act 1995**

#### **(i) Section 4 (Pursuit of Sustainable Development)**

We are required to contribute towards achieving sustainable development, as considered appropriate by Ministers and set out in guidance issued to us. The Secretary of State for Environment, Food and Rural Affairs has issued The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002). This document;

"provides guidance to the Agency on such matters as the formulation of approaches that the Agency should take to its work, decisions about priorities for the Agency and the allocation of resources. It is not directly applicable to individual regulatory decisions of the Agency".

In respect of regulation of industrial pollution through the EPR, the Guidance refers in particular to the objective of setting permit conditions "in a consistent and proportionate fashion based on Best Available Techniques and taking into account all relevant matters...". The Environment Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the Section 4 duty.

For waste the guidance refers to ensuring waste is recovered or disposed of in ways which protect the environment and human health. The Environment Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the Section 4 duty.

#### **(ii) Section 5 (Preventing or Minimising Effects of Pollution of the Environment)**

We are satisfied that our pollution control powers have been exercised for the purpose of preventing or minimising, remedying or mitigating the effects of pollution.

#### **(iv) Section 6(6) (Fisheries)**

We have a duty to maintain, improve and develop fisheries of salmon, trout, eels, lampreys, smelt and freshwater fish.

We consider that no additional or different conditions are appropriate for this Permit variation.

(v) Section 7 (General Environmental Duties)

This places a duty on us, when considering any proposal relating to our functions, to have regard amongst other things to any effect which the proposals would have on sites of archaeological, architectural, or historic interest; the economic and social well-being of local communities in rural areas; and to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.

We considered whether we should impose any additional or different requirements in terms of our duty to have regard to the various conservation objectives set out in Section 7 but concluded that we should not.

(vi) Section 39 (Costs and Benefits)

We have a duty to take into account the likely costs and benefits of our decisions on the applications ('costs' being defined as including costs to the environment as well as any person). This duty, however, does not affect our obligation to discharge any duties imposed upon us in other legislative provisions.

In so far as relevant we consider that the costs that the permit may impose on the Applicant are reasonable and proportionate in terms of the benefits it provides.

### **9.2.2 Section 108 Deregulation Act 2015 – Growth duty**

We 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 statutory guidance issued by the Department of Business, Energy and Industrial Strategy in March 2017 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 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. It also ensures that any pollution that may arise from the regulated facility does not adversely affect local businesses.

### **9.2.3 Legislative and Regulatory Reform Act 2006**

In accordance with section 21 of this Act, when making this decision we have had regard to the need to be transparent, accountable, proportionate and consistent, and the need to target action where it is needed.

In accordance with section 22 of the Act we have had regard to the Regulators' Code; in particular the need to base our decision on environmental risk, and to support the Applicant to comply and grow, so that burdens have only been imposed where they are necessary and proportionate

### **9.2.4 Human Rights Act 1998**

We have considered potential interference with rights addressed by the European Convention on Human Rights in reaching our decision and consider that our decision is compatible with our duties under the Human Rights Act 1998. In particular, we have considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol). We do not believe that Convention rights are engaged in relation to this determination.

### **9.2.5 Countryside and Rights of Way Act 2000 (CROW 2000)**

Section 85 of this Act imposes a duty on Environment Agency to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (AONB). There is no AONB which could be affected by the regulated facility.

### **9.2.6 Wildlife and Countryside Act 1981**

Under section 28G of the Wildlife and Countryside Act 1981 the Environment Agency has a duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest. Under section 28I the Environment Agency has a duty to consult Natural England in relation to any permit that is likely to damage SSSIs.

### **9.2.7 Natural Environment and Rural Communities Act 2006**

Section 40 of the Natural Environment and Rural Communities Act 2006 has been amended with effect from 1 January 2023 to require consideration as to what action we can properly take, consistently with the proper exercise of our functions, to further the general biodiversity objective, which is to further the conservation and enhancement of biodiversity and having considered, determined such policies and specific objectives as we consider appropriate for taking action to further the general biodiversity objective, and take such action as we consider appropriate, in the light of those policies and objectives, to further that objective.

Section 40(2A) states that in complying with the duty in section 40(1) and (1A) we must have particular regard to any relevant local nature recovery strategy and species protection strategy or protected sites strategy

We have, also, considered the general biodiversity objective when carrying out our permit application determination and, consider that no different or additional conditions are required in the permit.

### **9.2.8 Countryside Act 1968**

Section 11 imposes a duty on the Environment Agency to exercise its functions relating to any land, having regard to the desirability of conserving the natural beauty and amenity of the countryside including wildlife. We have done so and consider that no different or additional conditions in the Permit are required.

### **9.2.9 National Parks and Access to the Countryside Act 1949**

Section 11A and section 5(1) imposes a duty on the Environment Agency when exercising its functions in relation to land in a National Park, to further the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas, and of promoting opportunities for the understanding and enjoyment of National Parks by the public.

There is no National Park which could be affected by the regulated facility.

### **9.2.10 Environment Act 2021**

Section 110(10) requires that we must have regard to a protected site's strategy, which Natural England has prepared and published in relation to improving the conservation and management of a protected site, and managing the impact of plans, projects or other activities (wherever undertaken) on the conservation and management of the protected site, where relevant to exercise of our duties under Conservation of Habitats and Species Regulations 2017, sections 28G to 28I Wildlife and Countryside Act 1981 or Marine and Coastal Access Act 2009.

We have had regard to this in our assessments.

## **9.3 National secondary legislation**

### **9.3.1 Conservation of Habitats and Species Regulations 2017**

We have assessed the Application in accordance with our guidance and concluded that there will be no likely significant effects on any European Site.

The Habitats Regulations Assessment is summarised in greater detail in section 6.1 of this document. A copy of the Habitats Regulations Assessment can be found on the public register.

We have also considered our general duties under Regulation 9(3) to have regard to the requirements of the Habitats Directive in the exercise of our powers and under Regulation 10 in relation to wild bird habitat to take such steps in the exercise of their functions as they consider appropriate so far as lies within our powers to secure preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds.

We considered whether we should impose any additional or different requirements in the permit in terms of these duties but concluded that we should not.

### **9.3.2 Water Environment (Water Framework Directive) Regulations 2017**

Consideration has been given to whether any additional requirements should be imposed in terms of the Environment Agency's duty under regulation 3 to secure compliance with the requirements of the Water Framework Directive, Groundwater Directive and the EQS Directive through, amongst other things, environmental permits, and its obligation in regulation 33 to have regard to the river basin management plan (RBMP) approved under regulation 31 and any supplementary plans prepared under regulation 32. However, it is felt that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

### **9.3.3 The Persistent Organic Pollutants Regulations 2007**

We have explained our approach to these Regulations, which give effect to the Stockholm Convention on POPs and the EU's POPs Regulation, above.

## **9.4 Other relevant legal requirements**

### **9.4.1 Duty to Involve**

Section 23 of the Local Democracy, Economic Development and Construction Act 2009 require us where we consider it appropriate to take such steps as we consider appropriate to secure the involvement of interested persons in the exercise of our functions by providing them with information, consulting them or involving them in any other way. Section 24 requires us to have regard to any Secretary of State guidance as to how we should do that.

The way in which the Environment Agency has consulted with the public and other interested parties is set out in section 2.4 of this document. The way in which we have taken account of the representations we have received is set out in section 10. Our public consultation duties are also set out in the EP Regulations, and our statutory Public Participation Statement, which implement the requirements of the Public Participation Directive. In addition to meeting our consultation responsibilities, we have also taken account of our guidance in Environment Agency Guidance Note RGS6.

## **10 · Consultation Responses**

### **10.1 Advertising and Consultation on the Application**

The Application has been advertised and consulted upon in accordance with the Environment Agency's Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex. Copies of consultation responses have been placed on the Environment Agency public register.

The Application was advertised on the Environment Agency website from 25 July 2024 to 23 August 2024 and in the Bury Times on 25/07/2025.

The following statutory and non-statutory bodies were consulted:

- Health and Safety Executive;
- UK Health Security Agency;
- Bury Local Planning Authority; and,
- Local Fire Service.

The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically, questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to consider those issues which fall within the scope of the EPR.

### **10.2 Consultation Responses from Statutory and Non-Statutory Bodies**

Response received from UK Health Security Agency.

Brief summary of issues raised: Request that measures in place to address dust and odour once operational; if identified to be an issue related to this activity.

Summary of actions taken: We are satisfied that there will not be a significant impacts from odour or dust, further details are in the 'key issues', 'fugitive emissions management' and 'odour management' sections of this decision document.

Any issues that may arise during operation will be addressed via enforcement using conditions 3.3.1 and 3.3.2 (Odour) and conditions 3.4.1 and 3.4.2 (Noise and Vibration).

Response received from Bury Council.

Brief summary of issues raised:

1. Comment that the council will rely on the assessment and enforcement of the Environment Agency to ensure the Operator suitably controls odours; and,
2. Comment that Environmental Health will require an air quality assessment to be submitted in response to the planning application.

Summary of actions taken:

1. We are satisfied that there will not be significant impacts from odour or dust, further details are in the 'key issues', 'fugitive emissions management' and 'odour management' sections of this decision document. Any issues that may arise during operation will be addressed through conditions 3.3.1 and 3.3.2 (Odour) and conditions 3.4.1 and 3.4.2 (Noise and Vibration).
2. No action required.

No response received from the Health and Safety Executive.

No response received from local fire service.

### **10.3 Representations from local MPs, assembly members, councillors and parish/town community councils**

Response received from Unsworth Councillors.

Brief summary of issues raised:



1. Concerns regarding potential increase in waste throughput of the site; and,
2. Request that permit is delayed until the MRF is up and running to prevent overtipping in the landfill by understanding the true capacity of the MRF.

Summary of actions taken:

1. The landfill will still be subject to the same annual input limits specified on the permit as before, which cannot be exceeded, and the operations within the MRF will reduce the input of loads that would otherwise wholly be disposed of in the landfill by removing wastes for recycling and use as refuse derived fuel.
2. This MRF is similar in design and operation to other MRFs operated by the Applicant. As such, the Operator has a good understanding of typical throughputs and recycling rates for these facilities. The Operator cannot operate the facility without a permit and the permit will include conditions and limits for this operation.

Furthermore, the landfill is still subject to annual input limits that have not been changed because of this variation.

Response received from Rochdale Borough Council.

Brief summary of issues raised:

1. Concerns regarding potential increase in waste throughput of the site;
2. Concerns over Operator competence;
3. Concerns over choice of receptors;
4. Recommendation for the building to feature fast action roller shutter doors;
5. Concerns over air quality relating to increase in vehicular traffic to and from the site;
6. Concern over future plans for the site;
7. Concern over plant and it's location;
8. Concern over odour checks;
9. Concern over potential discharge from water bath;
10. Building is not as per planning consent; and,
11. Recommend the permit, if issued, includes enforceable conditions.

Summary of actions taken:

1. The landfill will still be subject to the same annual input limits specified on the permit as before, which cannot be exceeded, and the operations within the MRF will reduce the input of loads that would otherwise wholly be disposed of in the landfill by removing wastes for recycling and use as refuse derived fuel.
2. A suitably qualified facility manager will be appointed who will have responsibility of Permit compliance.

Additional information can be found in 'Management', 'Operation of the regulated facility', 'Management plans' and Draft Permit conditions, competence, monitoring and reporting' sections of this decision document.

3. We are satisfied that there will not be a significant impact from this facility when based on the worst impacted receptors that represent the worst-case predictions.

The 'Key issues' section of this decision document has further details.

4. Section 6.3.1 of the operating techniques specifies that the building will be fitted with fast acting roller shutter doors.
5. These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process except where there are established high background concentrations contributing to poor air quality and the increased level of traffic might be significant in these limited circumstances.
6. The Operator will need to apply for a variation to the Permit if they want to increase capacity, or alter operations, in the future. We would assess any such application in accordance with our legal duties and would only grant a variation if we were satisfied that it would not cause a significant impact.
7. All of the fixed plant is located inside the building which features fast acting roller shutter doors, except for vehicle ingress and egress.
8. Odour monitoring will still be undertaken along the site boundary as per the existing odour management plan for the landfill. This has not been changed as part of this variation.

An additional odour management plan has been submitted, and approved, which is specific to the MRF. This includes daily odour checks (as per the daily site log) and routine inspections during MRF operational periods.

The odour management plan also specifies that odour surveys will not be undertaken by staff based in the operational area as they may be desensitised to site odour.

9. The water bath is no longer part of the process. The process flow diagram and description of the process can be found in the 'process carried out' section of this document. There is no discharge to sewer or surface water associated with this variation.
10. These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process. Our

view is that the planning and the Permit are not likely to conflict but in any event the Applicant will have to comply with both their planning permission and the Permit and in the event of any difference comply with the most stringent. To comply with our permit the Applicant need to erect a building with permission from the relevant planning authority.

11. The permit contains conditions that enable us to undertake enforcement action, if required, and we regulate the site carrying out a continual assessment of plant operations and its environmental performance. We regulate the site in a manner that will be as robust as required. It is noted that the conditions have to be enforceable to be lawful.

#### **10.4 Representations from individual members of the public**

A total of 289 of responses were received from individual members of the public. Many of the issues raised were the same as those considered above. Only those issues additional to those already considered are listed below:

Brief summary of issues raised:

Concern over the impact from odour

Summary of actions taken:

We are satisfied that there will not be a significant impact from odour, further details are in the 'key issues' and 'odour management' sections of this decision document.

Brief summary of issues raised:

Odour modelling and monitoring should be carried out.

Summary of actions taken:

Whilst odour modelling and monitoring has its role our approach is to impose operational controls which should prevent odour occurring in the first place. Neither odour modelling or monitoring is required because we are satisfied the conditions of the permit will control and regulate any odour.

Our view is that odour monitoring is not required in this case. We will use permit conditions 3.3.1 and 3.3.2 to control and regulate odour. We are satisfied that odour modelling is not required to allow us to assess the application. The permit conditions will allow effective regulation of the site and prevent odour pollution.

Brief summary of issues raised:

Concern over dust.

Summary of actions taken:

We are satisfied that there will not be a significant impact from dust, further details are in the 'key issues' and 'fugitive emissions management' sections of this decision document.

Brief summary of issues raised:

Concern over emissions to water.

Summary of actions taken:

We are satisfied there is no emission to water associated with the activities. They are contained in a fully enclosed building with an impermeable floor and sealed drainage for the containment of firewater.

Brief summary of issues raised:

Concern over noise from traffic.

Summary of actions taken:

Only vehicle movements within the regulated facility can be considered through environmental permitting. Vehicle movements outside of the facility are not within our remit. The Applicant's noise assessment included on-site vehicle movements, and we are satisfied that there will no significant impact.

Brief summary of issues raised:

Concern over noise from facility.

Summary of actions taken:

We audited the Applicant's noise assessment. As part of the audit, we checked that noise emissions, background noise and control measures were considered appropriately by the Applicant, and we are satisfied that they were. Based on the Applicant's modelling we are satisfied that there will no significant impact from noise.

See the 'Key Issues' section for further details.

Brief summary of issues raised:

Concern over the impact at habitat sites and other ecological sites.

Summary of actions taken:

Our assessment at ecological sites is described in 'Nature conservation, landscape and heritage...' of this decision document. We are satisfied that there will not be a significant impact.

Brief summary of issues raised:

Comments submitted expressing concern over fire risk.

Summary of actions taken:

The Applicant submitted a Fire Prevention Plan as described in the 'Fire prevention plan' section.

We have approved this plan and incorporated this within operating techniques table S1.2 meaning that the site has to follow such requirements.

We are satisfied that appropriate measures will be in place to prevent fires and to minimise the impact from a fire if it were to occur.

Brief summary of issues raised:

Concern as to whether the Operator is competent to operate this type of facility.

Summary of actions taken:

We are satisfied that the Operator will be a competent Operator because:

A suitably qualified facility manager will be appointed who will have responsibility of Permit compliance.

Additional information can be found in 'Management', 'Operation of the regulated facility', 'Management plans' and Draft Permit conditions, competence, monitoring and reporting' sections of this decision document.

Brief summary of issues raised:

Concern that granting a permit would not fit with the Environment Agency's aims of:

- protect and improve the environment; and,
- create better places for people and wildlife.

Summary of actions taken:

Our role in EPR permitting is to ensure that any regulated facility does not cause significant pollution or harm to human health. We are satisfied that this facility will not cause significant pollution or harm and that the operating techniques for these activities will provide a high level of protection for the environment as a whole and as such it fits with these aims.

Brief summary of issues raised:

There should be a robust independent regulator to inspect the site.

Summary of actions taken:

We are independent from those we regulate and will regulate the site in accordance with our statutory duties allowing us to be as robust as required.

Brief summary of issues raised:

Concern over how the Environment Agency will regulate the site.

Summary of actions taken:

We will regulate the site carrying out a continual assessment of plant operations and its environmental performance.

We will regularly inspect the regulated facility reviewing techniques and assessing results to measure the performance of the plant. We will review operating techniques and management systems and plans. The Operator must inform us within 24 hours of any breach of the emissions limits, followed by a fuller report of the size of the release, its impact and how they propose to avoid this happening in the future.

Brief summary of issues raised:

Concern over whether the Environment Agency will investigate complaints.

Summary of actions taken:

If we receive any complaint, we will assess the complaint and investigate it as appropriate in line with our complaints procedure.

Brief summary of issues raised:

Concern about whether suitably qualified people who know the local area will assess the Application.

Summary of actions taken:

We are satisfied that the Environment Agency has the skills and experience to assess the Application.

The Environment Agency is aware of the local area and we have enough information to make our decision on this Application. We have a National Permitting Service that involve and consult with local Environment Agency teams and officers to inform our assessments and decision-making processes.

Brief summary of issues raised:

Concern over whether the capacity of the facility could change in the future.

Summary of actions taken:

The Operator will need to apply for a variation to the Permit if they want to increase capacity in the future. We would assess such an application and would only grant a variation if we were satisfied that it would not cause a significant impact.

Brief summary of issues raised:

The planning application is not consistent with the Permit Application.

Summary of actions taken:

Our view is that the planning and the Permit are not likely to conflict but in any event the Applicant will have to comply with both their planning permission and the Permit and in the event of any difference comply with the most stringent

Brief summary of issues raised:

The consultation was not adequate.

#### Summary of actions taken:

We are satisfied that we took appropriate steps to inform people about the Application and how they could comment on it. How we did this is described in section 2 & 10 of this decision document.

#### Brief summary of issues raised:

Concern that impacts at all receptors were not considered, including:

- Schools; and,
- Local Nature Reserves.

#### Summary of actions taken:

We are satisfied that there will not be a significant impact from this facility when based on the worst impacted receptors that represent the worst-case predictions.

The 'Key issues' section of this decision document has further details.

#### Brief summary of issues raised:

Concern over pests.

#### Summary of actions taken:

Waste that may give rise to pests is only stored for a short period of time. The waste reception and storage area, and all incoming waste handling activities will be undertaken within a fully enclosed building. The Applicant has set out good housekeeping practices in the Application to prevent and minimise the risk of pests and vermin. Conditions 3.6.1 and 3.6.2 will provide controls.

#### Brief summary of issues raised:

Concern over litter.

#### Summary of actions taken:

Waste will be delivered in enclosed delivery vehicles and tipped into the reception area within the building. We are satisfied that impacts from litter are unlikely to occur.



Brief summary of issue raised:

Concerns over existing issues with the site including emissions of leachate, current emissions being over limits, landfill should be closed for good.

Environment Agency comment:

We have considered the potential of this proposal to contribute to emissions common to the existing activities and the facility proposed by this variation. We are satisfied that the measures proposed by the Operator will prevent significant contributions to site emissions. See 'Key issues' for further information.

Consideration of issues, such as emissions limits, that solely relate to existing activities is not relevant to this determination. The permit contains conditions that enable us to undertake enforcement action, if required, and we regulate the site carrying out a continual assessment of plant operations and its environmental performance. We regulate the site in a manner that will be as robust as required.

## **10.6 Representations on issues that do not fall within the scope of this Permit determination**

Brief summary of issue raised:

View expressed that this is not the right location for the regulated facility.

Environment Agency comment:

Decisions over land use are matters for the planning system. The location of the regulated facility is a relevant consideration for Environmental Permitting, but only in so far as its potential to have an adverse environmental impact on communities or sensitive environmental receptors. The environmental impact is assessed as part of the determination process and has been reported upon in the main body of this document.

Brief summary of issue raised:

Comments about vehicle access to the site and traffic movements on local roads.

Environment Agency comment:

These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process except where there are established high background concentrations contributing to poor air quality and the increased level of traffic might be significant in these limited circumstances.

Brief summary of issues raised:

Concern over whether the current planning permission, including extensions, could be changed in the future.

Summary of actions taken:

Land use and changes to existing planning permissions are matters for the planning system and do not form part of the Environmental Permit decision making process except where a variation to the environmental permit would also be required. We would assess such an application and would only grant a variation if we were satisfied that it would not cause a significant impact.

Brief summary of issues raised:

- Concern over the visual impact of the site;
- Concern over damage, general downgrading of the area including damage to the economy and house prices and tourism;
- The need for and size of the facility was questioned;
- 

Environment Agency comment:

These are relevant considerations for the grant of planning permission, but do not form part of the Environmental Permit decision making process.

## Annex 1. Glossary of acronyms used in this document

AMC	Accident Management Plan
BAT	Best Available Technique(s)
BAT-AEL	BAT Associated Emission Level
BREF	Best Available Techniques (BAT) Reference Documents
BAT C	BAT conclusions
CROW	Countryside and rights of way Act 2000
CV	Calorific value
DAA	Directly associated activity – Additional activities necessary to be carried out to allow the principal activity to be carried out
DD	Decision document
EAL	Environmental assessment level
ELV	Emission limit value
EMAS	EU Eco Management and Audit Scheme
EMS	Environmental Management System
EPR	Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No. 1154) as amended
EQS	Environmental Quality Standard
ES	Environmental standard
EWC	European waste catalogue
FPP	Fire prevention plan
GWP	Global Warming Potential
IED	Industrial Emissions Directive (2010/75/EU)
LNR	Local nature reserve
MCERTS	Monitoring Certification Scheme

MRF	Materials Recycling Facility
NO <sub>x</sub>	Oxides of nitrogen (NO plus NO <sub>2</sub> expressed as NO <sub>2</sub> )
PC	Process Contribution
PHE	Public Health England (now UKHSA – UK Health Security Agency)
PPS	Public participation statement
PR	Public register
RDF	Refuse derived fuel
RGN	Regulatory Guidance Note
SAC	Special Area of Conservation
SHPI(s)	Site(s) of High Public Interest
SPA(s)	Special Protection Area(s)
SSSI(s)	Site(s) of Special Scientific Interest
TOC	Total Organic Carbon
UKHSA	UK Health Security Agency
WFD	Waste Framework Directive (2008/98/EC)