



Eye Open Windrow Composting Facility - Eye Landfill Site, Eye, Peterborough

Bespoke Permit Application (re-submission)

1. Introduction:

Biffa submitted a standard rules permit (SRP) application (EPR/LB3300CD/A001) on 8 March 2022 to operate an Open Windrow Composting Facility (OWCF) under standard rules set SR2021 No1: *composting in open systems – installations*. The SRP application was allocated to Permitting Officer Laura Lang on 23 February 2023, and following the Environment Agency ecological and habitats screening we were advised to either withdraw the application with a full refund or the application would be returned to us within 3 days due to the proposed location not being screened out.

The Permitting Officer sincerely apologised for the delays caused by the National Work queues and she advised that once we resubmit the application to flag it and NPS will endeavour to duly make and determine it as soon as possible. **Please see Appendix 1.**

As advised Biffa did request withdrawal of the SRP application and we have since received a full refund of the application fee.

An updated bespoke permit application was re-submitted to PSC on Wednesday 17th May, along with the BACS payment for a bespoke application fee of £12,864.00.

2. Standard Rules Application (now withdrawn):

Biffa submitted a SRP application (EPR/LB3300CD/A001) on 8 March 2022 to operate an Open Windrow Composting Facility (OWCF) under standard rules set SR2021 No1: *composting in open systems – installations*.

The SRP application approach was taken following pre-application advice which included the Environment Agency pre-application Nature and Heritage Conservation Screening Report (EPR/AP30894ES/V002 dated 27 April 2021) that identified the following:

- Protected habitats – Fens (<50m), Natural England; and
- Protected species – Water Vole (<250m), Local Records Centre (LRC)

On this basis, the EA indicated that the Facility would not meet the criteria for a standard rules permit, although accepted that it could on the basis of site-specific review and ecological survey.

Following the screening process, further ecological appraisal was undertaken as part of the SRP application, and the OWCF was redesigned so that it is outside of the screening radius for these habitats.

Our view is the Environment Agency's screening process screens in fenland and protected species habitat that are simply not present on the ground within the screening criteria distances. The SRP application did describe this, but the SRP



application was not processed by the Environment Agency far enough for this to be realised.

Biffa had a similar issue with a standard rules composting facility at Meece in 2018, at which time part of the adjoining landfill had been screened as ancient or protected woodland, which was incorrect. At the time, we understand that this was screened out through the permit consultation process, which was used to amend the designation of the relevant area, meaning that a standard rules permit was then issued – EPR/AP3906PS/A001, as standard rules 2012 No 8. In this case, the application was submitted as bespoke following withdrawal of an earlier standard rules application but was issued as standard rules after the change in designation relating to both woodland and newt habitats which had been translocated. This approach was fully documented in the permit decision document at the time. A copy is provided in Appendix 3.

The following extract is taken from the March 2022 Supporting Statement (ref: 21451275.611/A.1 prepared on behalf of Biffa by Golder a member of WSP Group:

3.2 Part B1: Standard Facilities Permit

3.2.1 Section 1: About the Permit

In April 2021, Biffa prepared a pre-application scoping document (Biffa, 2021). That document presented details of the Site location, planning and permitting history, the proposed development, and the potential permit application scenarios. That document was sent to the EA to seek formal pre-application advice in relation to the permit application for the Facility.

The EA subsequently provided a pre-application Nature and Heritage Conservation Screening Report (EPR/AP3094ES/V002, dated 27 April 2021) that identified the following:

- Protected habitats – Fens (<50 m), Natural England; and
- Protected species – Water Vole (<250 m), Local Records Centre (LRC).

On this basis, the EA indicated that the Facility does *not* meet the criteria for a standard rules permit, although accepted that it could on the basis of site-specific review and ecological survey. Further surveys and information about the ecological sensitivities in the area have since been obtained and amendments to the Facility design have been made to bring the requirements in line with the criteria for Standard Rules. Further information is presented in Section 4.0.

- Section 4.0 of the Supporting Statement of the March 2022 Standard Rules application included the Habitats Risk Assessment which referred to the Preliminary Ecological Appraisal included within the Planning Application but was also included as an appendix to the SPP application. It was concluded in the report that the OWCF development will not damage the interests of the SSSIs, SAC, SPA and LNRs.

3. Bespoke Application (re-submission)

A bespoke permit application was submitted to PSC on Wednesday 17th May 2023, along with the BACS payment for the bespoke application fee of £12,864.00.

An overview of the key areas considered within Section 1.2 of the April 2023 Supporting Statement (ref: 21451274.641/A.0) are summarised below:

- Includes further details and background as to why the site specific environmental setting did not match the Agency's Nature and Heritage Screening Report and much of the area identified for protected species and habitats were actually operational areas of the site.
- Refers to previous works linked to the management and creation of the Wildlife Corridor.
- Provides an overview of targeted ecological surveys and refers to the Preliminary Ecological Appraisal that was originally submitted under the Standard Rules Permit application, see extract below:

As advised by the EA as a result of its Screening Report (April 2021), a Preliminary Ecological Appraisal was submitted with the Application for a Standard Rules Permit to address the ecological sensitivities as follows:

- Section 2.2.2 describes the historical development of the site and the significant ecological enhancement and management that Biffa is carrying out.
- Section 3.2 describes that the Fenland Habitat noted by the EA screening actually includes: (1) Southern Extension Landfill Cells 1 to 8; (2) Miscanthus Beds (used for Leachate treatment); (3) Area 1 (historic landfill); (4) Cemex's former sand and gravel operations; and (5) Silt lagoons. The Fenland Habitat noted by the EA screening correctly excludes (1) Site reception, haul road and skip park; and (3) Area around a pond to the north of Recycling Shed.
- Section 3.4 provides a Protected Species Assessment.
- Section 4.3.3 acknowledges that numerous records of water vole are presented in the desk study results, noting that many of these results were submitted by Biffa as part of the extensive monitoring and licenced translocation of water vole that has taken place at the Site as a whole:
 - The Wildlife Corridor has been used as a water vole habitat creation area to receive the water vole and viable populations of this species continue to reside in this area. The Wildlife Corridor is >450 m away to the east;
 - The Southern Extension Area is today an operational landfill, nearing completion and does not contain aquatic habitats suitable for water vole and this species is certain not to be adversely affected by the OWC Composting Facility. As such, water vole is not considered further; and
 - The Eyebury Road Pits is a County Wildlife Site (CWS) and was locally mapped in the appraisal. The OWC pad is designed and configured to be >50 m away.

Based on advice from the Permitting Officer, Biffa has updated the previous SRP application, the following extract is taken from the April 2023 Supporting Statement (ref: 21451274.641/A.0). This includes a summary of why the Environment Agency advised that it was unable to determine our SRP application and also includes details of which areas of the bespoke application have now been updated.



Nevertheless, having initially assessed the application, the EA advised (in March 2023) that it was unable to grant a Standard Rules Permit and advised/noted the following:

- Biffa should treat it as a new bespoke permit application with permitting forms and supporting documents as required and the bespoke fee;
- More careful consideration is required for the habitat/species in relation to the composting activity ensuring detailed risk assessments and a Habitats Management Plan to assess and incorporate into the permit conditions/tables;
- To detail how operations will be carried out and how that will result in the maintenance of (and hopeful increase) of biodiversity and value retained or created;
- The EA notes that Biffa mentions ecological mitigation written into planning, if so mention this so we avoid dual regulation assessment; and
- The EA's aim to safeguard a remnant population of coded species by enhancing the condition of habitats around the operation and to compensate for any residual negative effects arising from composting activity. The EA refers to coded species in emails and requests Biffa to do the same in-case correspondence ends up on public register.

Whilst the EA databases do not allow the EA to screen successfully against the criteria for Standard Rules, Biffa considers that it has demonstrated that the screening criteria apply based on its site-specific assessment of conditions. Biffa went to significant efforts to design the OWC pad, and site-specific assessments and other details were prepared to accompany the application aiming to demonstrate this.

Following subsequent discussions and clarifications with the EA, it has been agreed that the application should be re-submitted as a Bespoke Permit Application with the existing assessments, and information set out in this introduction.

Within this re-submission of the Permit Application, the following updates have therefore been made:

- Provision of Environmental Permit forms A, C2, C3 and F1, required for a Bespoke Permit Application;
- Amendments to the Supporting Statement to provide this Introduction and inclusion of information required by the forms; and
- Payment of fee for a Bespoke Permit Application.

All other documents remain valid and are therefore unchanged, including references to the Standard Rules Criteria.

Biffa requests that the EA continue to consider whether Standard Rules Permit conditions apply on the basis of the site-specific information provided, or a bespoke permit is required.

4. Application Fast Tracking

Prior to the withdrawal of the Standard Rules Application we were advised by the Permitting Officer that upon resubmission of the application we should flag it with NPS see Appendix 1. Biffa has regular liaison meetings with NPS so we also discussed with Martin Jenkins the prioritisation of the bespoke application for allocation and duly making assessment. A copy of this email dialogue is included within Appendix 2.



5. Conclusion

The SRP application was originally submitted on 8 March 2022 and it took approximately 11 months to allocate this to a permitting officer, upon which we were advised that the application would be returned in 3 days if we did not request it being withdrawn. Biffa did formally request the withdrawal of the SRP application and confirmation was received on 2 March 2023 from PSC.

In discussion with the Environment Agency Biffa has been encouraged to flag when the bespoke application has been submitted, so NPS can endeavour to duly make and determine it as soon as possible. As such we can confirm that the bespoke application was submitted on 17 May 2023.

Biffa needs to develop an open windrow composting facility at Eye to enable us to bid for Peterborough City Council's garden waste treatment contract when it next goes out to tender. Due to Eye's location we hope we would be able to offer an efficient and sustainable treatment point for the Council's RCV fleet by offering a direct delivery option for the Council's segregated garden waste.

As more local authorities are guided by the segregated food element within the Government's Resources and Waste strategy, we forecast that there will be demand for more open windrow composting options for segregated garden waste as current local authorities who commingle their organic waste move to separate organic waste streams and associated treatment requirements. We hope to be able to offer authorities in the region a solution for their garden waste treatment requirements at Eye OWCF.

The use of peat for domestic gardening use will be banned in the UK from 2024. With this in mind, Biffa are currently investing in our PAS100 certified, peat free compost product which is produced from the treatment of municipal garden waste at our open windrow composting sites. Biffa would like to develop an open windrow composting site at Eye to ensure this product will be available for the local market in and around Peterborough and have the ability to donate this product to local, sustainable landscaping and horticultural projects.

Biffa accordingly is requesting the prioritisation of the permit application in order to support our environmental strategy through the development of green sustainable waste treatment processes, like the proposed OWCF at Eye.



APPENDICES

Appendix 1: Email from Laura Lang to Neil Sumner dated 23 February 2023 (attached separately)

Appendix 2: Email exchanges between Martin Jenkins and Neil Sumner (attached separately)

Appendix 3: Meece Composting Facility EPR/AP3906PS Decision Document issue date 18 August 2020 (attached separately)