

Permitting Decisions- Variation

We have decided to grant the variation for Rookery Pit Energy Recovery Facility operated by Encyclis Limited.

The variation number is EPR/WP3234DY/V005

The permit was issued on 08/03/2024

This Application is to operate an installation which is subject principally to the Industrial Emissions Directive (IED).

The variation is to increase the permitted plant capacity to 657,000 tonnes/year based on continuous operation of the facility at full capacity. The proposed change is based on the original permit.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision-making process. It

- highlights key issues in the determination
- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decisions

Emissions to air

The operation of the facility is based on the original application which has already been assessed following our guidance [Air emissions risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit), detailed in document “Air Quality Assessment (Ref: S2118-0200-0001EH)” dated November 2016. This assessment is based on full capacity of the operation which applies to this application. We are satisfied that there are no changes affecting air quality as a result of this variation.

Emissions to water

The operator has stated in the original application section 2.4.3 of the document “Rookery South ERF – Supporting document (Ref: S2118-0320-0008JRS)” dated November 2016 that waste waters from the process will be collected and re-utilized. We are satisfied that there are no changes to emissions to water as a result of this variation.

Residue production

The operator has stated that the arrangements for the storage and handling of residues will remain unchanged as a result of increased capacity. Metals recovery is not proposed at the facility and any residual metals within the incoming waste will be recovered off-site by IBA processor. We are satisfied that residue from the installation will be disposed of using a method that minimises any impact on the environment.

Raw materials

The operator has stated the estimated increase in the consumption of raw materials detailed in the document “Non-technical summary (ref: S4010-0320-0001JRS)” dated October 2023. We are satisfied that the arrangements and handling of raw materials will not change as a result of this variation.

Energy efficiency

We are satisfied that the electrical generation capacity of the facility will not change.

Odour

We are satisfied that odour impacts will not change as a result of this variation.

Noise and Vibration

We are satisfied that noise and vibration impacts will not change as a result of this application.

Decision considerations

Confidential information

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

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1' and guidance on waste recovery plans and permits.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

Fire prevention plan

We haven't requested a Fire Prevention Plan at this time, but we will request one in the future if we consider the site poses a risk of fire.

We do not consider the fire risk to be increasing as part of this variation.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

Monitoring has not changed as a result of this variation.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

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

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.