

Frequently asked questions and answers relating to the ONNU permit application

Why is planning consent *and* an environmental permit needed to operate the proposed facility?

The legislation relating to planning and environmental permits seek to control different matters. Planning is whether the use of the land is acceptable with regards to planning policies adopted by the planning authority, whilst the permit is whether the proposed plant can operate within the legal controls relating to emissions from its operation. They are mutually exclusive in that a permit may be issued even if planning consent has not been given. Good practice is that applications for both are made in parallel as there are crossovers. For example, the height of chimneys may be necessary for pollution dispersion and acceptable for aesthetic considerations under planning.

Guidance states that the planning consent should not seek to duplicate matters controlled under the permit regime and should assume that compliance with permits will be enforced.

What matters are considered in issuing a permit?

From the information provided can the operator demonstrate that the plant can be operated within the statutory guidance and emissions limits as detailed in Schedule 13 Environmental Permitting (England & Wales) Regulations 2016 and guidance issued under it. Where specific controls are not identified within the guidance the operator is required in addition, to manage all aspects of the environmental impact of the operation through an Environmental Management System.

Matters that the permit would require control over are:

1. Emissions to air from processes.
2. Noise from site activities
3. Air quality and odour emissions
4. Emissions from site to water and sewer.
5. Management and disposal of wastes from processes
6. Energy efficiency in the processes
7. Management of water

What matters are not considered as part of the environmental permit application as opposed to planning?

1. Transport noise on roads.
2. Road safety matters including weight limits and accident concerns.
3. Water supply concerns.
4. Compliance with Mineral and Waste Local Plans.
5. Contaminated land.
6. Impact on Tourism/Commercial undertakings
7. Possible future uses of the site including changes in waste- This would require new applications and variations of an issued permit.
8. Hours of operation and deliveries.
9. Impact of issuing a permit as a precedence for other sites.

Why was an odour assessment submitted with the planning and not the permit application?

The applicant will be asked to submit the odour report officially as part of the permit application.

Won't the site burn chicken manure?

The list of wastes that the applicant has submitted and will be detailed within any permit if issued, does not include the Waste Codes for chicken manure or waste. To commercially treat this material a further application to vary the permit would have to be submitted. This would require supporting information to ensure that the site could comply with the required emission limits and controls. This would be again subject to public consultation along with other relevant enforcing agencies. If satisfied, the Council would have to then issue a Variation Notice to allow this material to be used on site.

How is the permit enforced?

Once the permit is issued the Council undertakes a Risk Assessment of the operator and site and an inspection frequency is determined depending on the risks potentially arising from the operation. This also takes into account any complaints relating to the premises and confidence in the systems and performance of the operator. High confidence in the ability of the operator to manage the operation in full compliance would result in less frequent inspections and vice versa. If during inspections by specialist officers, contraventions of the permit are observed, then a range of enforcement is available from written instructions through formal notices, prosecutions and ultimately revocation of the permit preventing the process from operating.