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## Statement of Reasons and Decision Notice

By Andrew Pitts, Assistant Director, Neighbourhoods

**Determination Date:** Thursday 28<sup>th</sup> November 2024

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Application Ref: S13/006

Site address: Calder Valley Skip Hire Ltd.  
Belmont Recycling Centre  
Rochdale Road  
Sowerby Bridge  
West Yorkshire  
HX6 3LL

Application type: Environmental Permit for a Small Waste Incineration Plant

The application was made under the provisions of Schedule 13 of the Environmental Permitting (England and Wales Regulations) 2016.

The site is located within the jurisdiction of Calderdale Metropolitan Borough Council.

The application was received on 26<sup>th</sup> January 2024 and was duly made on 5<sup>th</sup> February 2024.

Three consultations have taken place, dated between 26<sup>th</sup> February and 1<sup>st</sup> April 2024, 23<sup>rd</sup> May and 6<sup>th</sup> June 2024, and 14<sup>th</sup> October 2024 and 4<sup>th</sup> November 2024. A total of 1130 consultation responses were received. All were published on the Council's website.

The application for which this determination is necessary is for a Small Waste Incineration Plant at Calder Valley Skip Hire Ltd., Rochdale Road, Sowerby Bridge, West Yorkshire, HX6 3LL.

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## Statement of Reasons

### Summary of Decision

The application for a Small Waste Incineration Plant at Calder Valley Skip Hire Ltd's Belmont Recycling Centre premises, at Rochdale Road, Sowerby Bridge, West Yorkshire, HX6 3LL, is **approved** subject to permit conditions.

## **Procedural matters**

In accordance with Directive 2010/75/EU of the European Parliament and of the Council (the Industrial Emissions Directive) and the Environmental Permitting Regulations (England and Wales) 2016, the Council is required to follow the relevant and required procedure when determining an environmental permit.

For the purpose of this determination, consideration was given to the “*Environmental permitting: Core guidance for the Environmental Permitting (England and Wales) Regulations 2016*”.

Paragraph 6.30 of the guidance describes that “the regulator must notify the applicant of its decision and the reasons for making the decision (see paragraph 17 of Part 1 of Schedule 5). The determination must also be published on the regulator’s website. Applicants must be informed of their rights of appeal.”

With regard to determination, paragraph 7.1 of the Core guidance also describes that “the regulator must decide whether to grant or refuse the proposal in an application and, where applicable, what permit conditions to impose” and “for all applications made under the EPR, the regulator must ensure that its determination delivers all relevant statutory requirements and provides the required level of protection to the environment. (paragraph 7.2).

I acknowledge the history of the applications for a SWIP for this premises. In particular, I note the outcomes of both the judicial review and the appeal that were concluded previously. I also note the content of the many consultation submissions that the Council received during each of the consultation phases.

## **Main Issues**

The main issue is to determine whether or not the application for a Small Waste Incineration Plant should be approved or not by the Council.

## **Statutory Parties or Interested Persons**

A number of representations have been made by public body consultees. Full details of the comments can be found on the application website at:

[Calder Valley Skip Hire \(CVSH\) | Calderdale Council](#)

All written representations have been considered before making the decision here.

## **Reasons**

The Applicant seeks approval of the environmental permit for the Small Waste Incineration Plant.

The Applicant has provided information regarding the SWIP and its use, including modelled data considering the key pollutants and the potential impacts on human and environmental health.

The application process has included an assessment of the environmental risk of the proposals including the risk under both normal and abnormal operating conditions. The Council is satisfied that the operator's assessment of the risk is sufficiently robust. The application and the adequacy of the impact assessment including whether the control measures proposed by the operator are appropriate for mitigating their risks and their potential impact has been assessed.

I note that there were consultation submissions and consequent Requests for Information Notices served upon Calder Valley Skip Hire. Consultation serves to inform the public (and other interested parties) so that they can make informed comments to the regulator, allowing the regulator to make better decisions.

Regulators must take into consideration any representations made by consultees during the period stipulated for the consultation.

The 2016 Regulations require consultation of the public on some permit applications but do not prescribe the methods of consultation. This allows proportionate and flexible approaches to public consultation to be developed by the regulators.

I note that there were key issues raised during the consultation, and they comprise:

That the air quality modelling used by the applicant considers data obtained from weather stations at Bingley, Bradford, and Leeds-Bradford Airport, Yeadon, Leeds is too distant to the applicant's premises location. It has been suggested that the data in Bingley and Yeadon does not reflect the topographical location. However, these locations are the nearest reliable data sources that can be used for the application consideration, and as such, it is appropriate to do so. To use other data sources would require data collection for a period of three to five years, which exceeds the scope of the determination deadline. Whilst this could be a grounds for potential refusal, it is not sufficient for the Council to either fail to determine the application or refuse it on that basis.

The burn rate being excessive if it is included as a permit condition in the draft Permit at a rate of two tonnes per hour. The application seeks a permit which would allow a burn rate of 10,000 tonnes per annum, at a rate of up to two tonnes per hour. The information provided in the application was based on calculations made on a burn rate of 1 tonne per hour. The 2<sup>nd</sup> request for information notice (RFI) served on Calder Valley Skip Hire Ltd sought to ascertain technical specifications to confirm compliance with the Industrial Emissions Directive with a burn rate of up to 2 tonnes per hour. It is the Council's opinion that Calder Valley Skip Hire failed to provide sufficient information to demonstrate this.

The Council approves the application because:

- The regulator has reason to believe that the operator is competent to run the regulated facility in accordance with the permit.
- The environmental impact has been identified and is likely to be managed and is therefore acceptable.

- The information provided by the applicant provides a reasonable basis to determine the permit conditions, considering the operator's responses to requests for more information.
- The requirements of relevant EU Directives can be met.

## Decision Notice

### Reference S13006

The application for a Small Waste Incineration Plant at Calder Valley Skip Hire's Rochdale Road, Sowerby Bridge premises, is **APPROVED**.

This is because there is no legal or technical basis which would enable the Council to determine otherwise.

### Informatives:

*In determining this application, the Council has had regard to*

*The decision of the appointed person (acting on behalf of the Council) on an application under the provisions of the Environmental Permitting (England and Wales) Regulations 2016 (the Regulations) is final. An application to the Secretary of State is the only way in which the decision made on an application under the Regulations can be challenged by the applicant. An application to appeal the determination must be made within six months of the date of the decision.*

*These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek independent legal advice before taking any action.*

*The Applicant should note that this decision only applies to the approval for the Small Waste Incineration Plant. Any other conditions and/or consents or permissions which may be required under planning, building control or other legislation will still need the relevant and appropriate approvals.*

**\*\*\* END OF INFORMATIVES \*\*\***