



Bassetlaw

DISTRICT COUNCIL

— North Nottinghamshire —

Update Misson Parish Council 12th August 2020

We would like to take this opportunity to provide an update with regards to the construction of the refill area building enclosure at Tunnel Tech North in line with condition 9 of the Environmental Permit Reference: PPC 39/20.

A site visit was made on 16th July where the full programme of work was detailed and provided to BDC. The project is progressing in line with the programme of works. A further site visit was made on 10th August and visits will continue at monthly intervals throughout the project. In addition, Tunnel Tech will provide monthly updates as different phases in the construction process are reached.

The steelwork had now arrived on site and work has started on erecting the main frame of the enclosure building (Picture attached) The erection of the frame should be completed by the end of August.

We would also like to take this opportunity to address some frequently raised questions regarding the site.

1. Could Bassetlaw District Council “shut the factory down” on health and safety grounds, environmental health grounds and being in breach of conditions of its permit?
 - BDC could not shut the factory down on health and safety grounds as BDC are not the enforcing authority for health and safety at the site. The Health and Safety Executive are the appropriate enforcing authority and their powers relate to health and safety at work, i.e. the health and safety of the employees.
 - The provisions within the Environmental Permitting Regulations do not permit the closure of the site based on current odour emissions. In addition, Bassetlaw District Council have been actively monitoring for Hydrogen Sulphide and Ammonia in line with concerns raised by the Parish Council. The results show that neither of these gases are present in significant concentrations in Misson, and there is no evidence that the concentrations would produce any negative health outcomes. Indeed our monitoring at the refill area at TTN show that the concentration of Ammonia and Hydrogen Sulphide are below the workplace safety limits set out in EH40/2005 'Workplace exposure limits'.
 - As works are progressing on site to construct a building that will enclose the refill area and biologically and chemically treat the odour any formal action taken at this time could delay this work due to the company potentially appealing any notice served.
2. Why can't statutory nuisance powers be used regarding the odour?

Part III of the Environmental Protection Act 1990 contains the statutory nuisance regime. The regime allows local authorities to tackle various specified types of pollution which are considered to be prejudicial to health or a nuisance. In order to avoid overlap with the



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permitting regime the statutory nuisance system is largely disapplied for installations regulated under these regimes. Unless the Secretary of State have granted consent under section 79 (10) an authority may not bring proceedings against specified nuisances where proceedings can be brought under the PPC regime. This is to avoid “double jeopardy”, the possibility of enforcement under two separate provisions.



We would like to stress that we will continue to monitor TTN monthly to ensure the project is completed on schedule. We will provide the Parish Council with a further update in the Autumn.