Frequently asked questions

Permit applications **Last updated: 10 September 2024**

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1. What is the Environment Agency's role?

As well as planning permission, an operator must get an Environmental Permit from us before they can run this type of facility.

We use permits, issued under the Environmental Permitting Regulations, to regulate many types of facilities. These permits have strict conditions to make sure the facilities will not cause significant pollution to the environment, or harm people's health.

When applying for a permit, the operator will provide detailed information on the type of facility; how it will be built and run and how it could affect the environment. We will only grant a permit if the operator applying has shown that the proposed facility meets the requirements of UK and European laws on how it will be designed and run. As stated above, we will not grant a permit if we believe it is likely to cause significant pollution to the environment or harm people's health.

When an application is submitted, we will be responsible for granting or refusing an environmental permit. If a permit is granted, we will set the conditions, and make sure the permit holders comply with them (see Q4 below).

What is the Environments Agency's role in human health protection?

In relation to the permitting of an incinerator, we have a key role to play in health protection because we have statutory responsibilities to safeguard human health through our regulatory duties. We are not health professionals so must work in partnership, by seeking advice from medical experts at the Department of Health and Health Protection Agency. We also consult Primary Care Trusts or Local Health Boards (as appropriate) on all incineration applications.

What is the Environment Agency's position on incineration?

We believe that incineration has a role in waste management. We believe that everyone needs to reduce waste, recycle more and dispose of the remainder in a safe and environmentally friendly way. - We support the 'waste hierarchy' as a general guide to selecting the best option for dealing with waste: reduce, re-use, recycle, recover, and dispose.

Why do we need incinerators, can't recycling be increased, eliminating the need?

Recycling can and should be increased. However, there will inevitably remain wastes that cannot be technically or economically reused or recycled. With declining landfill availability and landfill directive requirements alternatives are needed such as incineration or co-incineration to recover energy from residual wastes

2. What consultation takes place during permitting?

A facility can only begin treating waste on the condition that it has been granted both planning permission and an Environmental Permit. Once we receive an application, we are legally required to consider it, even if the site doesn't currently have planning permission.

Before determining a Bespoke Environmental Permit application, we consult with organisations such as Public Health England and members of the public, inviting them to make comments on the application.

Once we have decided on the application, if we intend to issue the permit, we will advertise our draft decision document. We will consider any further representations made at this point before we issue our final document.

What we will consider

We will ensure the following is considered in the permit determination process:

- Human and environment health is protected.
- It is designed and operated to meet stringent controls,
- The standards used in the design, maintenance and operation of the incinerator are those that prevent or minimise pollution, can be implemented effectively, are economically and technically viable and as good as or better than European standards.
- That there are plans in place on site to ensure that odour, noise, litter and vermin do not cause a nuisance.
- All residues and their impacts of them are kept to a minimum and recycled where possible.
- Monitoring of emissions takes place to demonstrate that the impact from the facility is not significant.
- Energy generated by waste incineration is recovered as much as possible.
- Any other local factors that you believe the Applicant has not considered in its permit application.

We examine whether the proposal, as described in the application, meets the requirements of the Regulations. The basic principle of these Regulations is that installations are operated in such a way that all appropriate preventative measures are taken against pollution, in particular through the application of best practice and no significant pollution is caused.

We review the design of the plant, how it will be operated, the emissions it will generate (to air, water and land), the wastes arising, how emissions will disperse in the local environment and whether they have any effect on people and natural habitats.

Where anything is unclear or if details are lacking, we will ask the applicant for further information and anything we find will be made publicly available.

Comments we can take account of during consultation:

- Relevant environmental regulatory requirements and technical standards.
- Information on local population and sensitive sites.
- Comments on whether the right process is being used for the activity - for example, whether the technology is the right one.
- The shape and use of the land around the site in terms of its potential impact, whether that impact is acceptable and what pollution control or abatement may be required.

- The impact of noise and odour from traffic on site.
- Permit conditions - by providing information that we have not been made aware of in the application, or by correcting incorrect information in the application (e.g. monitoring and techniques to control pollution).

Issues we can't consider during the permitting process:

- Issues beyond those in the relevant environmental regulations.
- Anything outside of the remit of the EPR; for example, the proposed location of the site, which is done by the local council via land use planning.
- Alternative locations and size for the proposed facility.
- Operational hours.
- The transport of waste to and from the site.
- How much waste is used and where it comes from.
- Whether a site should have a formal designation under the Habitats Directive or other conservation legislation.
- Whether the activity should be allowed or not as a matter of principle. For example, we won't consider whether wood gas or coal should be burnt to produce electricity; only that the options and environmental impact of wood has been considered. We will not consider whether a waste incinerator proposal should be turned into a sorting and recycle proposal, only that the incinerator options and effect have been considered.
- Land use issues when determining a permit application, even if changing the location of the activity would improve its environmental performance.
- The impact of noise and odour from traffic travelling to and from the site.
- Off-site traffic concerns
- The legally defined process we follow to determine a permit.
- The granting of a permit/variation if the operator can demonstrate that they can carry out the activity without significant risk to the environment or human health.

4. How do you regulate incinerators?

We regulate the performance of incinerators by:

- requiring continuous monitoring of the main pollutants for which limits are set and periodic monitoring for the other substances
- carrying out audits of the operator's procedures and methods for emissions monitoring
- carrying out annual check monitoring by independent contractors
- carrying out regular announced and unannounced inspections
- adding or changing conditions in the permit if required
- requiring operators to inform us if they exceed any of the emission limits in the permit, or if they fail to comply with any operating conditions
- investigating non-compliance with any condition of the permit
- taking enforcement action if needed, including issuing notices, prosecuting serious breaches or potentially revoking the permit

Data which we hold as a result of our regulation of the facility will be held on the Public Register, and can be requested by the public.

5. What would a permit cover?

The permit has legally binding conditions and requirements. These include:

- limits on emissions to air, water, sewer, land and groundwater and/or conditions to protect them
- minimum operating conditions, for example, for temperature, ash burn out
- total tonnages and types of waste which can be burned
- monitoring techniques, standards, frequencies and reporting requirements
- conditions to prevent fugitive emissions from raw materials and ash handling
- conditions to achieve control of noise emissions, accident prevention and energy efficiency
- management requirements, staff training and operating instructions
- notification of any breaches of emission limits and other incidents

6. Health

Any permit application would be required to contain detailed assessments of the impact of the emissions on the health of the local population. The assessments would use worst-case assumptions about emissions and exposure routes, and employ the latest methods based on current scientific thinking.

Published studies of the health of communities living near to modern municipal waste incinerators (for example, the DEFRA study Review of Environmental and Health Effects of Waste management: Municipal Solid Waste and Similar Wastes, 2004) concluded that acute impacts on health by inhalation of gases and fine particles would be very small, and that exposure to metals and dioxins would not pose a significant risk to health.

Also in support of the conclusions, Public Health England (formally known as the Health Protection Agency) has published a position statement on incineration of municipal solid waste that states "Modern, well managed waste incinerators will only make a very small contribution to background levels of air pollution provided they comply with modern regulatory requirements, such as the Waste Incineration Directive, they should contribute little to the concentrations of monitored pollutants in ambient air".

We review the assumptions, methodology and results of the assessments as part of our determination of the application. We will also seek the views of Public Health England on the assessments presented.

The actual effect on health depends on the levels of the pollutants which people are exposed to, the frequency and duration of exposure, and in some cases, the existing state of health of the people concerned.

Would I be exposed to pollution from the facility?

Using dispersion models, it is possible to predict where the plume from the incinerator will travel and where it will come to ground, taking into account different weather conditions. These models are able to predict the concentration of pollutants from the facility in the atmosphere on an hourly, daily or yearly basis. The applicant will be required to use computer dispersion models to estimate the effect of the emissions on local air quality. The results of the modelling, which would be required to be presented in detail in the environmental permit

application, would provide information on the potential impact from the proposed activity. They would also indicate overall levels of pollutants. This data, when combined with existing air quality, would be required to show that ay emissions would be within the air quality standards laid down in regulations.

As part of our determination of the application, we will review and validate the dispersion modelling which has been carried out by the applicant. Modern atmospheric dispersion models have been extensively tested to check whether the predictions given by the models match up with actual measurements. We would only accept well validated models used to predict effects from industrial processes that we regulate.