

Application to vary permit EPR/ GP3305LN: Beddington Energy Recovery Facility operated by Viridor Waste Management Limited

21 July 2023

'Minded to issue' consultation

Summary

- Viridor Waste Management Limited (Viridor) made an application to the Environment Agency to vary their permit, EPR/GP3305LN, for Beddington Energy Recovery Facility, Beddington Lane, Croydon.
- The application is to allow increased capacity of the energy recovery facility, along with other operational adjustments and the consolidation of two separate environmental permits, the permit for the waste transfer station and the energy recovery facility into a single environmental permit.
- Permit changes will include additional European Waste Catalogue (EWC) codes for the operation of the waste transfer station. These are for temporary storage and transfer only of hazardous and clinical wastes. These materials are not to be processed in the energy recovery facility.
- We closed our first public consultation on this permit variation application on 31 December 2022 and have been assessing the documents since then.
- We have carefully considered all the documents provided to us by Viridor as well as your consultation comments and cannot find any reason that would cause us to refuse the permit variation application.
- Based on the information we have it is likely that we will issue the permit variation to Viridor; this is called a 'minded to' decision.
- We would like you to read the draft permit variation document and draft decision document and send any comments by 1 September 2023 at 23.59.
- We will make our final decision once we have reviewed your comments.
- The comments we received in our first consultation have been addressed in our draft decision document.

Background

Beddington Energy Recovery Facility (ERF) is operated by Viridor Waste Management Limited and regulated by the Environment Agency under permit EPR/ GP3305LN. We regulate the site through a programme of regular inspections and audits, and it is the permit holder's responsibility to ensure they comply with the conditions set in their environmental permit. The site operator must implement appropriate measures to ensure that only the waste types listed in their permit are accepted onto site. We are only able to regulate against the conditions set in the permit.

We have reviewed all the comments you sent us, along with the documents submitted by Viridor, and have considered all the evidence very carefully. As part of this consideration, we have explored issues that you have told us are of concern to you, such as noise, odour, and air quality.

Concerns like these informed our decision on what further information to request from Viridor, in the form of Schedule 5 notices, and when we received this information, we made it available to you on our Citizen Space consultation portal. Based on the information we have we cannot find any reason to refuse this permit variation application.

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We are therefore 'minded to' issue this permit variation to Viridor. This means we may issue the permit variation based on what we know so far, but we have yet to make a final decision. Before we do, we would like you to read our draft permit and draft decision document and let us know if there is any further information you would like us to consider

The draft documents

We have written two documents: the draft decision document and the draft permit variation. The draft decision document explains our thought process and how we have taken on board the comments you sent us in the first consultation.

The draft permit variation outlines the conditions the operator would have to meet. In these documents we frequently say, 'we have decided'. This gives the impression that our mind is already made up, but as we have explained above, we have not yet done so. The language enables them to become the final documents with no more re-drafting than is necessary.

Further information on the permit application and details of how to take part in the consultation can be found at: <https://consult.environment-agency.gov.uk/psc/cr0-4td-viridor-south-london-ltd/>

How have we reached our decision so far?

We would only issue a permit variation if we were satisfied that Viridor has the appropriate systems in place to operate the energy from waste facility without causing harm to the environment or human health.

We have checked that the operator will use appropriate preventative measures to monitor and control issues such as odour, so that no significant pollution is caused. In doing this we have reviewed how the site will be operated, and whether it will have any impact on people living nearby and natural habitats.

We have also consulted with the UK Health Security Agency and the responses we received are included within the draft decision document. We understand that this may not be the news you were hoping for.

We are bound by the requirements of the Regulator's Code to grant permits and issue permit variations to operators, provided we cannot find any evidence that the building or operation of such a site may cause significant harm to the environment or to human health.

How long is the consultation period?

- Our normal consultation period is 4 weeks, but as with the first consultation, we will extend the period to 6 weeks to allow people further time to submit comments.

How will residents and stakeholders be made aware of the consultation?

- All relevant application documents, the draft varied permit and the decision document will be published on the gov.uk website for consultees to view. A special link has been created for this 'minded to issue' consultation and consultees can record any comments they wish to make via the gov.uk site.
- The link to the gov.uk site will be advertised in the local papers, and we will send the link to the South London Waste Partnership, leaders of the of the four London Boroughs, the Greater London Authority,

and local MPs. These recipients are free to pass on the consultation details to residents and constituents.

- We will use social media to promote the consultation.
- As part of the consultation process, we routinely consult other regulatory organisations such as Local Authorities, the Health & Safety Executive, the UK Health Security Agency and known local action groups.

What happens once the consultation closes?

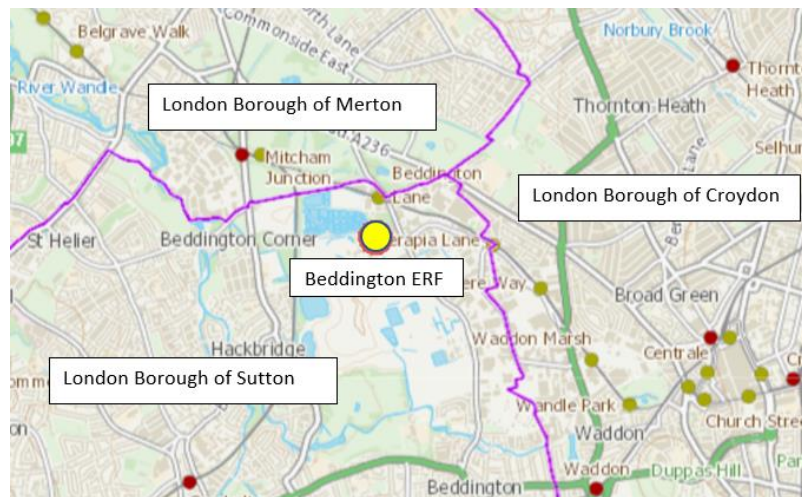
- Once the consultation has closed, we let people know. The Permitting Support Officer (PSO) will then determine (assess) the submissions to see whether there is any new information since the first consultation.
- The PSO will also discuss the consultation responses with the local regulatory officers who carry out the inspections at the facility.
- We will follow the same pattern and timescale as the initial consultation.

How will you assess any issues raised when reviewing feedback from the consultation?

- We consider all comments and feedback made in the consultation. We summarise the key issues into a decision document and explain how and why we reach a decision. The decision document will be made available to the public.

Can you consider vehicle movements to and from the site?

- The Environment Agency's principal legislation for regulating waste activities is the Environmental Permitting (England and Wales) Regulations 2016. These Regulations specifically preclude us, in paragraph 3(b) of Schedule 9, from "addressing nuisances and hazards arising from traffic beyond the site of a waste operation". Therefore, we cannot include conditions in our permits which address the volume of, or emissions from, traffic.
- Vehicle movements are specifically covered by planning legislation, which falls under the remit of the Local Authority, which we do not have any powers to enforce.
- The Environment Agency are a statutory consultee for planning purposes. This means local councils must consult us when considering any planning applications.
- Our comments on planning applications relate to environmental matters that we are responsible for reviewing.
- We only comment on planning applications and do not have a role in deciding them. The local council will make the final decision after considering our comments.



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