




Subject:

RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Date:

31 May 2024 13:32:00

Afternoon all,

I can confirm that the application can be Duly Made. The Duly Made date will be 16/05/2024 which is when we received clarification regarding the waste types.

Given the novelty of the activities, and the need for some clarity on how the proposed activities will interplay with the permitted activities currently onsite, there is the possibility that the applications fees paid will need reviewing. In the interests of not holding up the process any further, this can be done at determination.

I'm aware that Howard, Colin and Andy have been discussing carrying out the activities as a trial, under local agreement, in order to meet the March 2025 target. I would suggest that this route is further explored, with the operational permit variation ongoing in the background to enable the activities to be fully permitted for when the trial is successfully completed.

Many thanks

Simon

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hi Simon

Just as a comment I did discuss with the EA a pre-assessment but at the time as was advised that the waiting time was almost as long as the permit assessment and given one of our variations is now nearly 2 years in the process the delay was unfeasible. This was prior to the aid from DEZNEZ to speed up the process.

I have to say I'm concerned about the R+D route as at the end of the project any further development would then require a new permit and we then go back into the cycle of delay potentially without the support of DEZNEZ.

It would be useful to understand the issues that are causing the delay in being Duly Made

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Morning Theresa,

Whilst I understand the programme pressures it is also the case that it was only raised to us 2 weeks ago through DEZNEZ that the activity was a trial. We received an operational permit variation and therefore it was initially being assessed on this basis.

What we are doing at this time is essentially the process that we would have gone through during pre-application. The importance of the project is understood which has meant that we have not returned the application and signposted to pre-application.

What we are exploring is whether there is a legal mechanism by which the activities can indeed be carried out as a temporary R&D trial.

If the activities can be carried out as a temporary trial, an operational permit variation would not be required which would negate the need for a permit determination and significantly speed up the ability of the activities to commence, so it is very much worth exploring.

This decision making requires input from our area colleagues and, in the case of this application, conversations with our national technical leads. All of these conversations would have been held through a pre-application engagement, so we are playing catch-up with this.

I can reassure you that moving this forward is a priority. I will update you again as soon as I have a way forward, which is likely to be next week.

Many thanks,

Simon

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hi Simon

Thanks for your email, as programme lead I can confirm that all the projects under this NZIP programme are R & D. Could you update me on the progress because my concern is that time is short and the project has a finite time to complete the activities.

If you could get back to me today please that would be appreciated.

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Morning Theresa,

We are happy with the waste codes in that the proposal won't now be chapter IV plant. Separately, we have been contacted by DESNEZ about whether the activities are R&D so we are looking into whether that is an option.

I hope to have the most appropriate way forward confirmed today or early next week and will update this group asap.

Best regards,

Simon

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hi Simon

I am the programme manager for this programme and I am now back from leave and have followed this email thread. Could you update me on where you are with your deliberations since this is an important issue to get sorted out for this project and for the NZIP programme going forward which I am sure you know is one of the flagship programmes for achieving Net Zero by 2050. I look forward to hearing from you shortly.

Best wishes

Theresa

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hi Emma,

Many thanks for the update. I will review and provide a further update early next week.

Best regards,

Simon

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hello Simon

Thank you for your patience with regards our response.

Having re-visited the information, the materials under EWC 20 01 and 20 02 were a

hangover from the early development of the pyrolysis plant and the previous variation (which is still under consideration) and were never an input for the biochar demonstration unit and should have been removed – this is a drafting error. The inclusion of 19 12 12 was part of the project for the biochar demonstration plant but after discussion with DESNZ we have agreed that it is not necessary and the plant should be restricted to clean wood waste and clean biomass and this code should be removed.

As such, following discussion with DESNZ, we feel the following waste codes are more appropriate for operation of the pyrolysis plant:

- EWC 02 01 07: representing "wastes from forestry". This would fall under the definition of biomass in Article 3(31)(b)(i) as "vegetable waste from agriculture or forestry".
- EWC 03 01 05: representing "sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04". This would also fall under the definition of biomass in Article 3(31)(b)(v) as "wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating".
- EWC 15 01 03: representing "wooden packaging", which would fall under the definition of biomass in Article 3(31)(b)(v) as "wood waste".

We believe these materials correlate directly with the described exceptions in Chapter IV which means the IED does not apply for this plant.

Please let me know if you need further clarification.

Many thanks

Emma

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hi Simon

Understood will come back to you as soon as possible

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hi Andy,

Please do have that conversation. Would it be reasonable to hear back from you by the end of next week?

Just to clarify, we are not saying that those waste types won't be acceptable but Chapter IV will need to be considered if that's what you want to take.

As mentioned, if the application is returned, it would be very beneficial to engage with the enhanced [pre-application process](#) so that we can support you to ensure the smooth Duly Making and, ultimately, determination of the application.

We are aware of the background of the application and would again prioritise any resubmission.

Best regards,

Simon

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Hi Simon

Thanks for your response

As this is a government sponsored project and removing the waste codes will be a significant change to the operation I would appreciate a little time to seek their input as to how we proceed. The production of biochar from materials that otherwise would be landfilled or incinerated will be a significant player in reducing greenhouse gas emissions and sequestering carbon and I hope we can work together to achieve an acceptable framework for this demonstration unit for future development of the process.

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Afternoon Emma,

Following internal discussions, please see below for our position.

You have requested the inclusion of EWC 19 12 12, 20 01 08 and 20 02 01 to the proposed Pyrolysis activity.

These waste codes do not meet the criteria of the exclusions listed under point (b) of point 31 of Article 3 of Chapter IV of the IED. The proposed waste codes are sourced from the waste treatment industry or municipal wastes. In order to meet the exclusions, wastes are likely to need to fall under chapter 2 'wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing' of the European waste

catalogue.

Please advise if the waste codes in the application are correct. If the waste codes proposed are not correct, and should be coded as appropriate chapter 2 wastes, please advise.

If the proposed waste codes are correct, then you would need to consider the requirements of Chapter IV of the IED. Given the need for modelling in order to meet the requirements, and the time that it would take to complete this work, we would return the application in order to allow you to complete this. We would return the application fee in full, and not retain 20% of the fee as detailed in our guidance but we would strongly suggest engaging with our advanced pre-application process to help ensure that your re-submission contains the correct information in order to enable it to be Duly Made.

Best regards,

Simon

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Morning Simon

Please could you confirm that you received the correspondence below? After emailing and calling I have not received a response from yourself, and I'm aware of the due date, if you could please confirm that would be great.

Many thanks

Emma

Subject: RE: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Morning Simon

In response to your request for clarification please see the following.

The proposed process will process a limited number of sustainable biomasses into a bio-stable char, using pyrolysis. The composition of waste to be processed within the pyrolysis plant comprises those listed within the main permit application report, focusing on food waste AD.

Chapter IV of the IED states:

"This Chapter shall not apply to the following plants:

- (a) plants treating only the following wastes:*
- (i) waste listed in point (b) of point 31 of Article 3 [...]"*

Given the composition of wastes to be processed, the process falls within the wastes listed in point (b) of point 31 of Article 3, as highlighted above. This states:

“(31) ‘biomass’ means any of the following:

(a) products consisting of any vegetable matter from agriculture or forestry which can be used as a fuel for the purpose of recovering its energy content;

(b) the following waste:

(i) vegetable waste from agriculture and forestry;

(ii) vegetable waste from the food processing industry, if the heat generated is recovered;

(iii) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered;

(iv) cork waste;

(v) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating and which includes, in particular, such wood waste originating from construction and demolition waste;[...]”

Therefore, we believe Chapter IV does not apply to the proposed plant covered by the permit application.

We trust that this information provides clarity regarding your request, however, please let me know if you need anything further.

Many thanks

Emma

Subject: EPR/DP3134LK/V009 - CPL PRODUCTS LIMITED - IED clarification

Afternoon Colin,

Application reference: EPR/DP3134LK/V009

Operator: CPL PRODUCTS LIMITED

Facility: Immingham Briquetting Works EPR/DP3134LK, Western Access Road, Immingham Dock, DN40 2QR

In order for us to proceed with the Duly Making of this application we require the following clarification:

Please justify why the application has not considered the requirements of Chapter IV of the Industrial Emissions Directive (IED).

Detail: The proposed process involves combustion of the gas produced from the waste pyrolysis, therefore it is likely to mean that it is necessary to have considered IED Chapter IV and modelled to Chapter VI ELVs in the Air Quality assessment.

Please can you respond by 06/04/2024.

Many thanks

Simon

Simon Hunt

Senior Permitting Officer (Installations)