# Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016

## Consultation on our decision document recording our decision-making process

The Variation Number is: EPR/AP3304SZ/V002
The Applicant / Operator is: Powerfuel Portland Limited
The Installation is located at: Portland Energy Recovery Facility, Portland Port, Castletown, Portland, DT5 1PP

Consultation commences on: 19/06/2026
Consultation ends on: 31/07/2026

## What this document is about

This is a draft decision document, which accompanies a draft Variation Notice.

It explains how we have considered the Applicant's Application, and why we have included the specific conditions in the draft Variation Notice we are proposing to issue to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the Applicant's proposals.

The document is in draft at this stage because we have yet to make a final decision. Before we make this decision, we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully taking into account any relevant matter raised in the responses we receive. Our mind remains open at this stage. Although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any further information that may be provided that is relevant to the issues we have to consider. However, unless we receive information that leads us to alter the conditions in the draft Variation Notice, or to reject the Application altogether, we will issue the Variation Notice in its current form.

In this document we frequently say "we have decided". That gives the impression that our mind is already made up; but as we have explained above, we have not yet done so. The language we use enables this document to become the final decision document in due course with no more re-drafting than is absolutely necessary.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future. A lot of technical terms and acronyms are inevitable in a document of this nature: we provide a glossary of acronyms near the front of the document, for ease of reference.

## Preliminary information and use of terms

We gave the application the reference number EPR/AP3304SZ/V002. We refer to the application to vary the Permit as "the **Application**" in this document in order to be consistent.

The number we propose to give to the Variation Notice is EPR/AP3304SZ/V002. We refer to the proposed Variation Notice as "the **Variation Notice**" in this document.

The Application was duly made on 19th September 2025.

The Applicant is Powerfuel Portland Limited. We refer to Powerfuel Portland Limited as "the **Applicant**" in this document. Where we are talking about what would happen after the Variation Notice is issued (if that is our final decision), we call Powerfuel Portland Limited "the **Operator**".

Powerfuel Portland Limited's proposed facility is located at Portland Energy Recovery Facility, Incline Road, Portland, DT5 1DB. We refer to this as "the **Installation**" in this document.

# How this document is structured

## Contents

# Glossary of acronyms used in this document

(Please note that this glossary is standard for our decision documents and therefore not all these acronyms are necessarily used in this document.)

| | |
|---|---|
| AAD | Ambient Air Directive (2008/50/EC) |
| APC | Air Pollution Control |
| AQS | Air Quality Strategy |
| BAT | Best Available Technique(s) |
| BAT-AEL | BAT Associated Emission Level |
| BAT C | BAT conclusions |
| BREF | Best Available Techniques (BAT) Reference Documents for Waste Incineration |
| CEM | Continuous emissions monitor |
| CHP | Combined heat and power |
| COMEAP | Committee on the Medical Effects of Air Pollutants |
| CROW | Countryside and rights of way Act 2000 |
| CV | Calorific value |
| DAA | Directly associated activity – Additional activities necessary to be carried out to allow the principal activity to be carried out |
| DD | Decision document |
| EAL | Environmental assessment level |
| EIAD | Environmental Impact Assessment Directive (85/337/EEC) |
| ELV | Emission limit value |
| EMAS | EU Eco Management and Audit Scheme |
| EMS | Environmental Management System |
| EPR | Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No. 1154) as amended |
| EQS | Environmental Quality Standard |
| ES | Environmental standard |
| EWC | European waste catalogue |
| FGC | Flue gas cleaning |
| FPP | Fire prevention plan |
| FSA | Food Standards Agency |
| GWP | Global Warming Potential |
| HHRAP | Human Health Risk Assessment Protocol |
| HPA | Health Protection Agency (now UKHSA – UK Health Security Agency) |
| HRA | Human Rights Act 1998 |

| | |
|---|---|
| HW | Hazardous waste |
| HWI | Hazardous waste incinerator |
| IBA | Incinerator Bottom Ash |
| IED | Industrial Emissions Directive (2010/75/EU) |
| I-TEF | Toxic Equivalent Factors set out in Annex VI Part 2 of IED |
| I-TEQ | Toxic Equivalent Quotient calculated using I-TEF |
| LCV | Lower calorific value – also termed net calorific value |
| LfD | Landfill Directive (1999/31/EC) |
| LOI | Loss on Ignition |
| MBT | Mechanical biological treatment |
| MSW | Municipal Solid Waste |
| MWI | Municipal waste incinerator |
| NOx | Oxides of nitrogen (NO plus $NO_2$ expressed as $NO_2$) |
| OTNOC | Other than normal operating conditions |
| PAH | Polycyclic aromatic hydrocarbons |
| PC | Process Contribution |
| PCB | Polychlorinated biphenyls |
| PEC | Predicted Environmental Concentration |
| PHE | Public Health England (now UKHSA – UK Health Security Agency) |
| POP(s) | Persistent organic pollutant(s) |
| PPS | Public participation statement |
| PR | Public register |
| PXDD | Poly-halogenated di-benzo-p-dioxins |
| PXB | Poly-halogenated biphenyls |
| PXDF | Poly-halogenated di-benzo furans |
| RDF | Refuse derived fuel |
| RGN | Regulatory Guidance Note |
| SAC | Special Area of Conservation |
| SCR | Selective catalytic reduction |
| SHPI(s) | Site(s) of High Public Interest |
| SNCR | Selective non-catalytic reduction |
| SPA(s) | Special Protection Area(s) |

| | |
|---|---|
| SS | Sewage sludge |
| SSSI(s) | Site(s) of Special Scientific Interest |
| SWMA | Specified waste management activity |
| TDI | Tolerable daily intake |
| TEF | Toxic Equivalent Factors |
| TGN | Technical guidance note |
| TOC | Total Organic Carbon |
| UHV | Upper heating value –also termed gross calorific value |
| UN_ECE | United Nations Environmental Commission for Europe |
| US EPA | United States Environmental Protection Agency |
| WFD | Waste Framework Directive (2008/98/EC) |
| WHO | World Health Organisation |
| WID | Waste Incineration Directive (2000/76/EC) – now superseded by IED |

## Links to guidance documents

The table below provides links to the key guidance documents referred to in this document. The links were correct at the time of producing this document.

| Name of guidance document | Link |
|---|---|
| RGN 6: Determinations involving sites of high public interest | RGN 6 |
| CHP Ready Guidance for Combustion and Energy from Waste Power Plants | CHP ready |
| Risk assessments for your environmental permit | Risk assessments |
| Guidance to Applicants on Impact Assessment for Group 3 Metals Stack Releases – version 4". | Metals guide |
| The Incineration of Waste (EPR 5.01) | EPR 5.01 |
| Waste incineration BREF and BAT conclusions | BREF and BAT C |
| UKHSA: Municipal waste incinerators emissions: impact on health | UKHSA reports |

# 1 Our proposed decision

We are minded to issue the Variation to the Applicant. This will allow it to operate the Installation, subject to the conditions in the varied Permit.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

This Application is to vary the Permit to operate an installation which is subject principally to the Industrial Emissions Directive (IED).

The draft Variation Notice contains many conditions taken from our standard Environmental Permit template including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting (England and Wales) Regulations 2016 ("EPR") and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Variation, we have considered the Application and accepted that the details provided are sufficient and satisfactory to make use of the standard condition acceptable and appropriate. This document does, however, provide an explanation of our use of "tailor-made" or installation-specific conditions, or where our Permit template provides two or more options, an explanation of the reason(s) for choosing the option that has been specified.

# 2 How we reached our draft decision

## 2.1 Receipt of Application

The Application was duly made on 19th September 2025. This means we considered it was in the correct form and contained sufficient information for us to begin our determination but not that it necessarily contained all the information we would need to complete that determination: see section 2.3 below.

The Applicant made no claim for commercial confidentiality. We have not received any information in relation to the Application that appears to be confidential in relation to any party.

## 2.2 Consultation on the Application

We carried out consultation on the Application in accordance with the EPR, our statutory Public Participation Statement (PPS) and our own internal guidance RGN 6 for Determinations involving Sites of High Public Interest. RGN 6 was withdrawn as external guidance, but it is still relevant as Environment Agency internal guidance.

We consider that this process satisfies and frequently goes beyond the requirements of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which are directly incorporated into the IED, which applies to the Installation and the Application. We have also taken into account our obligations under the Local Democracy, Economic Development and Construction Act 2009 (particularly Section 23). This requires us, where we consider it appropriate, to take such steps as we consider appropriate to secure the involvement of representatives of interested persons in the exercise of our functions, by providing them with information, consulting them or involving them in any other way. In this case, we consider that our consultation already satisfies the requirements of the 2009 Act.

We advertised the Application by a notice placed on our website, which contained all the information required by the IED, including telling people where and when they could see a copy of the Application. We also placed an advertisement in the Dorset Echo on 5th November 2025 that contained the same information.

We made a copy of the Application and all other documents relevant to our determination available to view on Citizen Space on our website.

We made a copy of the Application and all other documents relevant to our determination available to view on our Public Register. Anyone wishing to see these documents could do so and arrange for copies to be made.

We sent copies of the Application to the following bodies, which includes those with whom we have “Working Together Agreements”:

- Dorset Council- Environmental Protection Department
- Dorset Council- Planning
- Dorset & Wiltshire Fire and Rescue
- Director of PH/UKHSA
- Health and Safety Executive
- Food Standards Agency
- Sewerage Authorities- Wessex Water
- National Grid
- Local Harbour and Port Authorities

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly. Note under our Working Together Agreement with Natural England, we only inform Natural England of the results of our assessment of the impact of the installation on designated Habitats sites.

Written comments were also accepted by the Environment Agency beyond the formal consultation period. Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 4. We have taken all relevant representations into consideration in reaching our draft determination.

We received a number of comments in response to our public consultation stating that the documents submitted with application EPR/AP3304SZ/A001 were not available to view on Citizen Space. We are consulting on the proposed changes to the Permit as a result of this variation Application and have provided the documents relevant to this Application. The decision document which details our assessment of the proposals submitted with application EPR/AP3304SZ/A001 is available on the public register as are all the documents relating to that application. We consider that the information submitted with this Application along with the information provided in response to the Schedule 5 Notice received on 2nd February 2026 is sufficient for our determination.

2.3 Requests for Further Information

Although we were able to consider the Application duly made, we required further information. Consequently, on 18th December 2025, we issued a Notice of request for more information ("the Notice") under Schedule 5 of the EPR 2016. A copy of the Notice and the response was placed on our public register. They were also made available to view on the consultation Citizen Space page listed in section 2.2 above.

Having carefully considered the Application and all other relevant information, we are now putting our draft decision before the public and other interested parties in the form of a draft Variation Notice, together with this explanatory document. As a result of this stage in the process, the public has been provided with all the information that is relevant to our determination, including the original Application and additional information obtained subsequently, and we have given the public two separate opportunities (including this one) to comment on the Application and its determination. Once again, we will consider all relevant representations we receive in response to this final consultation and will amend this explanatory document as appropriate to explain how we have done this, when we publish our final decision.

# 3 The legal framework

The Variation Notice will be issued, if appropriate, under Regulation 20 of the EPR 2016. The Environmental Permitting (England and Wales) Regulations 2016 is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* and a *waste incineration plant* as described by the IED;
- an *operation* covered by the Waste Framework Directive, and
- subject to aspects of other relevant legislation which also have to be addressed.

We address some of the major legal requirements directly where relevant in the body of this document. Other requirements are covered in section 7 towards the end of this document.

We consider that, if we issue the Variation, it will ensure that the operation of the Installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

# 4 The Installation

## 4.1 Description of the Installation and related issues

### 4.1.1 The permitted activities

The Installation is subject to the EPR because it carries out an activity listed in Part 1 of Schedule 1 to the EPR:

- Section 5.1 Part A(1)(b) – incineration of non-hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity of 3 tonnes or more per hour.

This Application includes an amendment in the permitted waste types accepted for incineration under the activity Section 5.1 Part A(1)(b). The proposed facility will incinerate Municipal Solid Waste (MSW) and Commercial and Industrial (C&I) non-hazardous waste. The additional waste types are specified in table S2.2 of the draft Variation Notice. There are no changes to the permitted waste quantities, the waste infrastructure, the operational hours of the Installation or the site boundary.

The additional waste types will be delivered by road and will be unloaded directly into the waste bunker. The waste bunker is located in the Waste Reception Area which is a fully enclosed building maintained under slight negative pressure to prevent odour, dust or litter escaping the building.

The storage capacity of the waste bunker is equivalent to up to 3 days of waste processing capacity.

A grab crane will transfer fuel from the waste storage bunker to the feed hopper of the combustion chamber. The grab will also be used to homogenise the incoming waste.

### 4.1.2 Key Issues in the Determination

The key issues arising during determination of the Application were:

- assessment of Best Available Techniques (BAT)
- assessment of the impact from emissions to air
- assessment of potential changes in noise, odour and fire risk

We describe how we determined these issues in greater detail in the body of this document.

## 4.2 Operation of the Installation – general issues

4.2.1 Accident management

An Accident Management Plan will form part of the Environmental Management System and must be in place prior to commissioning as required by Pre-Operational Condition, PO1.

The Applicant did not submit an updated Fire Prevention Plan (FPP) with the Application. We requested an updated FPP through a Schedule 5 Notice dated 18th December 2025. An updated FPP was submitted in response to our request on 2nd February 2026.

We are satisfied that the measures set out in the FPP are appropriate, in principle. We have set Pre-Operational Condition PO10 for this to be confirmed after the detailed design of the plant has been carried out. This includes confirmation of firewater provision, containment design and location of the quarantine area.

4.2.2 Operating techniques

Article 45(1) of the IED requires that the Permit must include a list of all types of waste which may be treated using at least the types of waste set out in the European Waste List established by Decision 2005/532/EC, EC, if possible, and containing information on the quantity of each type of waste, where appropriate. The Application contains a list of the additional waste types, coded by the European Waste Catalogue (EWC) number, which the Applicant will accept in the waste streams entering the plant and which the plant is capable of burning in an environmentally acceptable way. We have specified the permitted waste types, descriptions and where appropriate quantities which can be accepted at the installation in Table S2.2. There is no change to the maximum quantity of waste.

We are satisfied that the Applicant can accept the wastes contained in Table S2.2 of the Permit because: -

(i) these wastes are categorised as municipal waste in the European Waste Catalogue or are non-hazardous wastes similar in character to municipal waste;
(ii) the wastes are all categorised as non-hazardous in the European Waste Catalogue and are capable of being safely burnt at the Installation.
(iii) these wastes are likely to be within the design calorific value (CV) range for the plant;
(iv) these wastes are unlikely to contain harmful components that cannot be safely processed at the Installation.

Conditions 2.3.5 and 2.3.6 of the Variation Notice restrict the receipt of separately collected fractions.

The Installation will be designed, constructed and operated using BAT for the incineration of the permitted wastes. We are satisfied that the operating and abatement techniques are BAT for incinerating these types of waste. Our assessment of BAT is set out later in this document.

4.2.3 Avoidance, recovery or disposal with minimal environmental impact of wastes produced by the permitted activities

This requirement addresses wastes produced at the Installation and does not apply to the waste being treated there. The principal waste streams the Installation will produce are Incinerator Bottom Ash ("IBA") and Air Pollution Control (APC) residues and this has not changed as a result of the Application.

The first objective is to avoid producing waste at all. Waste production will be avoided by achieving a high degree of burnout of the ash in the furnace, which results in a material that is both reduced in volume and in chemical reactivity. Condition 3.1.3 and associated Table S3.5 specify limits for Total Organic Carbon ("TOC") of <3% or Loss On Ignition ("LOI") of <5% in bottom ash. Compliance with this limit will demonstrate that good combustion control and waste burnout is being achieved in the furnaces and waste generation is being avoided where practicable.

IBA will normally be classified as non-hazardous waste. However, IBA is classified on the European List of Wastes as a "mirror entry", which means IBA is a hazardous waste if it possesses a hazardous property relating to the content of dangerous substances. Monitoring of IBA at the Installation will be carried out in accordance with the requirements of Article 53(3) of IED. Classification of IBA for its subsequent use or disposal is controlled by other legislation and so is not duplicated within the Permit.

APC residues from flue gas treatment are hazardous waste and therefore must be sent for disposal to a landfill site permitted to accept hazardous waste, or to an appropriately permitted facility for hazardous waste treatment. The amount of APC residues is minimised through optimising the performance of the air emissions abatement plant.

In order to ensure that the IBA residues are adequately characterised, Pre-Operational Condition PO3 requires the Operator to provide a written plan for approval detailing the IBA sampling protocols. Table S3.5 requires the Operator to carry out an ongoing programme of monitoring. These requirements have not changed as a result of the Application.

Bottom ash will be transported off-site to a suitably licensed waste treatment facility for recovery/disposal. There will be no bottom ash treatment undertaken at the Installation.

The Applicant does not expect the quantities of IBA or APC residues to significantly change as a result of the Application.

We are satisfied that waste from the Installation that cannot be recovered will be disposed of using a method that minimises any impact on the environment. Standard condition 1.4.1 will ensure that this position is maintained.

# 5 Minimising the Installation's environmental impact

Consideration has been given to the potential different types of risk to the environment as a result of the Application. These include odour, noise and vibration, fugitive emissions to air and water as well as point source releases to air and other environmental impacts. All these factors are discussed in this and section 6.4 of this document.

## 5.1 Assessment of Impact on Air Quality

The Applicant's assessment of the impact on air quality is set out in the Supporting Information document Revision 02 dated 19th September 2025 and the response to the Schedule 5 Notice dated 2nd February 2026. The assessment comprises a qualitative assessment of the impact on air quality as a result of the additional waste types.

The Applicant considers that the boiler has a thermal capacity of 69.8 MWth and combusts wastes with a nominal design Net Calorific Value (NCV) of 11MJ/kg. The boiler is designed to combust waste with an NCV of 9.5MJ/kg to 11.5MJ/kg. This will not change as a result of this variation. The Applicant has confirmed that the flue gas parameters and pollutant emission rates will remain unchanged from those in the air quality assessment and modelling submitted with application EPR/AP3304SZ/A001 which was based on a boiler with a thermal capacity of 69.8MWth. The Applicant has previously assessed the Installation's potential emissions to air against the relevant air quality standards and the potential impact upon local conservation and habitat sites and human health. The assumptions in the assessment were checked and were reasonably precautionary. The modelling predicted the peak level ground exposure to pollutants in ambient air and at discrete receptors. We conservatively assumed that the maximum concentrations occurred at the location of receptors. We were satisfied there would not be a significant impact from emissions to air when based on the maximum concentrations that represent the worst-case predictions.

Since the proposed change to the waste types to be accepted will not change the impact on emissions to air when combusted, we are satisfied that the Applicant's assessment of the impact on air quality submitted with application EPR/AP3304SZ/A001 is still valid following the variation Application and that a resubmission of the air quality assessment is not required.

The Applicant's modelling predictions and details of our audit can be found in the decision document for that application, available on the public register.

There are no changes to the emission limits or monitoring requirements set out in table S3.1 of the permit as a result of this Application.

# 6 Application of Best Available Techniques

There will be no changes to the technologies or approaches affecting the considerations which have previously been assessed by us and are detailed in application EPR/AP3304SZ/A001 and the decision document for that application.

However, we explain in the following sections how we have determined whether the Applicant's proposals are the Best Available Techniques for this Installation in the context of the variation Application and the additional waste types applied for.

## 6.1 Consideration of furnace type

The prime function of the furnace is to achieve maximum combustion of the waste. Chapter IV of the IED requires that the plant (furnace in this context) should be designed to deliver its requirements. The main requirements of Chapter IV in relation to the choice of a furnace are compliance with air emission limits for CO and TOC and achieving a low TOC/LOI level in the bottom ash.

The Applicant has proposed to use a furnace technology comprising a moving grate furnace which is considered BAT in the BREF or TGN for this type of waste feed. The Applicant previously concluded that moving grate was BAT primarily because of its robustness insofar as it can cope with large quantities of heterogeneous fuel. Moving grate is a robust and proven technology in the UK. It allows agitation of the waste, improving aeration and combustion. It can handle waste with a wide range of varying size, CV and moisture content and so is well suited to mixed waste.

Therefore, we consider that this furnace type is suitable to combust the wastes that are proposed in the Application and we are satisfied that this is BAT for the additional waste types.

## 6.2 BAT and emissions control

The prime function of flue gas treatment is to reduce the concentration of pollutants in the exhaust gas as far as practicable. The techniques which are described as BAT individually are targeted to remove specific pollutants, but the BREF notes that there is benefit from considering the Flue Gas Cleaning System (FGC) system as a whole unit. Individual units often interact, providing a primary abatement for some pollutants and an additional effect on others.

The emissions control measures proposed in application EPR/AP3304SZ/A001 include the following:

- fabric filters for the abatement of particulate matter
- low NOx burners, optimisation of primary and secondary air injection and SNCR to reduce NOx
- use of low sulphur fuels, management of the waste stream and a dry system with lime as a reagent for the control of acid gases, SOx, HCl and HF
- optimisation of combustion controls for the prevention and minimisation of carbon monoxide and volatile organic compounds (VOCs)
- optimisation of combustion controls (including combustion temperature and residence time), avoidance of de novo synthesis, effective removal of particulate matter and injection of activated carbon for the prevention and minimisation of emissions of dioxins and furans (and other POPs)
- effective particulate removal and injection of activated carbon for the prevention and minimisation of metal emissions

We are satisfied that the Applicant's proposals are BAT for the additional waste types and that no further controls are required.

### 6.3 BAT and POPs

The additional waste codes include wastes that may contain Persistent Organic Pollutants (POPs).

International action on Persistent Organic Pollutants (POPs) is required under the UN's Stockholm Convention, which entered into force in 2004. The EU implemented the Convention through the POPs Regulation (2019/1021), which is directly applicable in UK law. We are required by national POPs Regulations (SI 2007 No 3106) to give effect to Article 6(3) of the EC POPs Regulation when determining applications for environmental permits.

However, it needs to be borne in mind that this application is for a particular type of installation, namely a waste incinerator. The Stockholm Convention distinguishes between intentionally-produced and unintentionally-produced POPs. Intentionally-produced POPs are those used deliberately (mainly in the past) in agriculture (primarily as pesticides) and industry. Those intentionally-produced POPs are not relevant where waste incineration is concerned, as in fact high-temperature incineration is one of the prescribed methods for destroying POPs.

The unintentionally-produced POPs addressed by the Convention are:
- dioxins and furans;
- HCB (hexachlorobenzene)
- PCBs (polychlorobiphenyls) and
- PeCB (pentachlorobenzene)

The UK's national implementation plan for the Stockholm Convention, published in 2007, makes explicit that the relevant controls for unintentionally-produced POPs, such as might be produced by waste incineration, are delivered through the requirements of the IED. That would include an examination of BAT, including potential alternative techniques, with a view to preventing or minimising harmful emissions. These have been applied, as explained in the decision document for application EPR/AP3304SZ/A001, which explicitly addresses alternative techniques and BAT for the minimisation of emissions of dioxins. These measures are summarised in section 6.2 of this decision document. We are satisfied that the Applicant's proposals are BAT for the additional waste types and that no further controls are required.

Our legal obligation, under regulation 4(b) of the POPs Regulations, is, when considering an application for an environmental permit, to comply with article 6(3) of the POPs Regulation:

> "Member States shall, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III , give priority consideration to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of substances listed in Annex III, without prejudice to Directive 2010/75/EU of the European Parliament and of the Council"

The 1998 Protocol to the Convention recommended that unintentionally produced POPs should be controlled by imposing emission limits (e.g. 0.1 ng/$m^3$ for MWIs) and using BAT for incineration. UN Economic Commission for Europe (Executive Body for the Convention) (ECE-EB) produced BAT guidance for the parties to the Convention in 2009. This document considers various control techniques and concludes that primary measures involving management of feed material by reducing halogenated substances are not technically effective. This is not surprising because halogenated wastes still need to be disposed of and because POPs can be generated from relatively low concentrations of halogens. In summary, the successful control techniques for waste incinerators listed in the ECE-EB BAT are:

- maintaining furnace temperature of 850$^o$C and a combustion gas residence time of at least 2 seconds
- rapid cooling of flue gases to avoid the *de novo* reformation temperature range of 250-450$^o$C
- use of bag filters and the injection of activated carbon or coke to adsorb residual POPs components.

Using the methods listed above, the UN-ECE BAT document concludes that incinerators can achieve an emission concentration of 0.1 ng TEQ/$m^3$.

We believe that the Permit ensures that the formation and release of POPs will be prevented or minimised. As we explain above, high-temperature incineration is one of the prescribed methods for destroying POPs. Permit conditions are based on the use of BAT and Chapter IV of the IED and incorporate all the above requirements of the UN-ECE BAT guidance and

deliver the requirements of the Stockholm Convention in relation to unintentionally produced POPs.

The release of **dioxins and furans** to air is required by the IED to be assessed against the International Toxic Equivalence (I-TEQ) limit of 0.1 ng/m$^3$. Further development of the understanding of the harm caused by dioxins has resulted in the World Health Organisation (WHO) producing updated factors to calculate the WHO-TEQ value. Certain **PCBs** have structures which make them behave like dioxins (dioxin-like PCBs), and these also have toxic equivalence factors defined by the WHO to make them capable of being considered together with dioxins. The UK's independent health advisory committee, the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) has adopted WHO-TEQ values for both dioxins and dioxin-like PCBs in their review of Tolerable Daily Intake (TDI) criteria. The Permit requires that, in addition to the requirements of the IED, the WHO-TEQ values for both dioxins and dioxin-like PCBs should be monitored for reporting purposes, to enable evaluation of exposure to dioxins and dioxin-like PCBs to be made using the revised TDI recommended by the COT. The release of dioxin-like PCBs and PAHs is expected to be low where measures have been taken to control dioxin releases. The Permit also requires monitoring of a range of PAHs and dioxin-like PCBs at the same frequency as dioxins are monitored. We have included a requirement to monitor and report against these WHO-TEQ values for dioxins and dioxin-like PCBs and the range of PAHs as listed in the Permit. We are confident that the measures taken to control the release of dioxins will also control the releases of dioxin-like PCBs and PAHs. The Applicant's assessment of emissions to air is summarised in Section 5.1 of this document. The assessment included dioxins and concluded that there will be no adverse effect on human health from either normal or abnormal operation and we consider that no additional measures are required as a result of the proposed additional waste types in this Application.

**Hexachlorobenzene** (HCB) is released into the atmosphere as an accidental product from the combustion of coal, waste incineration and certain metal processes. It has also been used as a fungicide, especially for seed treatment although this use has been banned in the UK since 1975. Natural fires and volcanoes may serve as natural sources. Releases of (HCB) are addressed by the European Environment Agency (EEA), which advises that:

> "*due to comparatively low levels in emissions from most (combustion) processes special measures for HCB control are usually not proposed. HCB emissions can be controlled generally like other chlorinated organic compounds in emissions, for instance dioxins/furans and PCBs: regulation of time of combustion, combustion temperature, temperature in cleaning devices, sorbents application for waste gases cleaning etc*." [reference http://www.eea.europa.eu/publications/EMEPCORINAIR4/sources_of_HCB.pdf]

**Pentachlorobenzene** (PeCB) is another of the POPs list to be considered under incineration. PeCB has been used as a fungicide or flame retardant,

there is no data available however on production, recent or past, outside the UN-ECE region. PeCBs can be emitted from the same sources as for PCDD/F: waste incineration, thermal metallurgic processes and combustion plants providing energy. As discussed above, the control techniques described in the UN-ECE BAT guidance and included in the permit, are effective in controlling the emissions of all relevant POPs including PeCB.

We have assessed the control techniques proposed for dioxins by the Applicant and have concluded that they are appropriate for dioxin control. We are confident that these controls are in line with the UN-ECE BAT guidance and will minimise the release of HCB, PCB and PeCB.

We are therefore satisfied that the substantive requirements of the Convention and the POPs Regulation have been addressed and complied with, and no further controls are required as a result of the additional wastes under the variation Application.

## 6.4 Other Emissions to the Environment

There are no changes to emissions to water or to sewer as a result of this variation Application.

We have considered the impacts of other emissions as a result of the variation Application in the following sections.

### 6.4.1 Fugitive emissions

The IED specifies that plants must be able to demonstrate that the plant is designed in such a way as to prevent the unauthorised and accidental release of polluting substances into soil, surface water and groundwater. In addition, storage requirements for waste and for contaminated water under Article 46(5) of the IED must be arranged.

In relation to the additional waste types, the following key measures are applicable:

- waste handling will take place within an indoor waste reception building kept under negative pressure
- good housekeeping will be maintained, including a daily inspection to identify and remove any dust as soon as practicable

Based upon the information in the Application we are satisfied that appropriate measures will be in place to prevent and /or minimise fugitive emissions.

### 6.4.2 Odour

Waste accepted at the Installation will be delivered in covered vehicles or within containers. The additional waste types will be unloaded directly into the waste

bunker. The waste bunker is located in the enclosed waste reception building. The main access doors are fast closing roller shutters and will be kept closed except when vehicles are entering and leaving to maintain odour control.

In order to prevent odours and airborne particulates from leaving the waste reception building it will be maintained at a negative pressure and air from the waste storage bunker will be extracted and used as combustion air in the waste incineration plant.

Baled waste will be processed on a first in, first out principle. The storage capacity of the waste bunker is equivalent to up to 3 days of waste processing capacity. The waste will be continuously turned and mixed with the new waste to ensure that older waste does not remain in the bunker.

Prior to periods of planned shutdown, the waste in the bunker will be minimised. All deliveries of waste will be halted during periods of shutdown. Where possible, negative pressure will be maintained by using an Induced Draft fan to draw air from above the waste bunker into the boiler and release from the stack to aid the dispersion of potential pollutants.

During periods of unplanned shutdown, the doors to the waste reception building will be kept closed. Sniff tests will be undertaken around the perimeter of the Installation boundary. In the event of an extended unplanned shutdown, waste will be backloaded from the bunker for transfer off-site to a suitably licensed waste management facility, if unacceptable levels of odour are identified at the Installation boundary.

The operation of the Installation will not give rise to odorous liquid wastes. Therefore, the requirement to store liquid wastes under controlled pressure and duct the tank vents to the combustion air feed or other suitable abatement system will not apply to the facility.

Odour condition 3.4.2 will require the implementation of an odour management plan if deemed necessary by the Environment Agency. If required, this could ultimately require changes to be made on site if it is deemed that improvements are necessary.

Based upon the information in the Application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour.

6.4.3 Noise and vibration

Based upon the information in the Application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise noise and vibration and to prevent pollution from noise and vibration outside the site.

Application EPR/AP3304SZ/A001 contained a noise impact assessment which identified local noise-sensitive receptors, potential sources of noise at the

proposed plant and noise attenuation measures. Measurements were taken of the prevailing ambient noise levels to produce a baseline noise survey and an assessment was carried out in accordance with BS 4142:2014 to compare the predicted plant rating noise levels with the established background levels. The findings of the assessment are included in the decision document for that application which is available on the public register.

In the response to the Schedule 5 Notice received on 2nd February 2026, the Applicant has confirmed that the number of vehicles transporting waste to and from the site will not exceed that modelled in the noise impact assessment. A number of comments were raised in response to the consultation with concerns that the additional waste types will require pre-treatment. The Applicant has confirmed that there will be no changes to the waste infrastructure.

Improvement condition, IC12 requires the Applicant to undertake a further noise impact assessment during commissioning of the incinerator to validate noise impacts post mitigation measures proposed.

We are satisfied, based on the information in the Application combined with the information required through improvement condition, IC12, that the appropriate measures will be in place to prevent, or where that is not practicable, to minimise noise and vibration and to prevent pollution from noise and vibration outside the site.

### 6.5 Setting ELVS and other Permit conditions

There are no changes to the ELVs set in Schedule 3 of the Permit.

Chapter IV of the IED specifies a set of maximum ELV. Although these limits are designed to be stringent, and to provide a high level of protection, they do not necessarily reflect what can be achieved by new plant. Article 14(3) of the IED says that BAT-C shall be the reference for setting the permit conditions. The BAT-C were published on 03/12/2019 and set BAT AELs for substances mainly as daily average values which are, in many cases, lower than the Chapter IV limits.

Operational controls complement the emission limits and should generally result in emissions below the maximum allowed; whilst the limits themselves provide headroom to allow for unavoidable process fluctuations. Actual emissions are therefore almost certain to be below emission limits in practice, because any Operator who sought to operate its installation continually at the maximum permitted level would almost inevitably breach those limits regularly, simply by virtue of normal fluctuations in plant performance, resulting in enforcement action (including potentially prosecution) being taken. Assessments based on Chapter IV ELVs or BAT AELs are therefore “worst-case” scenarios.

We are satisfied that emissions at the permitted limits would ensure a high level of protection for human health and the environment in any event and that

no changes to the ELVs set in the Permit are required as a result of the variation Application.

### 6.6 Monitoring

There are no changes to the monitoring requirements set in Schedule 3 of the Permit.

### 6.7 Reporting

There are no changes to the reporting requirements set in Schedule 4 of the Permit.

## 7 Other legal requirements

In this section we explain how we have addressed other relevant legal requirements, to the extent that we have not addressed them elsewhere in this document.

### 7.1 The EPR 2016 and related Directives

The EPR delivers the requirements of a number of assimilated and national laws.

#### 7.1.1 Schedules 1 and 7 to the EPR 2016 – **IED Directive**

We address the requirements of the IED in the body of this document above and the specific requirements of Chapter IV in Annex 1 of this document.

There is one requirement not addressed above, which is that contained in Article 5(3) IED. Article 5(3) requires that "In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EC (now Directive 2011/92/EU) (the EIA Directive) applies, any relevant information obtained or conclusion arrived at pursuant to articles 5, 6 and 7 of that Directive shall be examined and used for the purposes of granting the permit."

- Article 5 of EIA Directive relates to the obligation on developers to supply the information set out in Annex IV of the Directive when making an application for development consent.
- Article 6(1) requires Member States to ensure that the authorities likely to be concerned by a development by reason of their specific environmental responsibilities are consulted on the Environmental Statement and the request for development consent.
- Article 6(2)-6(6) makes provision for public consultation on applications for development consent.
- Article 7 relates to projects with transboundary effects and consequential obligations to consult with affected Member States.

The grant or refusal of development consent is a matter for the relevant local planning authority. The Environment Agency's obligation is therefore to examine and use any relevant information obtained or conclusion arrived at by the local planning authorities pursuant to those EIA Directive articles.

In determining the Application, we have considered the following document: -

- The decision letter of the Parliamentary Under Secretary of State for Building Safety and Homelessness, on behalf of the Secretary of State accompanying the grant of planning permission dated 16th September 2024.

From consideration of the document above, the Environment Agency considers that no additional or different conditions are necessary.

The Environment Agency has also carried out its own consultation on the Environmental Permitting Application which includes the Environmental Statement submitted to the local planning authority. The results of our consultation are described elsewhere in this decision document.

7.1.2 Schedule 9 to the EPR 2016 – **Waste Framework Directive**

As the Installation involves the treatment of waste, it is carrying out a *waste operation* for the purposes of the EPR 2016, and the requirements of Schedule 9 therefore apply. This means that we must exercise our functions so as to ensure implementation of certain articles of the WFD.

We must exercise our relevant functions for the purposes of ensuring that the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste and that any waste generated is treated in accordance with Article 4 of the Waste Framework Directive. (See also section 4.3.9)

The conditions of the permit ensure that waste generation from the facility is minimised. Where the production of waste cannot be prevented it will be recovered wherever possible or otherwise disposed of in a manner that minimises its impact on the environment. This is in accordance with Article 4.

We must also exercise our relevant functions for the purposes of implementing Article 13 of the Waste Framework Directive; ensuring that the requirements in the second paragraph of Article 23(1) of the Waste Framework Directive are met; and ensuring compliance with Articles 18(2)(b), 18(2)(c), 23(3), 23(4) and 35(1) of the Waste Framework Directive.

Article 13 relates to the protection of human health and the environment. These objectives were addressed in detail in the decision document relating to application EPR/AP3304SZ/A001 and have been addressed where relevant in this document.

Article 23(1) requires the permit to specify:

(a) the types and quantities of waste that may be treated;
(b) for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
(c) the safety and precautionary measures to be taken;
(d) the method to be used for each type of operation;
(e) such monitoring and control operations as may be necessary;
(f) such closure and after-care provisions as may be necessary.

These are all covered by permit conditions which have been amended as required to include the additional waste types applied for under this Application.

The permit does not allow the mixing of hazardous waste so Article 18(2) is not relevant.

We consider that the intended method of waste treatment is acceptable from the point of view of environmental protection so Article 23(3) does not apply.

Energy efficiency was considered in the decision document relating to application EPR/AP3304SZ/A001. We consider the conditions of the permit ensure that the recovery of energy takes place with a high level of energy efficiency in accordance with Article 23(4) and this has not changed as a result of the variation Application.

Article 35(1) relates to record keeping and its requirements are delivered through permit conditions and these have not changed as a result of the variation Application.

### 7.1.3 Schedule 22 to the EPR 2016 – **Water Framework and Groundwater Directives**

To the extent that it might lead to a discharge of pollutants to groundwater (a "groundwater activity" under the EPR 2016), the Permit is subject to the requirements of Schedule 22, which delivers the requirements of EU Directives relating to pollution of groundwater. The Permit will require the taking of all necessary measures to prevent the input of any hazardous substances to groundwater, and to limit the input of non-hazardous pollutants into groundwater so as to ensure such pollutants do not cause pollution, and satisfies the requirements of Schedule 22.

No releases to groundwater from the Installation are permitted. The Permit also requires material storage areas to be designed and maintained to a high standard to prevent accidental releases. This has not changed as a result of the variation Application.

### 7.1.4 Directive 2003/35/EC – **The Public Participation Directive**

Regulation 60 of the EPR 2016 requires the Environment Agency to prepare and publish a statement of its policies for complying with its public participation duties. We have published our public participation statement.

This Application is being consulted upon in line with this statement, as well as with our guidance RGN6 on Sites of High Public Interest, which addresses specifically extended consultation arrangements for determinations where public interest is particularly high. This satisfies the requirements of the Public Participation Directive.

Our draft decision in this case has been reached following a programme of extended public consultation on the original application. The way in which this has been done is set out in Section 2.2. A summary of the responses received to our consultation and our consideration of them is set out in Annex 4.

## 7.2 National primary legislation

### 7.2.1 Environment Act 1995

(i) Section 4 (Pursuit of Sustainable Development)

We are required to contribute towards achieving sustainable development, as considered appropriate by Ministers and set out in guidance issued to us. The Secretary of State for Environment, Food and Rural Affairs has issued *The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002)*. This document:

> "*provides guidance to the Agency on such matters as the formulation of approaches that the Agency should take to its work, decisions about priorities for the Agency and the allocation of resources. It is not directly applicable to individual regulatory decisions of the Agency*".

In respect of regulation of industrial pollution through the EPR, the Guidance refers in particular to the objective of setting permit conditions "*in a consistent and proportionate fashion based on Best Available Techniques and taking into account all relevant matters…*". The Environment Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the Section 4 duty.

(ii) Section 5 (Preventing or Minimising Effects of Pollution of the Environment)

We are satisfied that our pollution control powers have been exercised for the purpose of preventing or minimising, remedying or mitigating the effects of pollution.

(iii) Section 6(1) (Conservation Duties with Regard to Water)

We have a duty to the extent we consider it desirable generally to promote the conservation and enhancement of the natural beauty and amenity of inland and

coastal waters and the land associated with such waters, and the conservation of flora and fauna which are dependent on an aquatic environment.

We consider that no additional or different conditions are appropriate for this Permit and there are no changes as a result of the variation Application.

(iv) Section 6(6) (Fisheries)

We have a duty to maintain, improve and develop fisheries of salmon, trout, eels, lampreys, smelt and freshwater fish.

We consider that no additional or different conditions are appropriate for this Permit and there are no changes as a result of the variation Application.

(v) Section 7 (General Environmental Duties)

This places a duty on us, when considering any proposal relating to our functions, to have regard amongst other things to any effect which the proposals would have on sites of archaeological, architectural, or historic interest; the economic and social well-being of local communities in rural areas; and to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.

We considered whether we should impose any additional or different requirements in terms of our duty to have regard to the various conservation objectives set out in Section 7, but concluded that we should not. This has not changed as a result of the variation Application.

(vi) Section 39 (Costs and Benefits)

We have a duty to take into account the likely costs and benefits of our decisions on the applications ('costs' being defined as including costs to the environment as well as any person). This duty, however, does not affect our obligation to discharge any duties imposed upon us in other legislative provisions.

In so far as relevant we consider that the costs that the permit may impose on the applicant are reasonable and proportionate in terms of the benefits it provides, and this has not changed as a result of the variation Application.

(viii) Section 81 (National Air Quality Strategy)

We have had regard to the National Air Quality Strategy and consider that our decision complies with the Strategy, and that no additional or different conditions are appropriate for this Permit.

We have also had regard to the clean air strategy 2019 and consider that our decision complies with the Strategy, and that no additional or different conditions are appropriate for this Permit.

We have had regard to the National Air Pollution Control Programme (set under the National Emissions Ceiling Regulations 2018) and consider that our decision complies with the Strategy and that no additional or different conditions are appropriate for this Permit.

### 7.2.2 **Section 108 Deregulation Act 2015 – Growth duty**

We considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.

Paragraph 1.3 of the statutory guidance issued by the Department of Business, Energy and Industrial Strategy in March 2017 says:

"The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation."

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit and in the Variation Notice are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards. It also ensures that any pollution that may arise from the regulated facility does not adversely affect local businesses.

### 7.2.3 **Legislative and Regulatory Reform Act 2006**

In accordance with section 21 of this Act, when making this decision we have had regard to the need to be transparent, accountable, proportionate and consistent, and the need to target action where it is needed.

In accordance with section 22 of the Act we have had regard to the Regulators' Code; in particular the need to base our decision on

environmental risk, and to support the applicant to comply and grow, so that burdens have only been imposed where they are necessary and proportionate

### 7.2.4 **Human Rights Act 1998**

We have considered potential interference with rights addressed by the European Convention on Human Rights in reaching our decision and consider that our decision is compatible with our duties under the Human Rights Act 1998. In particular, we have considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol). We do not believe that Convention rights are engaged in relation to this determination.

### 7.2.5 **Countryside and Rights of Way Act 2000 (CROW 2000)**

Section 85 of this Act imposes a duty on Environment Agency to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (AONB).

During the consultation on the Application, we received a lot of responses expressing concern over the potential impacts on the AONB. However, visual impacts are not within our remit and are covered by the planning process. The Installation is outside of the boundaries of Dorset AONB. It is located approximately 7km due south of the Dorset AONB, the coastal portion of which stretches from Lyme Regis to the west, across to Poole and Swanage to the east.

In assessing the Application, we have taken into account our duty under the Act and consider that no different or additional conditions in the Permit are required.

### 7.2.6 **Wildlife and Countryside Act 1981**

Under section 28G of the Wildlife and Countryside Act 1981 the Environment Agency has a duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest. Under section 28I the Environment Agency has a duty to consult Natural England in relation to any permit that is likely to damage SSSIs.

We assessed the Application and concluded that there would be no changes to the impact of emissions as a result of this variation.

Further details are in section 5.1 of this document.

### 7.2.7 **Natural Environment and Rural Communities Act 2006**

Section 40 of the Natural Environment and Rural Communities Act 2006 has been amended with effect from 1 January 2023 to require consideration as to what action we can properly take, consistently with the proper exercise of our

functions, to further the general biodiversity objective, which is to further the conservation and enhancement of biodiversity and having considered, determined such policies and specific objectives as we consider appropriate for taking action to further the general biodiversity objective, and take such action as we consider appropriate, in the light of those policies and objectives, to further that objective.

Section 40(2A) states that in complying with the duty in section 40(1) and (1A) we must have particular regard to any relevant local nature recovery strategy and species protection strategy or protected sites strategy. We have, also, considered the general biodiversity objective when carrying out our determination of the variation Application and consider that no different or additional conditions are required in the permit.

### 7.2.8 **Marine and Coastal Access Act 2009**

Section 58 of this Act requires us to act in accordance with appropriate marine policy documents, unless relevant considerations indicate otherwise.

Section 125 of this Act requires that, so far as is consistent with their proper exercise, we exercise our functions in a manner that we consider best furthers the conservation objectives stated for Marine Conservation Zone(s) (MCZs) certain features of which are capable of being affected by our determination (to more than an insignificant degree) or else, where this is not possible, which least hinders the achievement of those objectives.

Section 126 of this Act requires that, before granting a Permit for an Installation capable of affecting certain features of a MCZ(s) (to more than an insignificant degree), we consult with Natural England and that we are satisfied that there is no significant risk of the operation of the Installation hindering the achievement of the conservation objectives stated for any relevant MCZ(s).

As there is no change to the impact from the facility as a result of the changes proposed in the Application we do not consider it necessary to consult in this regard.

### 7.2.9 **Countryside Act 1968**

Section 11 imposes a duty on the Environment Agency to exercise its functions relating to any land, having regard to the desirability of conserving the natural beauty and amenity of the countryside including wildlife. We have done so and consider that as there is no change as a result of the variation Application, no different or additional conditions in the Variation Notice are required.

### 7.2.10 **National Parks and Access to the Countryside Act 1949**

Section 11A and section 5(1) imposes a duty on the Environment Agency when exercising its functions in relation to land in a National Park, to further the purposes of conserving and enhancing the natural beauty, wildlife and cultural

heritage of the areas, and of promoting opportunities for the understanding and enjoyment of National Parks by the public.

We have done so and, as there are no changes as a result of the variation Application, consider that no different or additional conditions in the Variation Notice are required.

#### 7.2.11 **Environment Act 2021**

Section 110(10) requires that we must have regard to a protected site's strategy, which Natural England has prepared and published in relation to improving the conservation and management of a protected site, and managing the impact of plans, projects or other activities (wherever undertaken) on the conservation and management of the protected site, where relevant to exercise of our duties under Conservation of Habitats and Species Regulations 2017, sections 28G to 28I Wildlife and Countryside Act 1981 or Marine and Coastal Access Act 2009.

We have had regard to this in our assessments, although there is no change to impacts from the facility as a result of the Variation Application.

### 7.3 National secondary legislation

#### 7.3.1 **Conservation of Habitats and Species Regulations 2017**

We assessed the Application and concluded that there would be no changes to the impact of emissions as a result of this variation. Further detail is in section 5.1 of this decision document.

We have also considered our general duties under Regulation 9(3) to have regard to the requirements of the Habitats Directive in the exercise of our powers and under Regulation 10 in relation to wild bird habitat to take such steps in the exercise of their functions as they consider appropriate so far as lies within our powers to secure preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds.

We considered whether we should impose any additional or different requirements in the permit in terms of these duties but concluded that we should not.

#### 7.3.2 **Water Environment (Water Framework Directive) Regulations 2017**

Consideration has been given to whether any additional requirements should be imposed in terms of the Environment Agency's duty under regulation 3 to secure compliance with the requirements of the Water Framework Directive, Groundwater Directive and the EQS Directive through, amongst other things, environmental permits, and its obligation in regulation 33 to have regard to the river basin management plan (RBMP) approved under regulation 31 and any supplementary plans prepared under regulation 32. However, it is felt that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

We are satisfied that as there are no changes to emissions to water as a result of the Application, issuing the Variation Notice with the conditions proposed would not cause the current status of the water body to deteriorate.

### 7.3.3 **The Persistent Organic Pollutants Regulations 2007**

We have explained our approach to these Regulations, which give effect to the Stockholm Convention on POPs and the EU's POPs Regulation, above.

### 7.3.4 **Bathing Water Regulations 2013**

We have considered our duty, under regulation 5 of these Regulations, to exercise our relevant functions to ensure compliance with the Bathing Water Directive, and in particular to take realistic and proportionate measures with a view to increasing the number of bathing waters classified as "good" or "excellent".

We consider that no additional or different conditions are appropriate for the Variation Notice as there are no changes to emissions as a result of the Application.

### 7.3.5 **Marine Strategy Regulations 2010**

In relation to Regulation 9 of the Marine Strategy Regulations 2010 we have had regard to the marine strategy (in so far as it has been developed and published to date) and consider that there is nothing in it which would lead us to any different conclusions from those we have already reached through our other marine assessments.

## 7.4 Other relevant legal requirements

### 7.4.1 Duty to Involve

Section 23 of the Local Democracy, Economic Development and Construction Act 2009 require us where we consider it appropriate to take such steps as we consider appropriate to secure the involvement of interested persons in the exercise of our functions by providing them with information, consulting them or involving them in any other way. Section 24 requires us to have regard to any Secretary of State guidance as to how we should do that.

The way in which the Environment Agency has consulted with the public and other interested parties is set out in section 2 of this document. The way in which we have taken account of the representations we have received is set out in Annex 4. Our public consultation duties are also set out in the EP Regulations, and our statutory Public Participation Statement, which implement the requirements of the Public Participation Directive. In addition to meeting our consultation responsibilities, we have also taken account of our guidance in Environment Agency Guidance Note RGN6.

# Annexes

## Annex 1A: Application of chapter IV of the Industrial Emissions Directive

| IED Article | Requirement | Delivered by |
|---|---|---|
| 45(1)(a) | The permit shall include a list of all types of waste which may be treated using at least the types of waste set out in the European Waste List established by Decision 2000/532/EC, if possible, and containing information on the quantity of each type of waste, where appropriate. | Condition 2.3.4(a) and Table S2.2 in Schedule 2 of the Permit. |
| 45(1)(b) | The permit shall include the total waste incinerating or co-incinerating capacity of the plant. | Condition 2.3.4(a) and Table S2.2 in Schedule 2 of the Permit. |
| 45(1)(c) | The permit shall include the limit values for emissions into air and water. | Conditions 3.1.1 and 3.1.2 and Tables S3.1, S3.1(a) in Schedule 3 of the Permit. |
| 45(1)(d) | The permit shall include the requirements for pH, temperature and flow of waste water discharges. | Not Applicable |
| 45(1)(e) | The permit shall include the sampling and measurement procedures and frequencies to be used to comply with the conditions set for emissions monitoring. | Conditions 3.6.1 to 3.6.4 and Tables S3.1, S3.1(a) and S3.4 in Schedule 3 of the Permit. |
| 45(1)(f) | The permit shall include the maximum permissible period of unavoidable stoppages, disturbances or failures of the purification devices or the measurement devices, during which the emissions into the air and the discharges of waste water may exceed the prescribed emission limit values. | Conditions 2.3.12 and 2.3.13. |
| 45(2)(a) | The permit shall include a list of the quantities of the different categories of hazardous waste which may be treated. | Not applicable |
| 45(2)(b) | The permit shall include the minimum and maximum mass | Not applicable. |

| IED Article | Requirement | Delivered by |
|---|---|---|
| | flows of those hazardous waste, their lowest and maximum calorific values and the maximum contents of polychlorinated biphenyls, pentachlorophenol, chlorine, fluorine, sulphur, heavy metals and other polluting substances. | |
| 46(1) | Waste gases shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment. | Condition 2.3.1and Table S1.2 of Schedule 1 of the Permit. |
| 46(2) | Emission into air shall not exceed the emission limit values set out in part 3 of Annex VI. | Conditions 3.1.1 and 3.1.2 and Tables S3.1, S3.1a. |
| 46(3) | Relates to conditions for water discharges from the cleaning of exhaust gases. | There are no such discharges as condition 3.1.1 prohibits this. |
| 46(4) | Relates to conditions for water discharges from the cleaning of exhaust gases. | There are no such discharges as condition 3.1.1 prohibits this. |
| 46(5) | Prevention of unauthorised and accidental release of any polluting substances into soil, surface water or groundwater.<br>Adequate storage capacity for contaminated rainwater run-off from the site or for contaminated water from spillage or fire-fighting. | The application explains the measures to be in place for achieving the directive requirements. The permit requires that these measures are used. Various permit conditions address this and when taken as a whole they ensure compliance with this requirement. |
| 46(6) | Limits the maximum period of operation when an ELV is exceeded to 4 hours uninterrupted duration in any one instance, and with a maximum cumulative limit of 60 hours per year.<br>Limits on dust (150 mg/m3), CO and TOC not to be exceeded during this period. | Conditions 2.3.12 and 2.3.13. |

| IED Article | Requirement | Delivered by |
|---|---|---|
| 47 | In the event of breakdown, reduce or close down operations as soon as practicable.<br>Limits on dust (150 mg/m3), CO and TOC not to be exceeded during this period. | Conditions 2.3.9 to 2.3.13. |
| 48(1) | Monitoring of emissions is carried out in accordance with Parts 6 and 7 of Annex VI. | Conditions 3.6.1 to 3.6.4, 3.2.1, 3.2.2, tables S3.1, S3.1(a). Reference conditions are defined in Schedule 6 of the Permit. |
| 48(2) | Installation and functioning of the automated measurement systems shall be subject to control and to annual surveillance tests as set out in point 1 of Part 6 of Annex VI. | Conditions 3.6.1, 3.6.3, table S3.1, S3.1(a), and S3.4 |
| 48(3) | The competent authority shall determine the location of sampling or measurement points to be used for monitoring of emissions. | Conditions 3.6.1. Pre-operational condition PO8 and improvement condition IC11. |
| 48(4) | All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions and emission limit values which are included in the permit. | Conditions 4.1.1 and 4.1.2, and Tables S4.1 and S4.4 |
| 49 | The emission limit values for air and water shall be regarded as being complied with if the conditions described in Part 8 of Annex VI are fulfilled. | Conditions 3.1.1, 3.1.2, 3.2.1, 3.2.2 and tables S3.1, S3.1(a) |
| 50(1) | Slag and bottom ash to have Total Organic Carbon (TOC) < 3% or loss on ignition (LOI) < 5%. | Conditions 3.6.1 and Table S3.5 |
| 50(2) | Flue gas to be raised to a temperature of 850ºC for two seconds, as measured at representative point of the combustion chamber. | Condition 2.3.9, pre-operational condition PO6 and improvement condition IC4 and Table S3.4. |
| 50(3) | At least one auxiliary burner which must not be fed with fuels which can cause higher emissions than | Condition 2.3.14. |

| IED Article | Requirement | Delivered by |
|---|---|---|
| | those resulting from the burning of gas oil liquefied gas or natural gas. | |
| 50(4)(a) | Automatic shut-down to prevent waste feed if at start up until the specified temperature has been reached. | Condition 2.3.9. |
| 50(4)(b) | Automatic shut-down to prevent waste feed if the combustion temperature is not maintained. | Condition 2.3.9. |
| 50(4)(c) | Automatic shut-down to prevent waste feed if the CEMs show that ELVs are exceeded due to disturbances or failure of waste cleaning devices. | Condition 2.3.9 and 2.3.13. |
| 50(5) | Any heat generated from the process shall be recovered as far as practicable. | (a) The plant will generate electricity (b)Operator to review the available heat recovery options prior to commissioning (Condition PO2) and then every 2 years (Conditions 1.2.1 to 1.2.3). |
| 50(6) | Relates to the feeding of infectious clinical waste into the furnace. | No infectious clinical waste will be burnt |
| 50(7) | Management of the Installation to be in the hands of a natural person who is competent to manage it. | Conditions 1.1.1 to 1.1.3 and 2.3.1 of the Permit. |
| 51(1) | Different conditions than those laid down in Article 50(1), (2) and (3) and, as regards the temperature Article 50(4) may be authorised, provided the other requirements of this chapter are met. | No such conditions have been allowed |
| 51(2) | Changes in operating conditions do not cause more residues or residues with a higher content of organic polluting substances compared to those residues which could be expected under the conditions laid down in Articles 50(1), (2) and (3). | No such conditions have been allowed |
| 52(1) | Take all necessary precautions concerning delivery and reception of wastes, to prevent or minimise pollution. | Conditions 2.3.1, 2.3.3, 3.3, 3.4, 3.5 and 3.7 |

| IED Article | Requirement | Delivered by |
|---|---|---|
| 52(2) | Determine the mass of each category of wastes, if possible according to the EWC, prior to accepting the waste. | Condition 2.3.4(a) and Table S2.2 in Schedule 2 of the Permit. |
| 52(3) | Prior to accepting hazardous waste, the operator shall collect available information about the waste for the purpose of compliance with the permit requirements specified in Article 45(2). | Not applicable. |
| 52(4) | Prior to accepting hazardous waste, the operator shall carry out the procedures set out in Article 52(4). | Not applicable |
| 52(5) | Granting of exemptions from Article 52(2), (3) and (4). | Not applicable |
| 53(1) | Residues to be minimised in their amount and harmfulness and recycled where appropriate. | Conditions 1.4.1, 1.4.2 and 3.6.1 with Table S3.5. |
| 53(2) | Prevent dispersal of dry residues and dust during transport and storage. | conditions 1.4.1 2.3.1, 2.3.2 and 3.3.1. |
| 53(3) | Test residues for their physical and chemical characteristics and polluting potential including heavy metal content (soluble fraction). | Condition 3.6.1 and Table S3.5 and pre-operational condition PO3. |
| 55(1) | Application, decision and permit to be publicly available. | All documents are accessible from the Environment Agency Public Register. |
| 55(2) | An annual report on plant operation and monitoring for all plants burning more than 2 tonne/hour waste. | Condition 4.2.2 and 4.2.3. |

## Annex 1B: Compliance with Bat Conclusions

| BAT conclusion | Criteria | Delivered by |
|---|---|---|
| 1 | Implement environmental management system | Condition 1.1 and pre-operational condition PO1 |
| 2 | Determine gross electrical efficiency | Section 4.3.7 of the decision document for Application EPR/AP3304SZ/A001. No change as a result of this Application.<br><br>Permit table S3.4 |
| 3 | Monitor key process parameters | Condition 3.6.1 and table S3.4 |
| 4 | Monitoring emissions to air | Condition 3.6.1 and table S3.1 |
| 5 | Monitoring emissions to air during OTNOC | Condition 1.1.1 and pre-operational condition PO1 |
| 6 | Monitoring emissions to water from flue gas treatment and/or bottom ash treatment | There are no such emissions from the installation |
| 7 | Monitor unburnt substances in slags and bottom ashes | Conditions 3.1.3 and 3.6.1, and table S3.5 |
| 8 | Analysis of hazardous waste | Not applicable |
| 9 | Waste stream management techniques | Permit condition 2.3.1, table S1.2 and pre-operational condition PO5. |
| 10 | Quality management system for bottom ash treatment plant | Not applicable |
| 11 | Monitor waste deliveries as part of waste acceptance procedures | Permit condition 2.3.1, table S1.2 and pre-operational condition PO5. |
| 12 | Reception, handling and storage of waste | Measures are described in the Application and FPP. Permit conditions 2.3.1 and 3.8.1 and pre-operational condition PO10. |
| 13 | Storage and handling of clinical waste | Not applicable |
| 14 | Improve overall performance of plant including BAT-AELs for TOC or LOI | Permit condition 2.3.1, table S1.2, 3.1.3 and table S3.5. |

| BAT conclusion | Criteria | Delivered by |
|---|---|---|
| 15 | Procedures to adjust plant settings to control performance | Permit condition 2.3.1 and table S1.2. |
| 16 | Procedures to minimise start-up and shut down | Permit condition 2.3.1 |
| 17 | Appropriate design, operation and maintenance of FGC system | Operation and maintenance procedures will form part of the EMS and pre-operational condition PO1. |
| 18 | OTNOC management plan | Permit condition 1.1 and pre-operational condition PO1 |
| 19 | Use of heat recovery boiler | Permit condition 2.3.1, table S1.2 |
| 20 | Measures to increase energy efficiency and BAT AEEL | Permit condition 2.3.1, table S1.2 |
| 21 | Measures to prevent or reduce diffuse emissions including odour | Measures described in the Application. Permit conditions 2.3.1, table S1.2, 3.4.1, 3.3.1, 3.3.2.<br>Section 6.4.2 of this decision document. |
| 22 | Handling of gaseous and liquid wastes | Not applicable |
| 23 | Management system to prevent or reduce dust emissions from treatment of slags and ashes | Not applicable |
| 24 | Techniques to prevent or reduce diffuse emissions to air from treatment of slags and ashes | Not applicable |
| 25 | Minimisation of dust and metal emissions and compliance with BAT AEL | Permit conditions 2.3.1, table S1.2, 3.3.1, 3.3.2. 3.1.1 and 3.1.2 and table S3.1 |
| 26 | Techniques and BAT AEL for dust emissions from enclosed slags and ashes treatment | Not applicable |
| 27 | Techniques to reduce emissions of HCl, HF and $SO_2$ | Permit condition 2.3.1 and table S1.2. Permit condition 2.3.1 and table S1.2. Section 6.2 of this decision document. |

| BAT conclusion | Criteria | Delivered by |
|---|---|---|
| 28 | Techniques to reduce peak emissions of HCl, HF and $SO_2$, optimise reagent use and BAT AELs | Permit condition 2.3.1, table S1.2. Permit conditions 3.1.1 and 3.1.2 and table S3.1. |
| 29 | Techniques to reduce emissions of $NO_2$, $N_2O$, CO and $NH_3$ and BAT AELs | Permit condition 2.3.1, table S1.2. Permit conditions 3.1.1 and 3.1.2 and table S3.1. Section 6.2 of this decision document. |
| 30 | Reduce emissions or organic compounds including dioxins/furans and PCBs. BAT AELs | Permit condition 2.3.1, table S1.2. Permit conditions 3.1.1 and 3.1.2 and table S3.1. Section 6.2 of this decision document. |
| 31 | Reduce emissions of mercury. BAT AEL | Permit condition 2.3.1, table S1.2. Permit conditions 3.1.1 and 3.1.2 and table S3.1. Section 6.2 of this decision document. |
| 32 | Segregate wastewater streams to prevent contamination | Permit condition 2.3.1, table S1.2. Permit conditions 3.1.1, 3.1.2 and table S3.2 |
| 33 | Techniques to reduce water usage and prevent or reduce wastewater | Permit conditions 1.3.1, 2.3.1, table S1.2. |
| 34 | Reduce emissions to water from FGC and/or from treatment or storage of bottom ashes. BAT AELs | Not applicable |
| 35 | Handle and treat bottom ashes separately from FGC residues | Permit condition 2.3.15 |
| 36 | Techniques for treatment of slags and bottom ashes | No treatment carried out on site |
| 37 | Techniques to prevent or reduce noise emissions. | Section 6.4.3 of this decision document. Permit condition 2.3.1, table S1.2. Permit conditions 3.5.1, 3.5.2 |

## Annex 2: Pre-Operational Conditions

Based on the information on the Application, we consider that we do not need to impose pre-operational conditions beyond those already included in the Permit.

## Annex 3: Improvement Conditions

Based in the information in the Application we consider that we do not need to set improvement conditions beyond those already included in the Permit.

## Annex 4: Consultation Reponses

## A) Advertising and Consultation on the Application

The Application has been advertised and consulted upon in accordance with the Environment Agency's Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex. Copies of consultation responses have been placed on the Environment Agency public register.

The Application was advertised on the Environment Agency website from 05 November 2025 to 18 December 2025 and in the Dorset Echo on 05 November 2025. The Application was made available to view digitally on the Environment Agency Public Register.

We received a large number of comments that are outside the scope of this variation Application. A number of these comments were also made in response to the consultation for application EPR/AP3304SZ/A001 and have been covered in the decision document for that application and are not repeated in this decision document.

The following statutory and non-statutory bodies were consulted: -

- Dorset Council- Environmental Protection Department
- Dorset Council- Planning
- Dorset & Wiltshire Fire and Rescue
- Director of PH/UKHSA
- Health and Safety Executive
- Food Standards Agency
- Sewerage Authorities- Wessex Water
- National Grid
- Local Harbour and Port Authorities

## 1) Consultation Responses from Statutory and Non-Statutory Bodies

| Response Received from UK HSA | |
|---|---|
| Brief summary of issues raised: | Summary of action taken / how this has been covered |
| Recommend that the Environment Agency take the following into account:<br>• The applicant notes that the previous air dispersion modelling assessment from the 2021 Environmental Permit application remains valid, owing to no changes in operational parameters. However, the change in composition of the flue gases due to the incineration of | A response to the Schedule 5 Notice was received on 2nd February 2026. The Applicant stated that the flue gas parameters were based on a boiler with a thermal capacity of 69.8MWth. The nominal design NCV for the waste is not changing and therefore the flue gas parameters on which the air dispersion modelling was based are not changing. We are satisfied that the original modelling is still valid. There are no |

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| additional waste codes has not been considered in relation to the validity of the original air dispersion modelling undertaken for the 2021 application. Whilst we recognise that POPs should be destroyed, we would recommend that the Environment Agency satisfies itself that the previous dispersion modelling is representative and appropriate for the assessment of potential emissions to air from the combustion of the additional waste codes.<br>• Reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards has potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants and address inequalities (in exposure) and encourage their consideration during site design, operational management, and regulation. | changes to the ELVs in table S3.1 of the Permit and therefore no changes to the impact. Further detail is in section 5.1 of this decision document.<br>We consider that the measures taken to destroy POPs are BAT.<br>The BAT AELs and ELVs are the maximum allowed and are designed to provide a high level of environmental protection. The operational controls complement the ELV and should generally result in emissions below the maximum. |

| Response Received from Dorset and Wiltshire Fire & Rescue Service | |
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| Brief summary of issues raised: | Summary of action taken / how this has been covered |
| • Additional waste types<br>  • Fire controls should take account of the additional waste types.<br>  • Chemical interactions between different waste categories within the bunker as an ignition source.<br>• Site maintenance and layout should allow safe access for the Fire Service. Interaction with existing port infrastructure or adjacent premises should be included.<br>• The use of harbour water as an alternative water source should be assured by means within the control of the operator.<br>• Firewater containment measures must be robustly designed to accommodate a reasonable worst-case scenario, including the potential inclusion of additional water sources e.g. from the harbour.<br>• Foam used on-site should be compatible with other foam | • The Applicant provided an updated Fire Prevention Plan (FPP) that took account of the additional waste types. We are satisfied that the proposed measures are suitable for the additional wastes. We do not have concerns about interactions with the non-hazardous waste types. Storage of mixed municipal waste in a bunker is common at municipal waste incineration plants and is BAT.<br>• Based on the information in the FPP and the requirement to update the FPP after the final design of the Installation as required by pre-operational condition PO10, we are satisfied that appropriate measures for the following will be in place in line with our FPP guidance:<br>  ○ Access to the site<br>  ○ Firewater supply<br>  ○ Firewater containment<br>  ○ Use of any foams<br>  ○ Location of quarantine area<br>  ○ Fire hydrants |

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| products in use by the Fire & Rescue Service.<br>• Separation distances from quarantine material should be designed to reduce the risk of ignition and identification of hot loads prior to entry to a building should be considered.<br>• Fire hydrants should comply with BS 750:2023 and/or BS 9990:2015.<br>• Fire detection, protection and alarms systems should be designed and installed in accordance with the approved fire risk assessment and overall site strategy.<br>• The fire precautions outlined in the submitted documentation should be included in a comprehensive fire strategy document.<br>• Fire safety measures should be reviewed by the fire and rescue service. | ○ Fire detection, protection and alarms systems.<br>• Fire strategy documents are usually prepared to show compliance with the building regulations and are not something we require or need as part of environmental permitting<br>• The Applicant stated that final measures would be implemented in conjunction with the Fire Service. |

| Response Received from Dorset Council | |
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| Brief summary of issues raised: | Summary of action taken / how this has been covered |
| **Comments about air emissions and air risk assessment** | |
| Concern that there is no remodelling of the air quality impact assessment. | We are satisfied, based on the information in the Application, that a revised air quality impact is not required. There are no changes to the flue gas parameters from those previously modelled, no changes to the ELVs in the permit and therefore no changes to the impacts from the Installation. Further information is in section 5.1. |
| Concern that incorrect mixing of waste will lead to incomplete incineration and therefore different emissions. | Moving grate plants are designed to deal with waste with varying composition and size. In addition, operational control techniques and bunker management techniques, such as bunker crane mixing will be used to homogenise the waste. |
| Concern that POPs have not been considered in the air quality impact assessment. | Dioxins, furans, PAHs and PCBs were considered in the air quality impact assessment submitted with application EPR/AP3304SZ/A001 and assessment of intake of dioxins, furans and dioxin like PCBs were considered in the human health risk assessment. We are satisfied that the assessments carried out by the Applicant considered the impact of POPs and that, as there are no changes to the impact of emissions or flue gas parameters as a result of the Application, no further assessment is required. |
| Concern that the additional waste types will increase emissions above the Emission Limit Values (ELVs). | The emission limits apply at all times whatever wastes are being burned. The waste types are specified in table S2.2 of the |

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| | Variation Notice. We are satisfied that these wastes are suitable for burning at the Installation. Further details are in sections 4.2 and 6.1 of this decision document. We are satisfied that the operating techniques will ensure that emission limits can be met. |
| Concern over the emission of unknown pollutants. | IED chapter IV sets limits for the most significant substances that will be emitted. These substances were assessed in the air quality impact assessment submitted with application EPR/AP3304SZ/A001 and these will not change as a result of the Application. The operating techniques and abatement plant will minimise emissions of these substances and also of other substances. Other substances will not be released in significant quantities. |
| **Comments about health impacts** | |
| Concern that the variation increases risk to human health. | We have assessed the impacts to human health in application EPR/AP3304SZ/A001. We do not consider that the impacts will change as a result of this variation. See section 5.1. We are satisfied that there will not be any significant impacts. |
| Concern that updated Human Health Risk Assessment has not been provided. | We are satisfied that the Applicant's conclusions in application EPR/AP3304SZ/A001 remain valid and that the potential emissions of pollutants including dioxins, furans and metals are unlikely to have a significant impact on human health. |
| Evidence should be provided detailing the physical and chemical properties for each new waste type and the risk these pose to human health. | We are satisfied that the wastes in table S2.2 are suitable for burning at the Installation and that the emission limits in table S3.1 of the permit can be met.<br>Pre-operational condition PO5 requires the Applicant to submit a waste acceptance procedure for approval. The site will be unable to operate without an adequate waste acceptance procedure. |
| **Comments about odour impacts** | |
| Concern over the impact from odour from the additional waste types. | We are satisfied that there will not be a significant impact from odour, further details are in section 6.4.2 of this decision document. |
| Concern that the existing odour management measures are not sufficient and an odour management plan is required. | We are satisfied that the proposed odour control measures will prevent any significant odour emissions from the site. Section 6.4.2 has further details.<br><br>Odour condition 3.4.2 will require the implementation of an odour management plan if deemed necessary by the Environment Agency. |
| **Comments about waste types** | |
| Concerns that the plant will burn wastes containing POPs, including:<br>• Combustion temperature not high enough to ensure destruction of POPs | We are satisfied that the plant can safely burn wastes that could contain POPs. The furnace temperature will be at least 850°C and a combustion gas residence time of at least 2 seconds which will ensure POPs are |

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| • Reformation of POPs<br>• Effect on bottom ash quality and classification as a hazardous waste. | destroyed. Reformation will be minimised by design of the plant and control techniques as described in section 6.3. Destruction of POPs and minimising reformation will ensure no significant impact from air emissions or on bottom ash quality.<br><br>This is evidenced in a report from April 2024: Persistent Organic Pollutants Destruction Efficiency in UK Energy from Waste. Report Reference: UC17375.3 |
| Concern that the additional waste types will require additional storage. | There is no change to the waste storage capacity at the Installation as a result of the variation Application. |
| Concern that detailed information on the storage requirements for the additional waste types has not been provided. | The additional waste types will be unloaded directly into the waste bunker. The Applicant submitted an updated FPP in response to the Schedule 5 Notice which details the storage capacity and duration of the waste bunker. See section 4.2.1 for further detail. |
| Concern that the current plans only show storage for baled RDF. Loose uncompacted waste, liquid waste and other waste types cannot be stored in the facility shown on the plan. | The additional waste types will be unloaded directly into the waste bunker and not stored in the baled storage area. There are no changes to the baled storage area highlighted on the site plan in the FPP as a result of the Application. |
| Concern that the Application does not list the types and quantities of waste. | Waste types are listed in table S2.2 of the Variation Notice with a total limit on throughput. Given the types of waste that will be burned we did not consider it necessary to set limits on the quantities of individual waste types. |
| **Comments about impacts at ecological sites** | |
| Concern that the variation increases risk to habitat's sites and local ecological sites. | We have assessed the Application and are satisfied that the additional waste types do not change the impact on designated or local sites previously assessed.<br>Sections 5.1 and 6.4. have further detail. |
| **Comments about BAT, emission limits and control measures** | |
| Concern that the BAT assessment is not applicable for the additional waste types | We consider that the measures proposed by the Applicant are BAT for the additional waste types. Section 6 and Annex 1B contain further detail. |
| Concern that the existing ELVs are not suitable for the additional waste types. | The ELVs set in the permit are in line with BAT AELs and/or IED Chapter IV for new plant and are applicable irrespective of the types of non-hazardous wastes accepted. We consider the Operator will comply with the ELVs. |
| Detail how BAT measures have been considered in relation to this variation; addressing the waste types, associated emissions, treatment processes and monitoring requirements. | Our view is that the measures proposed by the Applicant are BAT for the Installation. This is explained in detail in section 6 of this decision document. |
| Concern that updated management plans have not been provided. | We have assessed documents submitted in support of the Application and responses received to requests for further information and the Schedule 5 Notice. Our view is that the information provided is sufficient for determination of the Application. |

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| | The measures proposed by the Applicant are considered in Section 6. |
| **Comments about other impacts** | |
| Concerns about pests. | The waste reception and storage area, and all incoming waste handling activities will be undertaken within a fully enclosed building. Consequently, pests are usually not an issue at incineration plants because the appropriate measures are in place to reduce risk of pests and waste is only stored for a short period of time. The Applicant has proposed appropriate measures to minimise the risk of pests and vermin. Conditions 3.7.1 and 3.7.2 will provide controls. |
| Concern that there will be increased vehicle movements as a result of the variation. | In the response to the Schedule 5 Notice, received on 02/02/2026, the Applicant stated that the on-site vehicle movements will not increase as a result of the Application. |
| Concern that the variation increases risk of climate change. | Our role under Environmental Permitting is to assess local impact due to emissions from the Installation. We have done this and are satisfied that there will not be a significant impact. |
| A change to the approved plans would require the submission of a new planning application detailing changes to the site layout. | The planning application and this environmental permitting application are separate processes. We have assessed the application based on the information submitted in the Application.<br>The Operator is required to comply with any permit and any planning permission it obtains. |
| Concern that the application contains insufficient data and modelling. | We have assessed documents submitted in support of the Application and responses received to requests for further information and the Schedule 5 Notice. Our view is that the information provided is sufficient for determination of the Application.<br>Assessment of the Installation's Environmental Impact and Application of BAT Techniques is explained in Sections 5 and 6 of this decision document. |
| Concerns raised in response to the consultation for application EPR/AP3304SZ/A001 have not been addressed. | We review all comments in line with our public participation statement. For incineration applications we often receive a very large number of consultation responses and not all of these are relevant to our determination. It is not possible or necessary to include word for word every comment we receive. All consultation comments were considered in relation to application EPR/AP3304SZ/A001, and the decision document for that application included brief summaries of the key issues raised from the consultation. |
| The Council should be made aware of abnormal operations/emissions that could result in health impacts or give rise to complaints from residents. | Schedule 5 Notifications will be available to Dorset Council and members of the public via the Public Register. |

## 2) Consultation Responses from Members of the Public and Community Organisations

The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically, questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues which fall within the scope of the Environmental Permitting Regulations.

### a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils

Representations were received from Dorset Council, Weymouth Town Council, Portland Town Council, Dorset Green Party and the MP for South Dorset who raised the following issues.

| Brief summary of issues raised: | Summary of action taken / how this has been covered |
|---|---|
| **Comments about air emissions and air risk assessment** | |
| Concern that the reliance on the homogenous mixing of waste types is unreliable and will adversely alter emissions to the environment. | BAT 14 describes bunker crane mixing as an appropriate technique for waste blending and mixing in order to improve the overall environmental performance of the Installation. We are satisfied that the techniques proposed by the Applicant are BAT for this Installation. |
| Concern that impacts at all receptors were not considered, including:<br>• Schools including the new SEND school | The new SEND school was not considered specifically as a sensitive receptor in the original permit application because it was not identified at that time. However, the air quality impact assessment showed that there would be no unacceptable impacts at any location. There will be no change, as a result of the variation Application, to the worst-case scenario impacts on air quality modelled as part of the original application. We would also expect the planning process for the new SEND school to consider air quality. |
| **Comments about health impacts** | |
| Concern was expressed that there will be an impact on health due to the Installation including:<br>• those with existing health conditions<br>• young people<br>• elderly | We are satisfied that there will not be a significant impact on health due to the Installation. Section 5.1 of this decision document has further details. |

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| The following publications were referenced:<br><br>Air pollution and child health: prescribing clean air (WHO, 2018). Concerns that the report references air pollution as a contributing factor to deaths and concerns about effects on children, infants and pregnant women.<br><br>A breath of toxic air (UNICEF, 2018). Concerns that children inhale more pollutants than adults. | We considered the reports that were cited. Our view is that the Installation will not have a significant impact on health. This view is supported by the UKHSA's risk assessment that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small. We have also consulted with UKHSA as part of our determination. |
| **Comments about noise impacts** | |
| Concern over noise from equipment required for pre-treatment of the additional waste types e.g. shredder. | There will be no changes to the waste infrastructure required to process the additional waste types, so no change to the levels of noise assessed in application EPR/AP3304SZ/A001.<br>Further details are in section 6.4.3 of this decision document. |
| Concern over noise from traffic transporting the additional waste types. | Only vehicle movements within the Installation can be considered through environmental permitting. Vehicle movements outside of the Installation are not within our remit. |
| **Comments about odour impacts** | |
| Concern over odour arising from waste transport to the site. | The permit can only control emissions that occur from inside the site. We are satisfied these will be adequately controlled. Waste will be delivered in enclosed or covered vehicles that will minimise odour emissions and prevent significant impacts. |
| **Comments about other impacts** | |
| Concern over litter including; waste lost during transport and waste reaching the sea | Waste will be delivered in enclosed delivery vehicles or sealed containers. Waste will be delivered and stored within the enclosed waste reception building. We are satisfied that impacts from litter are unlikely to occur.<br>See section 6.4.1 on fugitive emissions for further information. |
| Concern that the additional waste types will alter the incinerator bottom ash. | We are satisfied that the proposed additional waste types are suitable for burning at the Installation. The permit requires testing of IBA in line with IED article 53(3). A sampling protocol will be developed to ensure that sampling and hazardous testing is done properly. Pre-operational condition (PO3) requires that the protocol is in place and approved. |
| Concern that environmental risk hasn't been adequately assessed. | We have assessed documents submitted in support of the Application and responses received to requests for further information and the Schedule 5 Notice. Our view is that the information provided is sufficient for determination of the Application. |

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| | Further details are in Sections 5 and 6 of this decision document. |
| Concern that toxic fly ash will be produced. | The flue gas will be directed through particulate filters to control particulate emissions ensuring compliance with the ELVs.<br>The Applicant has proposed the use of bag filters. We are satisfied that bag filters are BAT for the Installation and the additional waste types. |
| Concern that IBA produced by the POPs containing waste should be handled as a separate waste stream. | There is no requirement for the IBA from the additional waste types to be handled as a separate waste stream. We are satisfied that the proposed additional waste types are suitable for burning at the Installation. The permit requires testing of IBA in line with IED article 53(3). A sampling protocol will be developed to ensure that sampling and hazardous testing is done properly and this will enable appropriate management of the waste stream to take place. Pre-operational condition (PO3) requires that the protocol is in place and approved. |
| Concern about fugitive emissions including:<br>• Dust emission to air<br>• Dust from the pre-treatment of the additional waste types | There will be no pre-treatment of the additional waste types.<br>There are no changes to the storage and handling of the IBA or APC residues as a result of the Application.<br>We are satisfied that there will not be a significant impact from dust.<br>See section 6.4.1 for further detail on fugitive emissions. |
| **Comments about accident prevention** | |
| Concern about the quality of the FPP and comments submitted expressing concern over fire risk. | The Applicant submitted an updated FPP. See section 4.2.1 for further details. |
| Concern that the reliance on the homogenous mixing of waste types is unreliable and will lead to hot spots. | The bunker management techniques proposed by the Applicant (including mixing and constant turnover of waste) are BAT.<br>We are satisfied with the measures proposed by the Applicant to identify and prevent hotspots as described in the FPP. |
| **Comments about waste types** | |
| Concern that the site is not permitted to accept POPs containing waste. | We are satisfied that the plant can safely burn wastes that could contain POPs. |
| **Comments about the consultation** | |
| Concern that Dorset & Wiltshire Fire and Rescue Service have not been consulted. | We consulted Dorset & Wiltshire Fire and Rescue Service as a statutory consultee and took their comments into consideration during determination. |
| Concern that there will be no public consultation on the updated Fire Prevention Plan submitted under pre-operational condition PO10. | Consultation on responses to pre-operational conditions is not part of our process but the information provided in response to pre-operational condition, PO10, will be placed on the public register. |
| **Comments about other issues** | |

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| The Waste Incinerators Bill will prohibit the construction of new waste incinerators. | We have to assess the environmental impacts of what is proposed and whether this is an activity that can be authorised under EPR.<br>At this time mass burn incineration is permissible under EPR and can be considered BAT, subject to the appropriate assessments. |
| Concern that the additional waste types were not included in the planning application. | Planning and EPR are separate processes, but the Operator will have to comply with both the planning permission and the Permit. |
| Concern that the additional waste types were applied for after the application was granted and were not included in application EPR/AP3304SZ/A001. | A permit variation application can be submitted at any time. We consider each application individually and our assessment is based on the information submitted in that application. We would only issue a variation if we were satisfied that the change would not have a significant impact on the environment or health. |
| Concern that additional waste types are required to be accepted due to lack of RDF. | We have to assess the environmental impacts of what is proposed and whether this is an activity that can be authorised under EPR. Wider issues of waste policy are outside of our remit. |

b) Representations from Community and Other Organisations

Representations were received from Wyke Regis Society, Portland Bunkers UK Ltd, Poole & Purbeck Group of Dorset Campaign to Protect Rural England (CPRE), Dorset Green Party, Stop Portland Incinerator Campaign, Nothe Fort, Portland Carer Support Group, Dorset CPRE, Underground Mutton C.I.C, The Royal Manor of Portland Boat Club, Dorset Climate Action Network, Unite the Union, Dorset Food, Drink, Agriculture & transport (Tolpuddle) Branch, Portland Community Partnership, b-side, MEMO Portland, Friends of Castle Cove Beach Charity, Friends of the Rodwell Trail and Sandsfoot Castle Gardens and The Portland Association. A number of these issues are the same as those raised by the Local MP, Councillors and Town Council as considered above. The additional issues raised are considered below.

| **Brief summary of issues raised:** | **Summary of action taken / how this has been covered** |
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| **Comments about air emissions and air risk assessment** | |
| Concern over the impacts from:<br>• Particulate matter<br>• Metals<br>• Volatile organic compounds<br>• Dioxins/furans<br>• Dioxin-like PCBs<br>• Mercury | The impacts from these pollutants were assessed in the air quality impact assessment submitted with application EPR/AP3304SZ/A001 and we are satisfied that there will not be any significant impacts. The findings of the assessment are included in the decision document for that Application which is available on the public register. |

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| | We are satisfied that the additional wastes proposed to be accepted under this Application will not change emissions and that the assessment under application EPR/AP3304SZ/A001 is still valid. |
| Concern there will be unintentional releases of POPs. | The UK's national implementation plan for the Stockholm Convention, published in 2007, makes explicit that the relevant controls for unintentionally-produced POPs, such as might be produced by waste incineration, are delivered through the requirements of the IED. That would include an examination of BAT, including potential alternative techniques, with a view to preventing or minimising harmful emissions. These have been applied as explained in this document, which explicitly addresses alternative techniques and BAT for the minimisation of emissions of dioxins. See section 6.2. |
| **Comments about noise impacts** | |
| Concern that noise will exceed the modelled scenario due to increased traffic. | In response to the Schedule 5 Notice received on 2nd February 2026, the Applicant confirmed that the on-site vehicle movements will not exceed the sound levels previously modelled. |
| **Comments about odour impacts** | |
| Concern over the impact from odour. | We are satisfied that there will not be a significant impact from odour, further details are in section 6.4.2 of this decision document. |
| Concern that odour from the bunker will not be controlled by negative pressure. | Air from the reception area will be used for combustion air in the furnace to generate negative pressure in the reception hall. This technique is used in many incineration plants and generally works well to control odour. |
| Concern that there have been odour issues at other sites which accept similar waste types. | Our view is that odour issues are generally well controlled at EfW plants, and we are satisfied that for this Application appropriate measures have been proposed. In the event of any issue, we will investigate and take action if required. |
| Concern over odour impacts during shut-down or OTNOC. | We are satisfied that the measures proposed in the Application will prevent significant odour including during periods when the furnace is not operating. Further details are in section 6.4.2 of this decision document. |
| **Comments about impacts at ecological sites** | |
| Concern over the impact at habitat sites and other ecological sites. | We are satisfied that there will not be a significant impact on ecological receptors due to the Installation and that there is no change as a result of this Application. Section 5.1 of this decision document has further details. |
| Concern over the impact on wildlife, plants and protected species | |
| **Comments about other impacts** | |

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| Concern that the bale storage area is not covered. | The bale storage area is located within the waste reception area which is in an enclosed building. |
| Concern that quantity of IBA will increase and ash storage silos will have insufficient capacity. | The Applicant has stated that the additional waste types will not significantly alter the quantities of bottom ash or APC residue.<br>There will be regular collections of IBA from the IBA storage area for transfer off-site to a suitable permitted waste facility. |
| Concern that there will be increased road traffic to and from the site. | Movement of traffic to and from the Installation is outside of our remit and will normally be an issue for the planning authority to consider. However, in response to the Schedule 5 Notice received on 2nd February 2026, the Applicant has confirmed that the number of vehicles transporting waste to and from the site will not exceed that previously modelled. |
| Concern the plant will operate at a higher capacity as the NCV is lower. | The boiler will have a thermal capacity of 69.8MWth and is designed to combust waste with an NCV of 9.5MJ/kg to 11.5MJ/kg. This is not changing as a result of this Application. |
| Concern that a dust management plan has not been submitted. | We are satisfied with the measures proposed by the Applicant and that there will not be a significant problem with dust.<br>Permit condition 3.3.1 provides sufficient controls to control emissions of substances not controlled by emission limits. If there are pollution issues, we will investigate them and take enforcement action if required. |
| **Comments about BAT, emission limits and control measures** | |
| Concern that BAT is not being used including:<br>• Abatement techniques<br>• Monitoring<br>• Waste stream management<br>• Waste acceptance procedures | Our view is that the information supplied with the Application along with the information required by the pre-operational conditions are BAT. This is explained in detail in section 6 of this decision document. |
| **Comments about monitoring** | |
| Concern that Operator will carry out the monitoring and that monitoring will not be robust. | The Environment Agency used to carry out check-monitoring when there were relatively few standards for monitoring. Check monitoring is no longer routinely undertaken because of increased standards that provide assurance that the results are reliable.<br><br>There is now a wide variety of standards for monitoring, covering CEMs, periodic monitoring, and quality assurance. We have MCERTS for CEMs and test laboratories. We have EN 14181 for quality assurance of CEMs. We require CEMs and test laboratories to be accredited to MCERTS and all the applicable standards.<br>We carry out audits of operators' provisions for monitoring. |

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| | However, we still do check monitoring where it is considered appropriate.<br><br>Furthermore, as well as auditing operators' provisions for monitoring, and how they apply the monitoring requirements of the permit, we also regularly audit test laboratories. |
| Concern that POPs emissions should be continuously monitored. | The prevention and minimisation of dioxins, furans and other POPs is achieved through injection of activated carbon, optimisation of combustion control, avoidance of de novo synthesis and the effective removal of particulate matter.<br><br>The plant has to shut down if abatement is not operating within permit requirements. The Permit also requires continuous monitoring of several parameters (including combustion temperature, TOC, CO and particulate emissions) to ensure that the incinerator is running optimally and minimising emissions. Therefore, dioxin and other POPs control will be maintained in-between monitoring periods and we are satisfied with the monitoring frequency imposed.<br><br>Our view is that continuous monitoring is unlikely to be required. Improvement condition, IC9 requires the Operator to carry out a programme of dioxin and dioxin-like PCB monitoring. This is so we can determine that dioxin emissions can be considered to be sufficiently stable (in line with the BAT conclusions) and require continuous sampling in the unlikely event that they are not sufficiently stable. |
| **Comments about accident prevention** | |
| Concern that decomposing biodegradable waste releases methane and increases the risk of spontaneous combustion. | We are satisfied the FPP will minimise the risk of fire in the bunker.<br>The bunker management techniques proposed by the Applicant (including mixing and constant turnover of waste) will ensure that anaerobic conditions do not occur and so there will be a negligible risk of methane generation. |
| Concern that firewater will be discharged to surface water, sewer or Balaclava Bay. | There will be provision to contain firewater on site as set out in the FPP.<br><br>The water used for fire-fighting will be sampled and analysed to identify whether it is suitable to be used as process water or if treatment/disposal of the water is required. If the firewater is contaminated, the water will be discharged to sewer (in accordance with the constraints of the trade effluent consent) or pumped out and transferred off-site to a suitably licenced waste management facility if it is unsuitable for discharge to sewer. |

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| Concern the quarantine area has been removed from the site layout in the FPP.<br>Concern the quarantine area is inadequate. | The FPP states that a suitable area for the quarantine of unacceptable waste will be designated as part of the detailed design stage. Pre-operational condition PO10 requires further update to the FPP to be submitted prior to commissioning of the installation. A number of elements, including further details about the quarantine area, will be subject to confirmation at the final design stage and will be assessed by the Environment Agency against our guidance. |
| **Comments about waste types** | |
| Concern that hazardous waste will be accepted. | The additional waste types are all categorised as non-hazardous in the European Waste Catalogue. |
| Concern that the incinerator cannot process the additional waste types. | We are satisfied that the waste types listed in Table S2.2 of the permit are suitable for burning at the Installation, further details are in sections 4.2 and 6.1.1 of this decision document. |
| Concern that waste code 17 09 04 will contain wastes such as plasterboard. | Plasterboard is generally classified under EWC code 17 08 02. The Installation is not permitted to accept this waste code. |
| Concerns that liquid waste will be accepted under waste code 20 01 25. | Wastes under this waste code will be delivered in small containers. We are satisfied that this waste type is suitable for incineration.<br>Pre-operational condition PO5 requires the Applicant to submit a waste acceptance procedure for approval. The site will be unable to operate without an adequate waste acceptance procedure. |
| Concern that the waste types cannot be mixed into an homogenous waste. | Moving grate plants are designed to deal with waste with varying composition and size. In addition, bunker management techniques, such as bunker crane mixing will be used to homogenise the waste and these techniques are considered to be BAT for these wastes. |
| Concern that waste containing POPs should be managed as a separate waste stream. | We are satisfied that the waste types listed in Table S2.2 of the permit are suitable for incineration and that plant can safely burn wastes that could contain POPs. |
| Concern that there is an increase in environmental risk of transporting the additional waste types. | The transport of waste up to the point it enters and then leaves the Installation is not a consideration under EPR for permit applications. |
| The Application does not state the waste types that will be stored in the bale storage area. | The additional waste types requested in this variation Application will be unloaded directly into the waste bunker. There are no changes to the waste stored in the bale storage area as a result of this variation Application. |
| Issues on specific waste types were raised including:<br>• Batteries<br>• Gas Cannisters | The Permit will not allow these waste types to be burned. It is possible that the waste received could contain some of these waste types, for example batteries could be placed in household bins and received at the incinerator under the municipal waste code. However, if this did happen, quantities are |

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| | likely to be small and not pose a significant risk. |
| Concern that narrative for EWC code chapter description in the supporting information document reads 'Packaging (excluding separately collected municipal packaging waste)' rather than 'Packaging (including separately collected municipal packaging waste)' as in the EWC waste classification document. | The narrative in Table S2.2 of the Permit reflects European Waste catalogue. The Application contains a list of the wastes coded by the EWC number. Only wastes under these EWC codes can be accepted. |
| **Comments about the consultation** | |
| Concern over how the public consultation has been carried out. | We are satisfied that we took appropriate steps to inform people about the Application and how they could comment on it. How we did this is described in section 2 of this decision document. |
| Concern that the original application documents were not available on Citizen Space. | We have addressed this comment in Section 2 of the decision document. |
| **Comments about other issues** | |
| Concern that the capacity of the incinerator is increasing. | There are no changes to the permitted plant capacity (202,000 tonnes per year) or the waste infrastructure as a result of this variation Application. |
| Concern over the variation type | Although the variation Application was initially submitted as a minor variation it was recategorised as a normal variation prior to being duly made. Permit variations update an existing environmental permit. A minor variation handles simple, non-complex changes (like site boundary adjustments or minor technical swaps) requiring minimal regulator assessment. A normal variation requires deeper regulator review and is used for changes altering operations, increasing environmental risk, or adding activities. We consider a normal variation the appropriate categorisation for a variation of this type. |
| Concern there will be increased shipping traffic to and from the site. | Movement of traffic and shipping to and from the Installation is outside of our remit. However, the Applicant has stated that the additional waste types will be delivered via road. |
| Concern about coastal flooding. | The Environment Agency acts as a statutory consultee on planning applications and provides technical advice, guidance and data to ensure new developments are safe from flooding and do not increase flood risk elsewhere. Consequently, the Agency's advice on these matters is normally accepted by both the Applicants and Planning Authorities. When making permitting decisions, flood risk is still a relevant consideration, but generally only in so far as appropriate measures are in place to prevent pollution in the event of a credible flooding incident. |

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| | The risk of flooding is addressed as part of the planning process. |
| The permit should not be issued because of the precautionary principal. | The United Kingdom Interdepartmental Liaison Group on Risk Assessment (UK-ILGRA) state in their paper "The Precautionary Principle: Policy and Application" that the precautionary principle should be invoked when there is good reason to believe that harmful effects may occur and the level of scientific uncertainty about the consequences or likelihood of the risk is such that the best available scientific advice cannot assess the risk with sufficient confidence to inform decision making. The Health Protection Agency (as it was called then) stated in its response to the British Society for Ecological Medicine Report, "The Health Effects of Waste Incinerators" that "as there is a body of scientific evidence strongly indicating that contemporary waste management practices, including incineration, have at most a minor effect on human health and the environment, there are no grounds for adopting the 'precautionary principle' to restrict the introduction of new incinerators".<br>The variation Application does not change this view. |
| Concern that the indicative underground firewater containment was not included in the planning application layout. | The planning application and this environment permitting Application are separate processes. We have assessed the Application based on the information that was submitted in the Application. It is the Operator's responsibility to comply with all statutory regimes and to ensure that any necessary authorisations are not in conflict. |
| Concern there will be an increase in the storage duration of waste. | We requested additional information through a Schedule 5 Notice dated 18/12/2025.<br>An updated FPP was submitted in response to our request on 02/02/2026. The storage duration of the waste remains the same as submitted in application EPR/AP3304SZ/A001.<br>See section 4.2.1 for further detail. |
| Concern that the storage capacity of the site is unknown. | Neither the capacity of the baled storage area nor the waste bunker has changed as a result of this variation. The baled storage limit of 3,000$m^3$ is in line with the storage capacity proposed by the Applicant. The storage capacity of the waste bunker is equivalent to up to 3 days of waste processing capacity. |
| Concern that more recent weather data should have been used. | In our audit of the Applicants dispersion modelling submitted with application EPR/AP3304SZ/A001 we tested sensitivity to a total of 12 years of meteorological data from varying locations, data sources, decades and observed vs modelled data. These are likely to capture local patterns and variation in meteorological conditions. |

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| | Climate change is assumed to be less than the inter year variation in the data and so is not expected to affect the predictions significantly.<br>We are satisfied that the additional wastes proposed to be accepted under this Application will not change emissions and that the assessment under application EPR/AP3304SZ/A001 is still valid.<br>See section 5.1 of this decision document for assessment of impact on air quality. |

c) Representations from Individual Members of the Public

A total of 647 of responses were received from individual members of the public. Some of the issues raised were the same as those considered above. Only those issues additional to those already considered are listed below. We have also received a number of comments that are outside the scope of the changes made by variation Application EPR/AP3304SZ/V002. These comments were also made in relation to application EPR/AP3304SZ/A001 and have been addressed in the decision document for that application and are not repeated here:

| Brief summary of issues raised: | Summary of action taken / how this has been covered |
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| **Comments about air emissions and air risk assessment** | |
| Concern the site will not be able to achieve the BAT AELs for NOx, particulates and dioxins. | The ELVs set in the permit are in line with BAT AELs and/or IED Chapter IV for new plant. We consider the Operator will comply with the ELVs. |
| Concern that application relies on theoretical modelling and idealised operating conditions, not accounting for variability as included in the EA sector guidance. | The assumptions upon which the air dispersion modelling was based were assessed and considered to be reasonable precautionary.<br><br>There are no changes to emissions to air as a result of this Application. |
| Concern over the impacts from:<br>• Bioaerosols | Our view is that bio-aerosols will not be a significant issue. Waste will be stored inside the reception building and will only be stored for short periods before being burned. Emissions from the reception hall will be minimised by maintaining it under negative pressure with the air being used as combustion air in the furnace. |
| Concern over abatement failure. Concern over impacts during abnormal operation/OTNOC. | The EMS will include a preventative maintenance scheme so that equipment is serviced and replaced before it breaks down. The permit treats OTNOC as abnormal operation, it sets limits on how long the plant can operate during abatement failure (abnormal operation). If an emission limit is exceeded at other times then the plant must stop feeding waste immediately. |

| Comments about health impacts | |
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| Concern the additional waste types are carcinogenic. | We do not consider that there will be a significant impact on health in the area. This is in line with the UKHSA's position statement that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small. We have also consulted with the UKHSA as part of our determination of this Application. |
| Several reports, papers and articles were cited claiming that the incinerator would cause health impacts due to air emissions. | We considered the reports, papers and articles that were cited. Our view is that the Installation will not have a significant impact on health. This view is supported by the UKHSA's risk assessment that modern, well run and regulated municipal waste incinerators are not a significant risk to public health. While it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small.<br>UKHSA keep literature on health effects under review and would inform us if there were any changes to the above position. Similarly, we would consult UKHSA if new evidence was provided to us.<br>We do not consider that the increase in waste types proposed under this Application will change the emissions from the facility and therefore there is no change to the risk to health. |
| Reports by ToxicoWatch and Zero Waste Europe were cited along with concern that the reports showed elevated levels of persistent organic pollutants in the environment around incineration plants in Europe. | We are not aware of any similar reports for UK energy from waste plants, nor can we comment on the validity of the cited reports (which do not appear to have been peer reviewed or published in any scientific journals). The Applicant carried out a human health impact assessment (HHRA) on dioxin emissions from the Installation which includes impact on the food chain via deposition to soil in application EPR/AP3304SZ/A001. We audited the HHRA and we have concluded that dioxin emissions will not have a significant impact on human health.<br>We do not consider that the increase in waste types proposed under this Application will change the emissions from the facility and therefore there is no change to the risk to health. |
| **Comments about odour impacts** | |
| Concern over odour impacts when reception doors are open. | Air from the reception hall will be used for combustion air in the furnace to generate |

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| | negative pressure in the reception hall. This technique is used in many incineration plants and generally works well to control odour including for plants where doors open for delivery vehicles. The main access doors to the reception area that will be used for the waste delivery vehicles are fast closing roller shutters and will be kept closed (except during vehicles coming and leaving) to maintain odour control.<br>We are satisfied that the measures proposed by the Applicant, and implemented through the Permit conditions, will ensure that that there will not be a significant impact from odour. |
| **Comments about impacts at ecological sites** | |
| Concern over POPs impact on the marine environment | Deposition from the combustion gases was considered in application EPR/AP3304SZ/A001 which included impacts from POPs. We do not consider that the impact of emissions on ecological receptors will change as a result of this variation. See section 5.1 of this this decision document. We do not consider that emissions from the Installation will significantly impact the marine ecosystem. |
| **Comments about other impacts** | |
| Concerns over emissions of microplastics. | We are satisfied that there will not be a significant issue with emissions from the Installation. Bag filters will be fitted to provide particulate abatement. |
| Concern over impact of emissions on bathing waters | We are satisfied there will not be a significant impact on health due to emissions to air or water from the Installation and this has not changed as a result of this Application.<br>The only permitted discharge to water is uncontaminated surface water run-off. This is consistent with run-off that occurs already after periods of rainfall and is therefore not expected to impact water quality. |
| Concern over deposition of toxic particles on farmland and grazing livestock | There are no changes to the ELVs and therefore the impacts as a result of this variation.<br>Ingestion of locally grown food was taken into account in the HHRA submitted with application EPR/AP3304SZ/A001. |
| Concerns about pests (gulls) carrying waste to local homes | The waste reception area and all incoming waste handling activities will be undertaken in a fully enclosed building. This should mean there is nothing to attract birds.<br>We are satisfied that there will not be a significant problem with pests, including seabirds. We can, however, request a pest management plan through condition 3.7.2 if needed. |
| Concern that there are issues with pests at other sites which accept similar waste types. | Our view is that this issue is generally well controlled at EfW plants, and we are satisfied that for this Installation appropriate measures have been proposed. In the event |

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| | of any issue, we will investigate and take action if required. |
| Concern that more specialist transport will be required to transport the waste, larger tankers and specialist containers. | As previously stated in this decision document, the transport of waste does not form part of this Permit up to the point it enters the Installation. |
| **Comments about BAT, emission limits and control measures** | |
| Application is not compliant with Chapter 4 of the IED | We are satisfied that the Installation is compliant with Chapter IV of the IED. Application of Chapter IV of the IED is assessed in Annex 1A. |
| Bag filters will not capture ultrafine particles. | Our view is that bag filters are BAT. Filter bags provide particulate abatement from the fabric itself. In addition, particulate removal also occurs via a three-dimensional dust cake which is maintained on the surface of the filter membrane by controlling the bag cleaning process and the pressure drop through the fabric filter. The membranes have very small pores which in combination with the filter cake which accumulates on the bag filters provide effective abatement of particulates. Research has shown the removal efficiency is very high even for smaller particles. |
| **Comments about monitoring** | |
| Concern over the cost to public for monitoring carried out by the council. | This issue is outside the scope of this Application determination. |
| Concern over monitoring for ultra fine particles. | The Operator will be required to monitor particulate emissions using the method set out in Table S3.1 of Schedule 3 of the Permit. This method requires that the filter efficiency must be at least 99.5 % on a test aerosol with a mean particle diameter of 0.3 µm, at the maximum flow rate anticipated. The filter efficiency for larger particles will be at least as high as this. This means that particulate monitoring data effectively captures everything above 0.3 µm and much of what is smaller. It is not expected that particles smaller than 0.3 µm will contribute significantly to the mass release rate / concentration of particulates because of their very small mass, even if present. This means that emissions monitoring data can be relied upon to measure the true mass emission rate of particulates. |
| Continuous monitoring should be required for as many pollutants as possible. | The Permit requires continuous monitoring for emissions to air of particulates, oxides of nitrogen, sulphur dioxide, carbon monoxide, total organic carbon, hydrogen chloride and ammonia. Other substances are required to be monitored quarterly or bi-annually. These requirements are in line with the IED and current BREF. |

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| | The Permit also requires continuous monitoring of several process variables (e.g. combustion temperature) to ensure that the incinerator is running optimally and minimising emissions.<br><br>We are satisfied that the monitoring requirements in the Permit are appropriate and this has not changed as a result of this variation Application. |
| **Comments about accident prevention** | |
| Concern that an updated fire prevention plan was not provided. | We requested additional information through a Schedule 5 Notice dated 18/12/2025. An updated FPP was submitted in response to our request on 02/02/2026.<br><br>We are satisfied that the information contained in the FPP combined with the information required through pre-operational condition PO10 will be adequate to meet our FPP guidance. |
| Concern that the FPP does not demonstrate compliance under maritime bulk delivery conditions. | The Permit does not control how waste is transported to the site although transport will be covered by other, relevant legislation. |
| Concern that the FPP will be finalised under a pre-operational condition. | We are satisfied, in principle, that the Operator will have suitable measures in place, but some detail needs to be confirmed once the final detailed design is completed. Pre-operational condition PO10 requires an updated FPP to be submitted, for approval, upon completion of the final design. This is a common approach where areas of the operation are still subject to a finalised detailed design.<br><br>The site is unable to operate under this Environmental Permit without an approved FPP. |
| The FPP does not specify which waste codes are eligible for maritime delivery or restrict maritime delivery to 19 12 10. | The Permit does not control how waste is transported to the site although transport will be covered by other, relevant legislation. |
| Concern that the additional waste codes have not been assessed under 30-day baled storage conditions. | The additional waste types will be unloaded directly into the waste bunker. The storage capacity of the waste storage bunker is equivalent to up to 3 days of waste processing capacity. |
| **Comments about waste types** | |
| Some waste types could be recycled or recovered. | This is primarily outside the scope of this determination. Recycling initiatives are a matter for the local authority. The Permit through conditions 2.3.5 and 2.3.6 restricts wastes that have been separately collected for recycling from being accepted. |
| Concern that clinical waste will be accepted. | These waste types are not permitted to be received and burned at the Installation. The permitted waste types are listed in table S2.2 of the Variation Notice. |
| Concern that chemical waste will be accepted. | |
| Concern that asbestos will be accepted. | |

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| Concern that the Operator will burn wood from forests. | |
| Concern that RDF is not tested against a standard specification and can vary in calorific value content and composition, unlike SRF. | There are no changes to the RDF waste code as a result of this variation and does not form part of our assessment of this variation Application. We are satisfied that RDF can be incinerated whilst complying with the emission limits. |
| Concern that waste types are not compatible. | Waste types are specified in table S2.2 of the Permit. We are satisfied that these wastes are suitable for burning at the Installation, further details are in section 4.2.2 of this decision document. We are satisfied that the operating techniques will ensure that emission limits can be met, the emission limits apply at all times whatever wastes are being burned. |
| Concern over the risks of transporting a wider range of waste types | The transport of waste does not form part of this permit up to the point it enters the Installation. |
| Concern that contaminated waste will be accepted. | Hazardous waste will not be accepted at the Installation. Waste acceptance criteria will prevent separately collected fractions unless contaminated and unsuitable for recycling or recovery. We are satisfied that these wastes are suitable for burning at the Installation. |
| Concern over the burning of plastics. | We are satisfied that the plastics proposed in the Application can be burned whilst complying with the Permit emission limits. |
| **Comments about regulation** | |
| Concern over how the Environment Agency will regulate the site. | We will regulate the site carrying out assessment of plant operations and its environmental performance. This will include:<br>The operator must monitor emissions and report the results to us. We will regularly inspect the Installation, review monitoring techniques and assess monitoring results to measure the performance of the plant, review operating techniques and review management systems and plans. We will carry out on-site audits of operator monitoring. The operator must inform us immediately of any breach of the emissions limits, followed by a fuller report of the size of the release, its impact and how they propose to avoid this happening in the future.<br>The operator's monitoring results will be placed on the public registers. If there is a breach of a permit condition, then we will take appropriate enforcement action and/or prosecute in accordance with our enforcement policy. |
| A claim was made that the compliance history is poor at other incinerators. | We do not agree with this claim. Most compliance breaches are minor and facilities broadly operate within permitted limits. The sector is generally a good sector in terms of compliance. In determining this Application, we have considered the compliance history |

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| | and operator competence relevant to this site, and in accordance with the requirements of EPR, we are satisfied that the Applicant is able to comply with the permit conditions and that appropriate measures are in place to prevent pollution. |
| **Comments about the consultation** | |
| Concern that public health has not been consulted. | We consulted both UKHSA (formerly Public Health England) and Dorset Council. We received responses from UKHSA and Dorset Council. The summary of issues raised can be found in Annex 4 A)1). |
| Concern that the local authority has not been consulted. | |
| **Comments about other issues** | |
| Concern that additional waste types have been applied for before the incinerator is operational. | A permit variation application can be submitted at any time. We consider each application individually and our assessment is based on the information submitted in that application. We would only grant a variation if we were satisfied that the change would not have a significant impact on the environment or health. |
| Concern the operational hours of the Installation will increase. | The operational hours of the Installation will not change as a result of this variation. |
| Concern regarding the planning process and decision. | We are unable to answer questions regarding the planning process and outcomes as this does not fall within our remit.<br><br>We are responsible only for the determination of the variation Application under EPR 2016. |
| Concerns there will be further variations to the Permit in future. | Should the Operator propose to make changes to site operations, they can do so but would need to apply for a variation to the Permit. We would assess such an application and would only issue a variation if we were satisfied that it would not cause a significant impact. |
| Concerns that there are no limits on the waste codes accepted at the Installation. | Waste types and quantities are specified in Table S2.2 of the permit and the Operator is only permitted to accept these wastes. Any proposed changes to waste types would need to be considered under a separate future variation. |
| Concerns there is no justification for expanding the waste streams | Waste policy is outside of our remit. We have to consider whether the environmental impacts of what is proposed can be authorised under EPR as part of an application. |
| The monitoring data should be made available publicly if the incinerator is operational. | All monitoring data required by the Permit will be reported to the Environment Agency and placed on the public register as will any notification under condition 4.3.1. |
| Concern that further information was required to determine the Application. | Even where an application is duly made, there may be circumstances where the regulator needs to serve a Schedule 5 Notice requiring more information. |

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| | Schedule 5 Notices are a part of the permitting process.<br>A Schedule 5 Notice was issued on 18th December 2025 and the Applicant responded to this on 2nd February 2026. |
| The permit application should be resubmitted and reassessed in its entirety | The Application submitted contains the details for the parts of the permit that will be affected by the proposed change. There is no requirement to resend information from the original application if it is not affected by the proposed changes.<br>We have assessed the information submitted with the Application and the additional information submitted in response to the Schedule 5 Notice and consider that it contains sufficient information for our determination. We have set pre-operational conditions so that management plans are updated if required after the detailed design stage. |
| Concern that electricity supply to the site will be inadequate | The Installation will include a grid connection compound. An emergency diesel generator will provide sufficient power to safely shutdown the Facility in the event of the loss of a grid connection. We have consulted with National Grid, and they have not raised any concerns. |
| Claim that landfill is a better environmental option than incineration. | The Applicant has not applied to operate a landfill site. We have to assess whether the Applicant's proposal is acceptable. Our assessment of BAT is set out in Section 6 of this document. |
| Concern that it will contravene the human right to clean air. | We do not agree that human rights will be contravened or that the proposal will give rise to air pollution. |
| Comments received in favour of the facility and the expansion in waste types. | No action required. |
| The article 'Ella's Law hits Commons: Experts urge building air quality policy around people' was cited. | We considered the article that was cited. Our view is that the Installation will not have a significant impact on health, and this has not changed as a result of this Application. We are satisfied that appropriate steps have been taken to inform people about the Application and how they could comment on it. |
| Concern that relevant information is considered under the Thameside Duty. | The Thameside Duty refers to a 1977 case and is an obligation requiring decision-makers to make reasonable enquiries or steps to obtain the relevant information to make an informed decision. Our view is that the Installation will not have a significant impact on health and this has not changed as a result of this Application. This view is supported by the UKHSA. |
| Concern that granting a permit would not fit with the Environment Agency's aims of:<br>• protect and improve the environment and<br>• create better places for people and wildlife | Our role in EPR permitting is to ensure that any Installation does not cause significant pollution or harm to human health. We are satisfied that this Installation will not cause significant pollution or harm and that it will provide a high level of protection for the |

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| | environment as a whole and, as such, it fits with these aims. This view has not changed as a result of this Application. |
| Comments about the government position on incineration planning applications. | The Government's announcement of 30th December 2024 (which can be found here Government to crack down on waste incinerators with stricter standards for new builds - GOV.UK) relates to new requirements which energy from waste (EfW) plants will need to meet to get planning permission. This is only for the planning process and does not affect our determination of Environmental Permits. |
| **Comments about permit conditions** | |
| Concern expressed about standard permit conditions. | Our view is that the permit will ensure a high level of protection is provided for the environment and human health. We are satisfied that the permit conditions and limits will achieve this, and that the Applicant has provided sufficient information to demonstrate their capability and commitment to comply with the permit conditions. We will carry out inspection and audits on the Installation and the EMS to ensure that Permit conditions are complied with. Any non-compliances will be subject to our enforcement and sanctions statement. |