

The Company Secretary
Biomass UK No.4 Limited
St Helen's
1 Undershaft
London
EC3P 3DQ

Our ref: EPR/XP3134AW

Date: 30 July 2021

CC: Mr Ian Shervell

Dear Sir/Madam,

Environmental Permitting (England and Wales) Regulations 2016 (the "Regulations")

Temporary Enforcement Position regarding the continued operation of the Plymouth Timber Resource Recovery Plant, at Unit 21-29, Belliver Way, Roborough, Plymouth, PL6 7BW (the "site") by Biomass UK No.4 Ltd. under permit EPR/XP3134AW, previously operated by Dartmoor Bio Power Ltd

Background

- Original permit issued to Mitie Infrastructure on 27/07/2012. This was then transferred to Dartmoor Bio Power Ltd (DBPL) on the 18/05/2015. During all of this time the site has essentially been in a commissioning phase. Full reporting requirements have been in place in recent years.
- A permit transfer application for Biomass UK No.4 Ltd was made in all good faith expecting that it would be duly made and hopefully determined. Because the administrator dissolved DBPL the permit no longer existed and there was nothing to transfer.
- Biomass UK No.4 Ltd are in the process of submitting a new permit application. This is being submitted by CoGen Ltd who have historically provided management support, particularly permit compliance and reporting related activities. Their request is to allow Biomass UK No.4 Ltd to operate under the conditions of the DBPL permit until their application is determined.

Temporary Local Enforcement Position ("LEP")

We have considered the particulars of this case and can confirm that we will not take enforcement action if you carry out such activities in accordance with the following conditions:

1. The activities are limited in type and to the extent detailed in the permit EPR/XP3134AW previously held by Dartmoor Bio Power Ltd;
2. The activities carried out under this LEP must be carried out by, and under the control of, Biomass UK No.4 Ltd. This LEP cannot be assigned to any other person or entity;

3. You operate the plant to meet the emissions requirements as detailed in permit EPR/XP3134AW;
4. You maintain all appropriate measures to monitor and control risks associated with the operation of the installation, in particular any specified in the Non-Technical Summary and Air Impact Assessment contained in the original permit application;
5. You notify the Environment Agency using our Incident Hotline: 0800 80 70 60 immediately if any incidents occur; and
6. You do not cause pollution of the environment or harm to human health or such pollution or harm is not likely to be caused.

This enforcement position is specific to the site at Unit 21-29, Belliver Way, Roborough, Plymouth, PL6 7BW and is limited to **operation of the plant using only waste wood as a feed stock as defined in Schedule 2 of permit EPR/XP3134AW.**

The enforcement position will **remain in place until 31 December 2021 or until the date you are notified of the determination of your permit application, whichever occurs sooner.**

The temporary enforcement position will be subject to a review at this time, if your permit application is still being determined.

Please note that this enforcement position is independent of any permitting decision process and cannot be relied upon as an indicator of any final decision in relation to any such application.

This LEP does not absolve Biomass UK No.4 Ltd of the obligation to comply with other legislative requirements.

If planning permission is required for the activities to be undertaken under this LEP, then it is Biomass UK No.4 Ltd's responsibility to obtain planning permission from the relevant authority before the activities commence. It is also Biomass UK No.4 Ltd's responsibility to satisfy and/or secure any other legal requirement that might apply in respect of the activities to be undertaken under this LEP.

We reserve the right to withdraw the enforcement position at any time subject to providing reasonable notice to you in writing of such a withdrawal. If, however, you do not comply with the conditions within this letter then the enforcement position will be withdrawn immediately and you may be subject to enforcement action.

If we consider that the activities are likely to cause pollution of the environment or harm to human health or if such pollution or harm is caused the Environment Agency's normal enforcement procedures will apply. In that event, enforcement action may be taken against any party whom we consider is liable for any breach or pollution or harm.

If you have any queries regarding this letter please contact David Mudge on 020 30252214 or at the following email address: david.mudge@environment-agency.gov.uk

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. de Winton', with a horizontal line underneath.

Tim de Winton

Area Environment Manager (Regulating Industry and Enforcement)
Devon, Cornwall and Isles of Scilly Area

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