

# Tungsten West Ltd - Hemerdon Mineral Processing Plant & Mining Waste Facility Permit Applications

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| Application No <b>EPR/AP3203ML/A001 – Mineral Processing Plant</b> | Briefing note 3,              |
| Application No <b>EPR/JB3209MD/A001 – Mining Waste Facility</b>    | 9 <sup>th</sup> December 2022 |

**Our role is to protect and improve the environment so that everyone can enjoy the benefits of a clean, safe and healthy place to live.**

**We are responsible for granting or refusing environmental permits and regulating sites that may impact on the environment through water abstraction, emissions or waste materials. We will not issue a permit if current evidence suggests that the operation will be harmful to human health or the environment.**

## **Current situation:**

We have received a change to the current application for the **Mineral Processing Plant (EPR/AP3203ML/A001)**. This is for a change of operator to Drakelands Restoration Limited and for process changes under the application. New noise impact assessments (audible and low frequency noise) have also been submitted with these process changes and in response to our Schedule 5 notices (1A and 1B) requesting further information.

As this is a change to the current application, we are reconsulting on these changes with our external stakeholders and the public via our citizen space public consultation website (links provided below).

The advert will go live from next week commencing 12<sup>th</sup> December 2022 and will run for 6 weeks until mid January 2023. We will send email reminders once the advert is live and prior to the end of the consultation period to ensure people are able to comment on the changes to the application.

The application will be technically assessed by experienced specialist officers in our National Permitting Service. We will gather comments from all relevant parts of the Environment Agency, our statutory consultees and other interested parties. An experienced permitting officer is overseeing this process and ensuring that all comments received both internally or externally are recorded and considered as part of our permit determination process.

We have issued a **Mining Waste Facility permit (EPR/JB3209MD/A001)** to Drakelands Restoration Limited at Hemerdon Mine, Drakelands, Plympton, Devon PL7 5BS (effective date 09/12/2022) This is for deposit of extractive waste from mineral processing and associated surface water discharges from the Tory Pond and Portworthy Channel. The permit allows for continued management and monitoring of the existing facility by Drakelands Restoration Limited, which was previously permitted under a local enforcement position. It does not currently allow for deposit of extractive waste from Hemerdon Mine until financial provision has been agreed with the Environment Agency.

## Making your comments:

We welcome comments on this application in the following ways:

- at our consultation website <https://consult.environment-agency.gov.uk/psc/pl7-5bw-drakelands-restoration-limited>
- by email to [PSCpublicresponse@environment-agency.gov.uk](mailto:PSCpublicresponse@environment-agency.gov.uk)
- by phone – Customer Service Line 03708 506 506

Normally we are required to put any responses we receive on the public register. This includes your name and contact details. Please tell us if you do not want your response to be public.

## Our assessment:

Once our assessment of the application is complete and we have considered all the relevant consultation responses we will make a decision about issuing a permit. For application no. **EPR/AP3203ML/A001 (Mineral Processing Plant)** we will advertise our draft decision document and draft permit, known as our 'Minded to Decision'. You will be able to see our response to your comments raised during the consultation in our decision document. We will consider any further representations made at this point before we make a final decision on whether to issue this permit.

Under current environmental legislation (the EPR), we can only refuse a permit if it fails to meet one or more of the legal requirements that ensures the proposed facility will not have a significant impact on the environment or human health. If all the requirements of the legislation are met, we are legally obliged to issue a permit.

Every application is taken on its merits and is technically assessed appropriately and proportionately. We will only issue a permit if we are sure that the site will be designed, constructed and operated in a way that will not pollute the environment or harm human health.

## We can take account of

- Relevant environmental regulatory requirements and technical standards.
- Information on local population and sensitive sites.
- Comments on whether the right process is being used for the activity, for example whether the technology is the right one.
- The shape and use of the land around the site in terms of its potential impact, whether that impact is acceptable and what pollution control or abatement may be required.
- The impact of noise and odour from traffic on site.
- Permit conditions by providing information that we have not been made aware of in the application, or by correcting incorrect information in the application (e.g. monitoring and techniques to control pollution).

## We cannot take account of

- Issues beyond those in the relevant environmental regulations.
- Anything outside the remit of the EPR, e.g. the proposed location of the site, which is done by the local authority via land use planning.
- Whether a site should have a formal designation under Habitats Directive or other conservation legislation.
- Whether the activity should be allowed or not as a matter of principle. For example we will not consider whether wood, gas, or coal should be burnt to produce electricity; only that the options and environmental impact of say wood has been considered. We will not consider

whether a waste incinerator proposal should be turned into a sorting and recycle proposal, only that the incinerator options and effect have been considered.

- Land use issues when determining a permit application, even if changing the location of the activity would improve its environmental performance.
- The impact of noise and odour from traffic travelling to and from the site.
- The legally defined process we follow to determine a permit.
- The granting of a permit/variation if the operator is able to demonstrate that they can carry out the activity without significant risk to the environment or human health.

### Do you have questions?

Our staff may be able to assist you with any specific queries not covered in this briefing note. You can contact us through our National Customer Contact Service number **03708 506 506** or by emailing [PSCpublicresponse@environment-agency.gov.uk](mailto:PSCpublicresponse@environment-agency.gov.uk)