

Briefing 1: Wealden Works Recycling, Recovery and Renewable Energy Facility, Langhurstwood Road, Horsham, RH12 4QD

Variation application number: **EPR/CB3308TD/V002**

May 2021

- We have received an environmental permit variation application from Britaniacrest Recycling Limited. The variation is to add mechanical sorting and an energy recovery facility. The applicant states that the facility will be known as the Wealden Works Recycling, Recovery and Renewable (3Rs) Energy Facility and would be located at the existing site off Langhurstwood Road near Horsham. The facility would be capable of treating up to 230,000 tonnes of non-recyclable non-hazardous waste each year from homes and businesses across West Sussex and its neighbouring counties. Asbestos could also be accepted and stored but will not be used in the energy recovery facility. The energy recovery facility would be used to generate electricity which will be exported to the local electrical grid.
- The applicant needs both planning permission and an environmental permit. Planning permission was granted on 27 February 2020 by The Planning Inspectorate.
- We are now inviting you to comment on this permit variation application and we will take all relevant comments into account when determining the permit application. These will be covered in our decision document. We are only able to consider certain aspects of the development applicable to permitting. Planning considerations were considered by West Sussex County Council and via the Planning Inspectorate Appeal.

Introduction

We have received an environmental permit variation application for this site. This briefing note will explain what the operator has to do to be issued this permit variation from us, what we can and can't consider when deciding whether to issue the permit variation or not, and how you can make your views known to us.

What is an environmental permit?

An environmental permit sets the conditions an operator will be required to meet when operating the facility. It covers the management and operation of the site and the control and monitoring of emissions from the site. The operator will need to demonstrate they are putting in place the necessary measures to meet current standards to protect human health and the environment.

The permit will set out the detail of how the operator intends to protect the health of people and the wider environment. The plans will describe the measures they will take which need to be appropriate to control the risks identified. The operator will need to show that what they propose uses the Best Available Techniques (BAT) for preventing or minimising emissions and impacts on the environment.

How do we assess an environmental permit application?

We assess all permit applications to make sure they meet the requirements of the Environmental Permitting Regulations. Emissions limits to protect the environment and human health are set by the EU Withdrawal Act 2018, which incorporates those contained in the Industrial Emissions Directive (IED). In order to achieve these limits, the operator will need to show that they will use Best Available Techniques

When we consider a permit application we review the design of the proposed facility, how it will be operated, the emissions it will generate (to air, water and land) and whether it will meet the required standards.

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We consult professional partners, such as Public Health England and the local council. We also take into consideration the competence of the operator to run the facility.

When an application does, or we anticipate that it might, give rise to significant public interest we consult local communities likely to be affected before making a final decision on whether to issue an environmental permit variation or not.

Providing a business can prove that the proposed activities meets all the legal requirements, including environmental, technological and health requirements, then we are legally obliged to issue a permit variation, even if some people do not approve of the decision.

Our regulatory role

If we decide to issue a varied environmental permit to Britaniacrest Recycling Limited, this would allow us to regulate the site in order to prevent harmful pollution and to minimise environmental and human health impacts.

We check:

- categories of waste that would be processed
- site monitoring – techniques, equipment, standards, sampling
- management and facility operating techniques
- energy efficiency, accident prevention, noise and vibration control, odour
- compliance with the legal requirements of the Industrial Emissions Directive and the special conditions related to energy recovery facilities
- compliance with legally binding permit conditions

We do this by:

- issuing permits which say how the facility must be operated, the monitoring that must be done and the limits it must meet
- carrying out regular inspections and audits to ensure compliance with the permit conditions
- requiring operators to monitor selected key emissions continuously and other emissions periodically in accordance with the required monitoring standards and to report the results to us
- regularly reviewing monitoring techniques and assessing monitoring results to measure the performance of the facility and check that it is meeting its limits

If we are aware that an energy recovery facility breaches any of its permit conditions we will take appropriate enforcement action (operators are legally obliged to report all permit breaches to us). This may be a warning for minor breaches along with a compliance score (which can increase the amount of money the facility operator has to pay us each year for our regulatory work) or enforcement notices, suspension and revocation of the environmental permit and even prosecution for more serious offences.

We put all of the monitoring results and records of our inspections and audits on the public register.

How emissions are monitored

We set emission limits in the permits and we specify how the emissions will be monitored. We specify the monitoring standards to be used and that the monitoring should comply with strict certification developed by our monitoring specialists. This is known as Monitoring Certification or MCERTS for short. It covers equipment standards, people qualifications and methods used.

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For emissions to air, some substances (nitrogen oxides, sulphur dioxide, particulates, carbon monoxide, hydrogen chloride, volatile organic substances and ammonia) are monitored continuously using on site equipment. Operators are not required to monitor all substances continuously. Independent MCERTS qualified specialists attend two to four times per year to verify the monitoring.

They also test for other substances such as heavy metals and dioxins and furans. We know these pollutants are stable provided that the facility is running well. The continuous monitoring allows operators to demonstrate the stability of the facility.

We don't carry out the monitoring ourselves. But we do review the results, which are regularly submitted by the operator, and audit the arrangements regularly.

We don't require operators to monitor ambient air for pollutants as it would be impossible to establish what proportion of the pollutants measured is due to the facility and what is due to other pollution sources.

How is the planning system different?

Planning permission must be sought from the local planning authority before any development takes place. Planning is a separate and distinct process from permitting. Planning permission can be granted by a local authority without an environmental permit variation being in place and vice versa.

In broad terms, the planning process is intended to ensure that the right sort of development takes place in the right place, and that it is necessary. It addresses the development's proposed land use and how suitable the location is, as well as considering flood risk and other environmental constraints. It also considers operating hours, implications for road traffic, safety and congestion and the potential visual impact in the landscape. These issues are not covered by an environmental permit.

How can you comment on the environmental permit variation application?

We now invite you to comment on this permit variation application. The permit variation application can be viewed online on our Consultation Portal, Citizen Space:

<https://consult.environment-agency.gov.uk/psc/rh12-4qd-britaniacrest-recycling-limited/>

We would encourage you to take part in this consultation online where possible, due to Covid-19 restrictions. If you are unable to access the application online please call our national contact centre on 03708 506 506 between 9am to 6pm Monday to Friday.

This consultation will be open until 24 June 2021. You can send us your comments using our online consultation portal, Citizen Space, or by email to pscpublicresponse@environment-agency.gov.uk

We welcome feedback from everyone who has a view on the application, regardless of their age, sex, disability, marriage and civil partnership status, pregnancy or maternity status, race, religion or belief or their sexual orientation.

We must receive your comments by midnight on 24 June 2021. We will then review all the comments received before making a draft decision on whether we will issue an environmental permit variation.

If we decide that the application has provided sufficient information for us to determine that the facility will not cause harm to the environment or people's health, we will issue our draft decision for consultation. This will give you the opportunity to examine and make comments on our decision document and on the conditions we are minded to include in the draft permit. We will consider these comments before making our final decision. If we decide to refuse the permit variation, Britaniacrest Recycling Limited have the right to appeal this decision. For general information about our permitting process please see our Citizen Space page <https://consult.environment-agency.gov.uk/psc/rh12-4qd-britaniacrest-recycling-limited/> or www.gov.uk/topic/environmental-management/environmental-permits

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