

Miss Claire Finney
TerraConsult Limited
Bold Business Centre
Bold Lane
Sutton
St. Helens
WA9 4TX

Our ref: EPR/CP3698VW/V004
Your ref:

Date: 19/10/2020

Dear Miss Finney

We need more information about your application and underpayment of application charge

Application reference: EPR/CP3698VW/V004
Operator: Tudor Griffiths Limited
Facility: Wood Lane Landfill Site Waste Transfer Station

Thank you for your application received on 29 May 2020 (with application fee received on 29 June 2020). The following is to confirm our conversation of today.

Unfortunately the application payment you sent is incorrect. The correct application charge is £3,670. This leaves a balance of £2,020 to pay.

The underpayment results from the following:

- Your application requires an assessment under the Habitats Regulations. The charge for this assessment is not included in your baseline application charge. You will therefore need to make an additional payment of £779.
- You have a revised Fire Prevention Plan as noted in Section 3.4.1 of Document "Tudor Griffiths Waste Wood Burning Activity. Part B Environmental Permit Application for Biomass Plant" (Ref: 3016/R/002/04) – "The Fire prevention Plan has been updated specifically for the Biomass Plant". The charge for our assessment of your plan is not included in your baseline application charge. You will therefore need to make an additional payment of £1,241.

This revised application fee does not take into account any additional charges should a variation to the existing waste operation permit be required in response to the answer to question 9b in this letter.

Please pay the outstanding charge of £2,020.

I need also to ask you for some missing information before I can do any more work on your application. Please provide us with more information to the following questions:

1. Application Forms.

The application forms submitted were Part A, B2, B3 and F1. This was in accordance with the advice given to you by the Environment Agency in the basic pre-application response letter sent to you on 8th April 2020. This advice was given after internal discussion as the addition of a Part “B” process is rarely processed within the Environment Agency and normally subject to regulation by the relevant local authority.

We now believe this advice was incorrect and we apologise for giving it to you.

The addition of the Part B process should be determined as an application for a variation to the existing bespoke waste permit and not as an application for a new bespoke permit.

Therefore the correct forms to include with the application are Part A, C2, C3 and F1.

There is no change to the baseline fee for this application as the addition of a new bespoke Part B activity is charged the same as a normal variation to a Part B activity at £1,650 (see Table 1.18. reference 1.18.2 of our charging scheme)

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790217/EPR-charging-scheme-with-schedule-consolidated-2019.pdf).

Form Part A was correctly submitted but form Part F1 must be revised and resubmitted to address the correct application fees discussed earlier in this letter.

Please submit completed and correct application forms, C2, C3 and F1.

They can be accessed through the following links:

- Part C2 (<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-c2-varying-a-bespoke-permit>);
- Part C3 (<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-c3-varying-a-bespoke-installation-permit>);
- Part F1 (<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-f1-opra-charges-declarations>).

2. Climate Change Risk Assessment.

The requirement for submitting a Climate Change Risk Assessment is detailed in Application form, Part B2, and applies only to applications for new bespoke permits. As an application for a variation to a bespoke permit is now required, the need for a climate change risk assessment is not referenced in either form Part C2 or C3.

Therefore a climate change risk assessment is not required for this application.

3. Fire Prevention Plan (FPP).

The biomass plant operations proposed to be carried out under revised permit, EPR/CP3698VW/V004, are the subject of a specific Fire Prevention and Mitigation Plan (FPMP) dated 10 September 2019. This FPMP notes that an existing agreed Fire Prevention Plan is in place for the operation of the Materials Recovery Facility within the existing waste permit for the site. The FPMP for the biomass plant contains a number of inaccuracies relating to the operation of the facility such as the manual separation of Grade A wood from mixed loads of waste wood that are accepted on site.

Review and consolidate the site Fire Prevention Plans into one composite Fire Prevention Plan that fully addresses all the requirements of the Environment Agency guidance and fully reflects all operations, and their associated fire risks, to be carried out under varied permit, EPR/CP3698VW/V004. Submit the consolidated FPP to the Environment Agency for assessment.

The Environment Agency FPP guidance can be downloaded from - <https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits/fire-prevention-plans-environmental-permits>

4. Form C2, Q3b.

The questions on Technical Ability in Form Part C2, 3b largely replicate the questions on Technical Ability in the form Part B2, 3b that you originally submitted.

The Continuing Competence certificate for Kevin Bernard Gardiner expired on 11th June 2020. Although we currently have an exemption in place for persons whose continuing competence has expired during the on-going pandemic restrictions, we do require evidence that the person has been booked on the relevant Continuing Competence examination.

Submit either an updated and current Continuing Competence certificate for Kevin Bernard Gardiner (if he has been able to update his certificate) or evidence that he is booked onto the required examination.

5. Air Dispersion Modelling Files.

We require the model input files that were used for the air quality dispersion modelling report submitted in order to verify your conclusions.

Submit the air modelling input files (these can be submitted as a zipped (compressed) folder attached to your response email).

6. Air Dispersion Modelling – Emission Data.

Section 5.2.1 of Application Document – Wood Lane Biomass Air Quality Assessment, notes that assessment has been carried out at emission concentrations of 152mg/Nm³ for NO_x and 34mg/Nm³ for particulate matter (PM). Section 3.2.8 of application document, 3016/R/002/04, states that an emission limit value (ELV) of 300mg/Nm³ is expected for NO_x emissions from the boilers. Although this is incorrectly taken from the Medium Combustion Plant Directive which does not apply to these boilers, the relevant NO_x ELV will be derived from Table 5.5 of Environmental Permitting Technical Guidance, 5/1(18), potentially either 600mg/Nm³ for existing plant or 300mg/Nm³ for new plant.

A similar situation exists for PM which is modelled at 34mg/Nm³ yet ELVs could be set up to 90mg/Nm³ for existing plant.

It must be demonstrated in the application that the expected emissions of pollutants will not cause a significant environmental impact.

For those ELVs expected to be set in the environmental permit for NO_x and PM, demonstrate there would not be a significant environmental impact on human health and ecological receptors at those release concentrations.

7. Form C3, Table 1a.

Table 1a in Form C3 (as is the case for Table 1a in Form B3 which was supplied in the application) includes a requirement to list the types of wastes to be accepted for each activity. The response in Form B3 of the application references document, 3016/R/002/04 which does include references to virgin wood and Grade "A" waste wood but does not reference the specific European Waste Catalogue (EWC) Codes to be accepted.

Outline the specific EWC waste codes to be accepted for the Part B biomass boiler operations.

8. Form C3, Question 1 Table 1a and Form C3, Question 3c Table 5.

Table 1a requires the expected annual throughput of wastes to be stated and Table 5 requires the type and amounts of raw materials to be stated.

These Tables replicate those in Application Form Part B3 that was originally submitted with the application. It is stated in section 1.3.4 of application documentation, 3016/R/002/04, that pre-application advice indicated information on the types and amounts of raw materials was not required in the application. There is no evidence in the pre-application response letter that this is the case and that information must be submitted in the application.

It is important that this information is consistent as there is potential inconsistency within the application as sections 1.5.1 and 1.5.7 of document, 3016/R/002/04, state the annual throughput of wood in the biomass boiler is 2,500 tonnes while section 2.5 of the Fire Prevention and Mitigation Plan states "It is anticipated that the biomass plant will require 9500 tonnes per annum wood chip."

Complete and submit Question 1, Table 1a and Question 3c, in application form part B3.

Define the total throughput per annual in the biomass plant of:

- **Total wood;**
- **Virgin wood;**
- **Grade A wood.**

9. Best Available Techniques (BAT).

Table 2 of the application documentation outlines "Point Source Emissions Mitigation Best Available Techniques". This BAT assessment does not address all the requirements associated with the Part B biomass boiler operation.

Demonstrate that the operation of the biomass boilers represents BAT against the Summary of Best Available Techniques referenced in Section 4 of Environmental Permitting Technical Guidance 5/1 (18).

Demonstrate that the use of seven smaller (<1 MW) boilers represents BAT when compared with the use of a smaller number of larger thermal input boilers including consideration of energy usage and boiler efficiency in the demonstration.

10a Permitted EWC Waste Codes.

Note that Environmental Permitting Technical Guidance 5/1 (18) outlines seven waste codes for wood that can be accepted for burning in a biomass boiler. Of these, only two are currently included within the permitted wastes accepted into the Materials Recovery Facility at Tudor Griffiths site (15 01 03 and 19 12 07).

Confirm if all seven permitted wood waste EWC codes are to be accepted within the Part B biomass boiler operation.

10b Permitted EWC Waste Codes.

If additional waste codes are to be added to those permitted to be accepted at the Materials Recycling Facility, Table S2.1 would require updating and this would necessitate a variation to the existing waste operations permit.

Confirm if additional EWC waste codes are to be included in the table of permitted wastes to be accepted at the Materials Recovery Facility and, if so, submit a variation application to the waste permit by completing and submitting Form C4 (<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-c4-varying-a-bespoke-waste-operation-permit>).

If the waste permit requires variation, submit an additional fee in accordance with that required for the specific waste operation and detailed in Table 1.16 of the Environment Agency charging guidance (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790217/EPR-charging-scheme-with-schedule-consolidated-2019.pdf).

Confirm if any other changes are required to the existing waste permit as a result of implementing the Part B biomass boiler activity.

10c Directly Associated Activities.

Table 1a in Form C3 (as is the case for Table 1a in Form B3 which was supplied in the application) requires the listing of all activities and directly associated activities. The storage and handling of wood prior to input to the biomass boilers and the storage and handling of ash from the burning of the wood are examples of operations which may be directly associated activities if they are not included within the existing waste permit.

Update Table 1a in Form C3 to outline any directly associated activities relating to operation of the Part B biomass boilers.

10d Acceptance of Wood.

The application non-technical summary states “The Biomass Plant generates heat in order to dry imported chipped virgin or shredded recycled Grade A wood through the burning of virgin wood chip and Grade A shredded wood at the site” (1.1.1) and “The ‘clean’ waste wood included within the fuel feedstock is sourced separately from other grades of wood and directly from customers” (1.1.5).

The Biomass Processing Flowchart submitted as Appendix 1 to the Fire Prevention Plan would appear to indicate that after visual inspection, wood is hand sorted into Grade A, B/C and Grade A wood is then returned to the process flow of virgin and Grade A wood accepted on site.

The hand sorting of Grade A wood from mixed wood waste deliveries for future input to the biomass plant is not an operation that is approved under Environmental Permitting Technical Guidance 5/1 (18).

Confirm that only virgin wood and source segregated Grade A wood from suppliers are accepted on site as fuel for the biomass plant.

Please send the information, quoting the above application reference, to:
john.mcclean@environment-agency.gov.uk.

Please send the information and payment within 10 working days of this letter (by 2nd November 2020). Details of how to pay are given in Part F of the application form.

If we do not receive the information and payment within 10 working days we will return your application.

If we do receive the requested information and payment within 10 working days, we'll continue to check your application. We'll check to see if there's enough information for the application to be 'duly made'. Duly made means that we have all the information we need to begin determination. Determination is where we assess your application and decide if we can allow what you've asked for.

We'll let you know by letter whether your application can be duly made. If it can't be duly made, we'll return your application to you.

If we do have to return your application we'll send you a partial refund of your application payment. We'll retain 20% of the application charge to cover our costs in reviewing your application and requesting information. This maximum amount we'll retain is capped at £1,500. Further information on charging can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790217/EPR-charging-scheme-with-schedule-EPR-consolidated-2019.pdf

If you have any questions please phone me on 0208 474 9057 or email john.mcclean@environment-agency.gov.uk.

Yours sincerely

John Mc Clean
Senior Permitting Officer.