

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

Decision document recording our decision-making process

The Permit Number is: EPR/CB3308TD

The Permit Variation Number is: EPR/CB3308TD/V002

The Applicant / Operator is: Britaniacrest Recycling Limited

The Installation is located at: Wealden Works 3Rs Facility, Former Wealden Brickworks, Langhurstwood Road, Horsham, West Sussex, RH12 4QD

What this document is about

This is a decision document, which accompanies a permit.

It explains how we have considered the Applicant's Application, and why we have included the specific conditions in the permit we are issuing 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.

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/CB3308TD/V002. We refer to the application as "the **Application**" in this document in order to be consistent.

The number we have given to the permit variation is EPR/CB3308TD/V002. We refer to the permit variation as "the **Permit Variation**" in this document.

The Variation Application was duly made on 08/04/2021.

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The Applicant is Britaniacrest Recycling Limited. We refer to Britaniacrest Recycling Limited as “the **Applicant**” in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call Britaniacrest Recycling Limited “the **Operator**”.

Britaniacrest Recycling Limited’s proposed facility is located at Wealden Works 3Rs Facility, Former Wealden Brickworks, Langhurstwood Road, Horsham, West Sussex, RH12 4QD. We refer to this as “the **Installation**” in this document.

of monitoring for hydrogen fluoride, heavy metals and dioxins is not sufficient and should be more frequent.	require the operator to carry out a programme of dioxin and mercury monitoring over a period of frequency agreed with the Environment Agency. The operator shall submit a report to the Environment Agency with an analysis of whether emissions can be considered stable. Monitoring frequency will only be reduced if this can be demonstrated. Periodic measurement of HF will be carried out at the ERF. Continuous measurement of HF is not proposed on the basis that the acid gas abatement system will operate to a design guarantee that the emission limit for HCl will not be exceeded.
Concern about existing odour issues at the Biffa site nearby to the proposed facility and therefore limited confidence on the proposed control measures for odour.	We are satisfied that the proposed control measures will prevent any significant emissions of odour from the site. Section 6.5.4 has further details.
Comments about noise and dust impacts from construction.	Emissions produced by construction are not within our remit.
Reference to their recommendation for monitoring of dust during the construction phase.	Emissions produced by construction are not within our remit.
Note 1: We have reworded the 'responses received' section of this table to make it clear that we received and took into account responses from both the Planning and Environmental Health Departments of Horsham District Council.	

Response Received from South Downs National Park Authority on 28/05/2021	
Brief summary of issues raised:	Summary of action taken / how this has been covered
No comments provided	No action required

We did not receive responses from the Health and Safety Executive or the Food Standards Agency.

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.

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a) Representations from Local MP and Parish Council

Representations were received from North Horsham Parish Council, who raised the following issues.

Response Received from North Horsham Parish Council on 17/06/2021	
Brief summary of issues raised:	Summary of action taken / how this has been covered
Concerns that no consideration has been given to turbulence created by aircraft impacting particulate emissions.	We are satisfied that turbulence caused by aircraft is unlikely to have a significant impact on particulate emissions from the site and therefore did not require the operator to consider this within their risk assessment.
Concerns over emissions from vehicular movements impacting on air quality.	The environmental risks from vehicle movements on site have been assessed in the air quality risk assessment and we consider the risk not to be significant.
Concern over vehicles generating odour.	We are satisfied that adequate control measures have been proposed to minimise emissions of odour from the operation of vehicles on the site. Section 6.5.4 has further details.
Concern over vehicles causing noise.	Only noise from traffic movements on the installation are within the remit of the Environmental Permitting Regulations. We audited the Applicant's final noise assessment. We are satisfied that the revised noise assessment was appropriate and that noise will not be a significant issue. Pre operational condition PO9 requires final confirmation of sound power levels of the air cooled condensers on site to ensure that the noise risk is in line with that assessed as part of the permit application.
Concern about vehicles causing a safety hazard and loss of amenity for residents.	Movement of vehicles outside of the installation is not within our remit.
Concern about vehicles using the site causing congestion.	Movement of vehicles outside of the installation is not within our remit. The location of the site is an issue relevant for the planning process.
Request for evidence to be provided that the National Planning Policy Framework is being adhered to.	Wider issues of policy are outside our remit. We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR.
Confirmation that the Council also support the concerns raised by the No Incinerator 4 Horsham Community Group.	See section (b) below for details of this response and a summary of actions taken / how this has been covered.

Statement that there have been many accidents on the nearby A road.	Wider issues relating to transport are not within our remit.
Comment that no sustainable transport options have been considered as part of the proposal.	Wider issues relating to transport strategy are not within our remit.
Concern that electrically powered vehicles should be used on site wherever possible.	Electrically powered vehicles are not a technique listed within the latest guidance or BAT Conclusions for the sector. An EMS is required to be maintained on site which includes frequent review of site operations and continual improvement in performance throughout the life of a permit.
Concern that the planning application for the proposed incinerator was dealt with by one local authority and the housing development by another.	The planning application process is not within our remit.
Comment that the site selected by the applicant is not appropriate for the proposal due to the size constraints.	Consideration of the location of the proposal is a planning consideration and is not within our remit.
Concern about the use of the land around the site.	Consideration of the location of the proposal is a planning consideration and is not within our remit.
Concern over the accuracy of the Application documents.	Where we required any clarification we requested this from the Applicant. We are satisfied that the documents including any amendments and clarifications are accurate. The Permit requires the plant to be operated as described in the Application.
Concern for in-combination impacts with other industry which may apply for an Environmental Permit.	Background levels of pollutants are taken into account within the environmental risk assessment.
Concern over whether Incineration is the best way to deal with the waste.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR wider issues of waste policy are outside our remit. It is argued that Incineration is not an environmentally sustainable technology and therefore almost by definition cannot be considered to be the Best Available Technique (BAT). Mass burn incineration at this scale is considered BAT provided it meets the requirements (as set out in the BREF and BAT conclusions.) See section 6 of this decision document for more details.
Concern that incineration reduces recycling.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR. Wider issues of waste policy are outside our remit.
Concern that incineration is a barrier to the circular economy.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR. Wider issues of waste policy are outside our remit.

Concern that the UK already faces incineration overcapacity.	We have to assess the environmental impacts of what is proposed which is an activity that can be authorised under EPR. Wider issues of waste policy are outside our remit.
Statement that if the proposal is not recovery, it should not be defined as a Recycling, Recovery and Renewable Energy development as this is misleading to the public.	The Applicant included an R1 assessment containing details relating to the proposed design of the plant and this indicated that the design of the plant could be considered a recovery operation. R1 status would need to be reapplied for during operation to validate the parameters used in the original R1 assessment in order for the plant to be categorised as a recovery operation.
Concern over litter.	Waste will be delivered in enclosed delivery vehicles and tipped into the bunker within the reception building. We are satisfied that based on the proposed control measures set out in the Application that impacts from litter are unlikely to occur. See section 6.5.3 on fugitive emissions for further information.