

ARUN DISTRICT COUNCIL

REPORT TO ENVIRONMENT & NEIGHBOURHOOD SERVICES COMMITTEE ON 27 MAY 2021

SUBJECT: Environmental Permitting Consultation on Ford Energy Recovery Facility

REPORT AUTHOR: Nat Slade, Group Head of Technical Services
DATE: 25 May 2021
EXTN: 37683

EXECUTIVE SUMMARY:

The Council has been invited by the Environment Agency to submit a response to a consultation on an application for an Environmental Permit. The report seeks authority from the Committee to submit a response on behalf of the Council.

RECOMMENDATIONS:

That the Committee:

Delegates authority to the Group Head of Technical Services, in consultation with the Chair of the Environment & Neighbourhood Committee, to submit a response to the consultation on an application for an Environmental Permit ref: EPR/MP3904BD.

1. BACKGROUND:

An environmental permit sets the conditions an operator will be required to meet when operating certain types of 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 applicant intends to protect the health of people and the wider environment. The operator will need to show that what they propose uses the Best Available Techniques for preventing or minimising emissions and impacts on the environment.

The Environment Agency (EA) has received an environmental permit application from Ford Energy from Waste Limited for an Energy Recovery Facility (ERF) at Ford Circular Technology Park, Ford Airfield Industrial Estate Ford Arundel West Sussex BN18 0HY, between Ford and Yapton.

The facility would be capable of treating up to 275,000 tonnes of non-recyclable non-hazardous waste each year from homes and businesses across West Sussex and its neighbouring counties. The applicant needs both planning permission and an environmental permit in order to operate. Details of the planning application can be found by visiting www.westsussex.gov.uk/planning_quoting_application_WSCC/011/21. Arun

District Council's Planning Committee on 26 May 2021 will consider the Council's response to West Sussex County Council's (WSSC) consultation on the planning application.

The EA has invited Arun District Council to comment on the permit application and will take all relevant comments into account when determining the permit application. The EA are only able to consider certain aspects of the development. Other aspects are the responsibility of the planning authority and will be considered by WSSC when making a decision on the planning application.

The environmental permit consultation response 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 the EA has not been made aware of in the application, or by correcting incorrect information in the application (e.g. monitoring and techniques to control pollution).

The environmental permit consultation response cannot take account of:

- Issues beyond those in the relevant environmental regulations.
- Anything outside the remit of the Environmental Permitting Regulations, e.g. the proposed location of the site, which is done by West Sussex County Council via land use planning (application ref: WSSC/011/21).
- 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 the EA 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. The EA 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 the EA 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.

The deadline for submitting responses to the EA is 23 June 2021. It is not possible for officers in Environmental Health and Planning Services to prepare a response before this meeting. A request has been made to the Environment Agency to extend the deadline so that the draft response could be taken to the 15 July meeting of this Committee. However, no response has been received. In order to submit a response to the consultation before the EA's deadline, it appears necessary to authorise officers to do so, in consultation with the Chair of this Committee.

2. PROPOSAL(S):

That the Committee:

Delegate authority to the Group Head of Technical Services, in consultation with the Chair of the Environment & Neighbourhood Committee, to submit a response to the consultation on an application for an Environmental Permit ref: EPR/MP3904BD.

3. OPTIONS:

Alternative options:

Not to submit a response to the consultation.

To submit a response to the consultation after the deadline, which may not be taken into account by the EA.

4. CONSULTATION:

The EA determine the application, and it is they who are consulting with Arun as part of a public consultation.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

N/A

7. REASON FOR THE DECISION:

In order to provide an opportunity for the Council to submit information relevant to the EA's determination of the environmental permit application.

8. BACKGROUND PAPERS:

Link to Environmental Permit application documents: [BN18 0HY, Ford Energy from Waste Limited, EPR/MP3904BD/A001: environmental permit consultation - Environment Agency - Citizen Space \(environment-agency.gov.uk\)](#)