



No Incinerator 4 Horsham Community Group

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Re: GE15553: Environmental permit variation EPR/CB3308TD/V002

9 June 2021

Emailed to SSD Enquiries: SSDEnquiries@environment-agency.gov.uk

Dear Sir or Madam,

Thank you for your email of 28 May 2021 responding to our letter of 21 May 2021 about the environmental permit variation application to the Environment Agency, made by Britaniacrest Recycling Limited, which answers some of our questions.

As a Community Group representing local residents, we have sought further advice and respond on behalf of local residents:

1. **Site of High Public Interest (SHPI)**

Local residents are pleased to hear that this permit variation application is being treated as a Site of High Public Interest (SHPI), however Briefing 1 and About this consultation do not make this clear.

We would appreciate your confirmation that the EA will be considering operator competence as part of treating this as a Site of High Public Interest (SHPI). This is because we don't see any evidence that the Directors have any expertise or training for making the transition from running a local skip and waste haulage business to: 'Britaniacrest will ensure that under the operation and maintenance contract Britaniacrest retains control of the 3Rs Facility and it is operated to the exact instruction of Britaniacrest.' (Source: Wealden Works 3Rs Permit Variation Application section 2.1.5.)

2. **Missing Documents and Information**

We note that you informed us on 28 May 2021 that the Air Quality Modelling Files, H1 Tool and redacted Directors details are now available on Citizen Space.

We have subsequently noticed that other documents have been added to Citizen Space and two documents renamed which consultees, stakeholders and the public may not be aware of, as Citizen Space does not include the date when information was uploaded or revised.

The more we review the available documents in detail the more missing documents and information we add to the list, the latest version dated 9 June 2021 is attached. The documents and references listed in red are currently not available for review by the consultees, stakeholders, the public or the EA.

The Ni4H Team have so far identified a total of 39 missing documents, appendices, drawings and references. The EA were notified of 10 of these in our letter of 21 May 2021. Three documents have now been added to Citizen Space and two documents have been renamed. So, 32 are currently missing and cannot be reviewed by consultees, stakeholders or the public.

How did this Permit Variation Application and the associated documents get through so many revisions and reviews with 'Error! Reference source not found.' and 'Error! Bookmark not defined.' as well as the missing diagrams, appendices and documents? The lack of attention to detailed scrutiny is extremely concerning. How can the public, consultees and stakeholders be assured that the detailed technical and safety aspects have been properly scrutinised?

Britaniacrest Recycling Limited is a local family business; in good faith they have paid huge sums of money to RPS, other consultants and the Environment Agency for their expertise in designing and applying for a permit to build and run this huge 230,000 tons per year incinerator in Horsham. Yet there seem to be so many aspects that are very worrying for local residents and nothing is being done to address this.

Your response suggests that the EA are prepared to allow the consultation clock to run when only part of the information required for your decision and the public's interest is available. The EA normally takes months before making a decision, but the public had just six weeks, of which only two weeks remain, to assess the incomplete information and to draft comments and objections.

Some of the missing material is such that has been expected up until now by the EA in and published in proper time on Citizen Space, if such information is no longer required, it signals a genuinely concerning diminution in the scrutiny of the applicant's application and his/her suitability to operate a waste incinerator.

3. Out of Date Documents

Sensitivity analysis (for example, on meteorological data) reveals that the wind roses data is 10 years out of date and is not even for local weather data, a point raised previously by Ni4H. The Local Area Potential Heat Users Report 2016 has not been updated.

About this consultation – Non-Technical Summary states: Refer to the non-technical summary which explains this application, in non-technical language. This should include a summary of the regulated facility, the key technical standards and control measures arising.

As the risk assessments and other key documents are dated 2020, surely the non-technical summary should have been updated since March 2018?

Your response suggests that an applicant can furnish out of date evidence (10 years out of date in the case of a wind rose) with impunity and to say that 'Application documents do not have to be dated from a specific period' suggests that an applicant can furnish evidence from any point in time that suits him or her.

4. Advertising this Consultation

This consultation has not been advertised widely. So far, we have only seen a single advert in one copy of the local newspaper, West Sussex County Times. No-one who lives near the Britaniacrest site has received a letter from the EA about the consultation.

As a High Public Interest application where a public drop-in event is not being arranged, we trust that the EA will "publicise more widely, for example press releases, social media and adverts". (Source: <https://www.gov.uk/government/publications/environmental-permits-when-and-how-we-consult/environmental-permits-when-and-how-we-consult#how-we-consult-on-permitting-applications>)

5. EA Public Consultation Information is Unclear

Having reviewed the Government's document entitled Consultation Principles, dated 19 March 2018 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1.pdf), we would like to pick up a couple of points:

"C. Consultations should be informative. Give enough information to ensure that those consulted understand the issues and can give informed responses... " – this is not possible with so many documents missing.

"E. Consultations should last for a proportionate amount of time. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses." – with confusion about the documents uploaded to the EA website, and documents still missing, there is insufficient time for consultees to consider and produce quality responses to the EA.

"G. Consultations should take account of the groups being consulted. Consult stakeholders in a way that suits them." – the EA briefing makes no mention of the option to telephone through consultation responses, and the EA is not accepting post/written consultation responses. Both of these facts are barriers.

6. Public Events

Your response advises that the EA is not required to hold public events. However, as previously mentioned, in an email to Ni4H on 6 November 2020 the EA said, "As we can no longer hold public events at this time we will be looking at alternative arrangements to ensure we can maintain our engagement with you." Ni4H

understood that public events couldn't be held due to the pandemic but believed that a constructive way of consulting would be to livestream a consultation event.

There is no provision for those who are visually impaired. There is no audio opportunity to hear about the EA role and permitting process, to ask questions and be reassured. The EA could hold a Zoom event or make a video for people with online access to listen to. How can the public ask questions about the process?

There is no provision for those who do not have internet access or access to multi screens to facilitate reviewing large documents, with associated appendices and diagrams.

7. Viewing Printed Copies of the Documents

We contacted Horsham Library and printed copies of the documents are not available to view at the library, though they would be happy to have them there. They kindly contacted West Sussex County Council and the EA about this. You can book to use a library computer to view online and can print at 20p per A4 page. As the EA offices are not open to the public to view documents, can you please make one printed set available at Horsham Library?

In the EA's response you say that Citizen Space will be updated if a document is revised or added. As there is no date against these documents, it makes it almost impossible for consultees to keep track of when a document was added, amended, renamed, or removed.

8. Handwritten Comments

How do people contact the EA Customer Contact Centre?

We understand that people could also phone to submit their comments and that you are not permitting comments to be sent by post for this consultation, which discriminates against those who sent handwritten comments by post at Planning and Inquiry stages and would wish to send a handwritten response at this permitting stage.

9. Consultees

You may wish to note that the local council is Horsham District Council, rather than Horsham Borough Council.

10. Community Liaison Group (CLG)

For your information, the existing EA permitted operation on the site has a CLG. Planning Consent Condition 10 Community Liaison Group has already been discharged by WSCC. The existing CLG have been discussing this, and Britaniacrest Recycling Ltd said they would keep the CLG updated regarding the EA permit variation application. To date they have not done so and have not published any information about the Public Consultation on their website. In fact, there is no information on their website – there is a holding page which says the site is undergoing maintenance: [Britaniacrest Recycling - Site Undergoing Maintenance](#)

11. Ensuring Applications are Complete and Duly Made

We note that you state that this permit variation application has been assessed as duly made, however with the 32 missing documents and information so far identified, it is not possible for consultees, stakeholders, the public or the EA to properly review, report or comment on this application.

12. Consultation Extension

We spent a week trying to make sense of the badly labelled and missing documents, then a further week waiting for the EA response to our concerns. Since then, we have been continuing to review the available documents and taking further advice.

The consultation period included a bank holiday.

What is the estimated timescale to write the report and then allow further comments? Will the EA contact all those who commented?

As we still have not had access to required documents, could you please pause and restart the 6-week consultation period from the date when access to all the documentation is clearly available on Citizen Space, to allow consultees, stakeholders and the public time to review these and submit comments?

We are sorry to hear that the EA is suffering from staff shortages, as well as the impacts of Covid, however, we still expect the EA to have an objective approach, demanding high standards from all applicants and their applications, and to offer the opportunities to objectors that are a legal requirement.

We note that your response makes no reference to the complaints process.

Yours faithfully,

Peter Catchpole, Chairman of No Incinerator 4 Horsham Community Group

Copied to: MP, Jeremy Quin