



No Incinerator 4 Horsham Community Group

Website: www.ni4h.org

Email: NoIncinerator4Horsham@gmail.com

12 July 2021

COMPLAINT by No Incinerator 4 Horsham Community Group Regarding:

RH12 4QD, Britaniacrest Recycling Limited, EPR/CB3308TD/V002: environmental permit consultation.

Dear Ms Wright,

No Incinerator 4 Horsham Community Group (Ni4H) is a voluntary group formed in 2016 by local residents to raise awareness and campaign against the proposal for an incinerator in Horsham. Britaniacrest Recycling Ltd lodged a planning appeal against refusal of planning permission by West Sussex County Council. Ni4H raised funds to be represented as a Rule 6 Party by a London Barrister and a Planning Expert and to commission expert reports. Planning permission was granted subject to conditions at appeal, but an environmental permit is also required to meet the high standards and risk assessments for this type of operation.

Further to letters to the Environment Agency (EA) on 21 May and 9 June 2021 and responses 28 May GE15553 and 1 July GE15782 (see Appendix E), we are writing regarding EA Consultation EPR/CB3308TD/V002 as we support the EA's drive to ensure this is a fair process, particularly as it is a High Public Interest Consultation.

Having reviewed the [Environment Agency Customer Service Commitment](#) and [Complaints Procedure](#), Ni4H are writing to complain, the EA have not got it right and we want to tell you how you could do better. Ni4H believes that the EA is not providing an efficient and high-quality service, it is not easy to contact you with long delays between responses to our concerns and the email response does not include a name, job title or contact phone number. The EA do not make it easy to do business with during the short timescale of the consultation period. We trust that you will fulfil your promise to understand and meet our needs. Ni4H are contacting you as we are unhappy, we believe it is a flawed process as the public have not had a chance to engage in these areas, we want to complain and to help improve EA customer service.

Following our previous correspondence (Appendix E) Ni4H still has a number of concerns listed in Appendix A. We heard from someone who believed the consultation had been withdrawn, having seen misleading information on the www.gov.uk website, see Appendix C. The consultation has not been widely advertised and the EA has not updated the public regarding the consultation extension to 16 July 2021, see Appendix D.

Ni4H has now raised further funds through donations from local residents and by applying for a grant, due to Covid restrictions this has not been easy, as we could not hold any fundraising events. Expert consultants are unable to review the documents and write reports in time for the deadline of midnight on Friday 16 July 2021.

To ensure this is a fair process, Ni4H respectfully asks the Environment Agency to nullify this consultation, to enable you to add all the missing documents and information clearly to Citizen Space and provide copies in Horsham Library (see Appendix B). Then widely advertise to restart the consultation, allowing 6 weeks for consultees, local residents and their expert consultants to review documents, write and submit their comments and reports.

Ni4H has sent a copy to our MP, Jeremy Quin, as he has asked us to continue copying him into our correspondence with the EA, we have also sent a copy to the EA Complaints email.

Yours sincerely,

Peter Catchpole, Chairman of No Incinerator 4 Horsham Community Group

Sent to: Complaints: enquiries@environment-agency.gov.uk 03708 506506 Monday - Friday, 8am- 6pm
Catherine Wright, Director of Operations South and East, EA catherine.wright@environment-agency.gov.uk

Copied to: MP for Horsham, Jeremy Quin jeremy.quin.mp@parliament.uk

CONTENTS

Complaint Regarding: RH12 4QD, Britaniacrest Recycling Limited, EPR/CB3308TD/V002: environmental permit consultation	Page 1
Contents	Page 2
Appendix A - Review of Concerns	Page 3
Appendix B - Lack of information to comment on	Page 4
Appendix C - Inability to respond	Page 6
Appendix D - Unawareness of the consultation	Page 11
Appendix E - Previous Correspondence Between Ni4H and EA	Page 12
1. LETTER FROM NI4H TO EA - 21 MAY 2021	Page 12
2. EMAIL FROM EA TO NI4H - 28 MAY 2021	Page 15
3. LETTER FROM NI4H TO EA – 9 JUNE 2021	Page 17
4. EMAIL FROM EA TO NI4H - 1 JULY 2021	Page 21

APPENDIX A: REVIEW OF CONCERNS 11 JULY 2021

1. **Site of High Public Interest (SHPI)** - The information available does not make it clear that it is a SHPI.
2. **Missing Documents and Information** - Some of the missing material is such that has been expected up until now by the EA 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. 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?
3. **Out of Date Documents** - For example: Sensitivity analysis, wind roses data is 10 years out of date and not local data. Risk assessments and other key documents are dated 2020. It is not clear that the Non-Technical Summary document is about the Planning Application and has not been updated since March 2018. The EA response to our concerns suggests that an applicant can furnish out of date evidence 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** - It has not been advertised widely, there was a single advert in the local newspaper, no social media advertising and letters were not sent to local residents.
5. **EA Public Consultation Information is Unclear** - Consultations should be informative, last for a proportionate amount of time and take account of the groups being consulted.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf
6. **Public Events** – An EA email to Ni4H on 6 November 2020 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.” No alternative arrangements were made and there is no provision for the visually impaired.
7. **Viewing Printed Copies of the Documents** - Britaniacrest Briefing Note 2 on 18 June 2021 advised that printed copies of the documents are now available to view by appointment in Horsham Library.
8. **Handwritten Comments** – Britaniacrest Briefing Note 2 also advised comments can be sent by post.
9. **Consultees** - Were consultees notified of the extension to 16 July 2021?
10. **Community Liaison Group (CLG)** - Britaniacrest Recycling Ltd said they would keep the existing 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, which has been displaying various holding and site under maintenance pages for weeks.
11. **Ensuring Applications are Complete and Duly Made** – It is hard to believe that this Application has been assessed as duly made, with the missing and ambiguous information so far identified, it is not possible for consultees, stakeholders, the public or EA to properly review, report or comment.
12. **Consultation Extension** - The EA 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 has just a few weeks, of which only 5 days remain as we send this letter of complaint.

APPENDIX B: LACK OF INFORMATION TO COMMENT ON

The Ni4H Team has spent many hours reviewing documents, it is very difficult to engage with and comment on this High Public Interest Consultation with all the ongoing missing and ambiguous information, some of which has been drawn to our attention by experts, who would expect to be able to review this information at this stage in the EA Consultation process. Hyperlinks not working is not the issue, the links are not there to copy and paste into a browser, some of the links are references to other documents or sections in documents in the application. The documents are riddled with poor referencing errors, evidence of poor checking by the document checker, these documents need to be updated and reissued. The existence of these most basic of errors in referencing, which prohibit satisfactory review of the application documents, lead Ni4H to the conclusion that there are likely to be errors in facts, calculations and modelling undertaken over and above those already identified by Ni4H.

Here is the latest list, revised on 11 July 2021, some of these Ni4H first highlighted on 21 May 2021:

1. Wealden Works 3Rs Permit Variation Application

- **Missing Section 6** - The Permit Variation Application does not include a section entitled Section 6, the Contents List does not mention Section 6, section 5 concludes at page 43 followed by the References, there is no evidence of Section 6, so it is not possible to assess any information that refers to Section 6.
 - Page 3 in 1.4.1 "Section 6 summarises the outcome of the detailed assessments of Best Available Techniques for the key plant and abatement systems proposed."
 - Page 28 in 4.1.3 "The proposed methods for control of emissions to air are detailed below whilst justification for the selected techniques is provided in Section 6."
 - Page 43 in 5.8.2 "Releases of POCP are discussed in further detail within the ERA in Appendix D, the options appraisals in Appendix G and in Section 6 of this report in support of the selection of the abatement plant for controlling the releases."
- **What is referred to as Section O in these paragraphs?**
 - Referenced on page 7 in 2.2.7 "(...see further detail and sections O and O) ..."
 - Referenced 4 times: Page 19 in 3.1.22 – "Odour control within the bunker area is achieved by maintaining a negative pressure with air being drawn through the furnace and combusted (see section O) for further information."
 - Page 29 in 4.1.16 "Section O above describes how the above criteria will be met."
 - Page 31 in 4.1.34 Section O is referenced.
 - Page 31 in 4.1.35 Section O is referenced twice.
- Page 11 in 2.4.9 "Justification for the selection of the acid gas system is provided within **Section Error! Reference source not found** and is therefore not discussed further here."
- Page 22 in 3.4.11 "Consideration of these techniques is summarised in section **Error! Reference source not found...**"
- Page 33 in 4.4.12 "The proposed drainage strategy is provided in Appendix R." **Appendix R is the Pest Management Plan, presumably the Applicant means Appendix P Drainage Strategy?**
- Page 41 in 5.2.13 "Contributions of air pollutant concentrations and deposition from the proposed ERF to designated ecological sites have been assessed in Appendix R to this main permit application document". **Appendix R is the Pest Management plan. Presumably, the Applicant means Appendix 7.6 Assessment of Ecological Impacts?**

- **The following documents are listed on the contents page, but not referenced in the permit variation application document:**
 - Drawing 5 Mass Balance
 - Appendix A Application Forms
 - Appendix F Application Site Condition and Baseline Report
 - Appendix I CHP Ready Assessment
 - Appendix J Environmental Statement
 - Appendix N R1 Calculation
 - Appendix R Pest Management Plan
2. **Appendix A – Application Forms - Copy of Current Competence Management System Certificate and/or CIWM/WAMITAB Scheme Qualification Certificates, required in Part C2 of the Application Form.**
 3. **Appendix B – Air Quality Assessment - Air Quality Modelling Input Files have now been provided but should be accompanied by a list describing their content and output files, including pollutant contours, as advised by Horsham District Council.**
 4. **Appendix D - Environmental Risk Assessment - a sensitivity assessment should be included to account for the potential variability of the waste stream, as advised by Horsham District Council.**
 5. **Appendix D - Environmental Risk Assessment** Page 10 in 3.1.1 “The assessment has been completed in accordance with the EA’s Risk Assessments for your environmental permit **Error! Bookmark not defined.**”
 6. **Appendix D - Environmental Risk Assessment** Page 12 in 3.4.2 “... and Section 6 concludes that the proposed measures are BAT.”
 7. **Appendix D - Environmental Risk Assessment** H1 Tool has now been provided but many of the boxes have unreadable data, a row of hash tags: #####
 8. **Appendix E - Human Health Risk Assessment - Dispersion Modelling with full list of parameters in a readable format, as requested by Ni4H on 21 May.**
 9. **Appendix F - Site Condition and IED Baseline Report** missing:
 - Appendix F.1 - Operating Techniques
 - Appendix F.2 - Application Site Condition Report
 - Appendix F.3 - Ground Conditions Desk Top Study
 - Appendix F.4 - Habitats Screening Report
 - Appendix F.5 - Compliance Assessment Reports
 10. **Appendix G - BAT Assessment**
 - 4 references “Error! Bookmark not defined” on page 8 in 2.2.44 and 2.2.46, page 10 in 2.2.58 and 2.2.59.
 - Pages 22, 23 and 27 a total of 8 references “Error! Reference source not found”.
 - Page 19 in 2.5.1 “Activated carbon has been selected for control of dioxins and furans, combined with the primary measures detailed within **section 3.10** of the main variation application document.” There is no section 3.10 so what does this refer to?
 11. **Appendix Q - Existing Integrated Management System** - The documents may have been provided separately but there is no index to Appendix Q or list to facilitate reviewing them and to check that they are all there.

APPENDIX C: INABILITY TO RESPOND

It is really difficult to find this consultation online and when you do find it the documents are illogically listed, poorly labelled and incomplete.

On 9 July we heard from someone who believed the consultation had been withdrawn, having seen this misleading information on the www.gov.uk website.

1. SEARCH ENGINE RESULTS 9 JULY 2021

Search “britaniacrest recycling environment agency permit application”.

See web extract below.

The screenshot shows a search engine interface with the search term 'britaniacrest recycling environment agency permit application' entered in the search bar. Below the search bar, there are filters for 'All', 'Images', and 'Videos', and a dropdown menu set to 'Anytime'. The search results are as follows:

- Ad related to: britaniacrest recycling environment agency permit application**
- Environmental Permit Industry - For Waste & Industrial Sites**
www.pauldowningltd.co.uk
 We can help you **apply** for or vary your standard rules or bespoke **environmental permit**. **Waste**, **Factories**, **Power Plant**, **Food**, **Water Discharge**, **Installations Permits**,
 Scope your Project Now - Fixed Price Projects
 Service catalog: Environmental Permits, Management Procedures, Waste Permits
- [Withdrawn] RH12 4QD, Britaniacrest Recycling Limited ...**
www.gov.uk > government > publications
 The **Environment Agency** has received an **application** to vary an **environmental permit** under the **Environmental Permitting** (England and Wales) Regulations 2016 involving substantial change to a permit...
- [Withdrawn] RH12 4QD, Britaniacrest Recycling Limited ...**
www.gov.uk > government > publications
 RH12 4QD, **Britaniacrest Recycling** Limited: **environmental permit application** advertisement - EPR/CB3308TD/V002 View the **application** submitted by **Britaniacrest Recycling** Limited for Wealden Works 3Rs...
Author: Environment Agency

The www.gov.uk website has not been updated and is misleading, as it appears that the proposed incinerator permit application has been withdrawn.

2. THE APPLICANT'S WEBPAGE

Copies of vehicle movement reports, minutes from the Community Liaison Group meetings and information about the proposal were previously available on the Applicant's website, however it has been displaying various holding and site under maintenance pages for weeks.

On 11 July 2021 it appeared as <https://www.britaniacrestrecycling.co.uk/holding>



3. GOV.UK WEBSITE ENTRIES AS AT 9 JULY 2021

Search engine search for Environment Agency:

<https://www.gov.uk/government/organisations/environment-agency>

Click on Environmental Permits and Exemptions:

<https://www.gov.uk/topic/environmental-management/environmental-permits>

Click on Environmental permitting: notices of applications made:

<https://www.gov.uk/government/collections/environmental-permitting-notices-of-applications-made>

Click on Waste, installations, radioactive substances activity permit applications:

<https://www.gov.uk/government/collections/environmental-permitting-waste-installations-and-radioactive-substances-activity-notices-of-applications-made>

See web extract below from 9 July 2021.

[Home](#) > [Environmental permits](#)

Collection

Environmental permitting: waste, installations and radioactive substances activity notices of applications made

View a list of environmental permitting applications that have been submitted to the Environment Agency.

From: [Environment Agency](#)

Published 12 March 2019

Contents

- [— B](#)
- [— C](#)
- [— D](#)
- [— E](#)
- [— H](#)
- [— I](#)
- [— L](#)
- [— M](#)
- [— N](#)
- [— O](#)
- [— P](#)
- [— R](#)
- [— S](#)
- [— T](#)
- [— U](#)
- [— W](#)
- [— Draft Decisions](#)
- [— Issued Permits](#)
- [— Refusals](#)

Click on 'R' as the proposed incinerator is in RH12 postcode:

R

[RH3 7AU, Angus Energy Weald Basin No.3 Limited: environmental permit application advertisement - EPR/BL9763IN/V005](#)

23 March 2021 Notice

[RH6 OHN, Horse Hill Developments Ltd: environmental permit variation application advertisement - EPR/BB3300XG/V007](#)

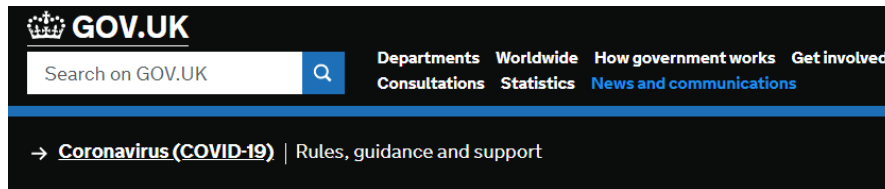
22 March 2021 Notice

RH12 4QD, Britaniacrest Recycling Limited, EPR/CB3308TD/V002: environmental permit consultation does not appear.

4. GOV.UK WEBSITE PRESS RELEASE AS AT 9 JULY 2021

The press release has not been updated it states that the consultation runs until 24 June 2021.

<https://www.gov.uk/government/news/consultation-starts-on-a-permit-variation-application-in-horsham>



[Home](#) > [Environmental permits](#)

Press release

Consultation starts on a permit variation application in Horsham

Britaniacrest Recycling Ltd applies for an environmental permit variation for a recycling, recovery and renewable energy facility, near Horsham.

From: [Environment Agency](#)

Published 13 May 2021

The Environment Agency is holding a public consultation on an application from Britaniacrest Recycling Limited for an environmental permit variation. The variation is to add mechanical sorting and an energy recovery facility to their site off Langhurstwood Road near Horsham, West Sussex.

Wealden Works Recycling, Recovery and Renewable (3Rs) Energy 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 can also be accepted and stored but will not be used in the energy recovery facility. Electricity generated by the energy recovery facility will be exported to the local electrical grid.

The Environment Agency is now seeking comments on the company's application from the local community and interested groups. Information received about relevant environmental considerations during the consultation will be used to help determine the application as part of a detailed and rigorous assessment of the proposed operation.

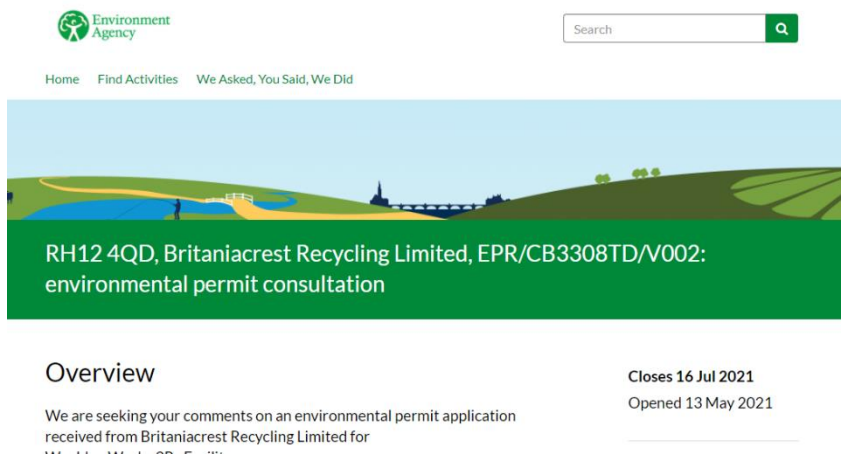
A permit variation will only be issued if the operator demonstrates that it meets all legal requirements of the Environment Permitting Regulations and that the facility will be operated in a way that provides a high level of protection of the environment and human health.

Michael Turner, Area Environment Manager at the Environment Agency, said:

- “ When we make a permit decision, we use information on the potential environmental and human health impacts of the activity. Our officers have the specialist knowledge and skills that are required to assess this application.
- “ Public consultation lets people and organisations take part in our decision making. As this consultation is for an environmental permit variation we are looking specifically for environmental or health considerations. You can comment on issues that could affect you or where you have particular knowledge. We take all relevant comments into account so we can make better decisions.
- “ Should we issue a permit, our expert officers will regularly audit the operation, including analysing monitoring data. We have the right to conduct unannounced inspections.”

The consultation runs from 13 May until 24 June 2021. [Application documents are available to view](#). Comments can be made online or they can be emailed to us at pscpublicresponse@environment-agency.gov.uk.

This would lead the reader to conclude that the consultation ended on 24 June 2021. It is not until the reader clicks on ‘Application documents are available to view’, that it is made clear that the consultation is open until 16 July 2021.



5. CITIZEN SPACE

Having accessed the documents on Citizen Space they are poorly labelled, not arranged in a logical order, not easy to use and there is no search facility.

Where there is no date against the documents on Citizen Space, it makes it almost impossible to keep track of when a document was added, amended, renamed, or removed.

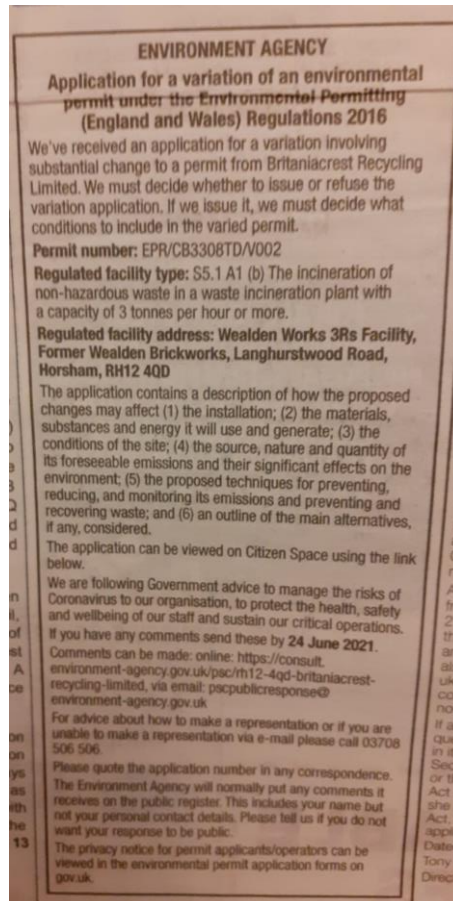
At the request of Ni4H the dates for updated documents and additional documents were added to avoid confusion.

You have to scroll a long way down the page on Citizen Space to discover the documents, it would be helpful if they were mentioned in the Overview.

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

APPENDIX D: UNAWARENESS OF THE CONSULTATION

1. The consultation has not been widely advertised. Letters were not sent to local residents.
2. The information available does not make it clear that it is being considered as a Site of High Public Interest (SHPI).
3. A Public Event was not held by the Environment Agency even though Covid restrictions have eased, and no alternative arrangements were made. Ni4H offered to suggest suitable local venues including those able to live stream events.
4. There is no provision for those who are visually impaired. No audio opportunity to hear about the EA role and permitting process, to ask questions and be reassured. An online event could be arranged, or a video provided online. It is not clear how the public can ask questions about the process.
5. There has only been one advertisement in a local paper, West Sussex County Times on 12 May 2021.



6. No social media advertising.
7. No advertisement to inform of the extension to 16 July in the local paper, West Sussex County Times.
8. Residents would not know to search on Citizen Space unless they had participated in the past with an Environment Agency Consultation.

APPENDIX E: PREVIOUS CORRESPONDENCE BETWEEN NI4H AND EA

1. LETTER FROM NI4H TO EA - 21 MAY 2021



No Incinerator 4 Horsham Community Group

Website: www.ni4h.org

Email: NoIncinerator4Horsham@gmail.com

Re: Environmental permit variation EPR/CB3308TD/V002

21 May 2021

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

Dear Sir or Madam,

Thank you for your email sent on 13 May 2021 to No Incinerator 4 Horsham Community Group (Ni4H), notifying us that you have received and are now inviting comments on an environmental permit variation application from Britaniacrest Recycling Limited.

As a Community Group representing local residents, we are writing to you with the following concerns:

- Site of High Public Interest (SHPI)** - Your email to Ni4H on 6 November 2020 (copied into the email with this letter) includes: "I can confirm that this application will be treated as a Site of High Public Interest." and "I have copied Jeremy Quin MP's researcher into this email so that they are aware that the site will be treated as a SHPI." However, Britaniacrest Briefing Note 1 does not make it clear if it is being treated as a Site of High Public Interest. This continues to be of interest to Horsham MP, Jeremy Quin, as evidenced by: <https://www.jeremyquin.com/news/environmental-permit-variation-application-horsham-incinerator>
- Missing Documents and Information** - Ni4H have spent a substantial amount of time looking at the documents, poor labelling of many makes it challenging to identify, for example, the associated Appendix when it is a separate document. So far, we have found that a number of documents and pieces of vital information are missing, making it more difficult for experts, the council and other consultees and the public to participate in this consultation. Here is the missing information which we have identified so far:
 - ❖ Climate Change Risk Assessment – we have seen these included in similar EA permit applications.
 - ❖ Application for Environmental Permit Part C2: Copy of the Current Competence Management System Certificate and/or CIWM/WAMITAB Scheme Qualification Certificates, as we understand that operators cannot use ISO 14001 to cover the requirements of the CMS.
 - ❖ Air Quality Modelling Files.
 - ❖ Human Health Risk Assessment Dispersion Modelling, full list of parameters in a readable format.
 - ❖ Wealden Works 3Rs Permit Variation Application:
 - Appendix F - Site Condition and IED Baseline Report: Drawings 1/2/3
 - Appendix F - Site Condition and IED Baseline Report: Appendices F1, F2, F3, F4, F5
 - Appendix G – BAT Assessment BAT Conclusions 2019 on pages 22 to 27 'Error! Reference source not found' appears 7 times.
 - Appendix G BAT Assessment: G1 - H1 Tool
 - Appendix I CHP Ready: I3 - Primary Energy Savings Spreadsheet
 - Appendix L: List of Directors

3. **Out of date documents** - Some documents are 5 years old from 2016, others from 2018. Were the latest versions available submitted with this application and if so, should they have been updated before submission? For example:
 - a. 'About this consultation' document under heading 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 from the risk assessment.' As the risk assessments and several other documents are dated 2020, is the non-technical summary dated March 2018 still up to date?
 - b. Local Area Potential Heat Users Report 2016, not updated for the supply of existing and new heat.
 - c. Appendix 7.7: Predicted Concentrations at BAT Conclusions Emissions Levels, uses very out of date meteorological data from 2011 to 2015 in Table 10.7.2: Maximum Process Contributions and Predicted Environmental Concentrations.

4. **Advertising this Consultation** – What are the plans and timeline for advertising this consultation?

5. **EA Public Consultation Information Is Unclear**
 - About This Consultation - How to Respond, states that your office is now closed, and staff are working remotely. It does not mention the option to telephone responses.
 - Confusingly it states: "We will look to make comments received publicly available at our Environment Agency public facing office." This implies the office maybe open but it does not state where it is, or how we find out about opening hours or arrangements.
 - Britaniacrest Briefing Note 1 does not mention the email option as an alternative to Citizen Space.

6. **Public Events** - Over 6 months ago, 6 November 2020 email, you 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." What other arrangements are now in place? Ni4H would be happy to suggest local suitable venues, able to comply with the latest Covid guidance, including those able to live stream meetings. Many local people are now proficient using technology to access online meetings.

7. **Viewing printed copies of the documents** - would help facilitate those with poor eyesight or no suitable internet access and those who process information more easily in printed form, especially when needing to cross refer to so many other documents. The documents are so extensive that printing them at home is not viable or good for the environment. Covid restrictions are easing, and we anticipate will do so further on 21st June, just before this consultation ends on 24 June. West Sussex Libraries are now open for limited browsing and pre-bookable computer sessions but the EA public facing office is still not open.

8. **Handwritten Comments** – At planning and inquiry stages for this proposal, many comments were handwritten and sent by post. This EA public consultation only allows submissions online or by phone but only between 9am to 6pm Monday to Friday which may not be possible for those who work full time within those hours. Why can a postal address not be made available? This seems unjustified as letters could be left unopened for several days before being opened by EA staff.

9. **Consultees** – Who are the consultees and how do the public and consultees view comments made by others?

10. **The Community Liaison Group** has not been informed by Britaniacrest Recycling Ltd that the EA public consultation has commenced, and they have not put any information about the EA consultation on their website.

11. **Ensuring Applications Are Complete and Duly Made** - A regulator may conclude that an application is not duly made when, for instance: the information in the application is not sufficiently comprehensive or adequate to make a determination. e.g. inadequate and outdated Local Area Potential Heat Users Report inter alia. Source: Page 35, 6.4

<https://www.gov.uk/government/publications/environmental-permitting-guidance-core-guidance--2>

12. **We respectfully ask the EA to pause this consultation** whilst reviewing these concerns, and when all the documents and appropriate consultation arrangements are organised to restart it with an updated Briefing and About this consultation, and extended consultation period as a Site of High Public Interest.

Yours faithfully,

Peter Catchpole, Chairman of No Incinerator 4 Horsham Community Group

Copied to: MP, Jeremy Quin, his Researcher and Clerk, North Horsham Parish Council

2. EMAIL FROM EA TO NI4H - 28 MAY 2021

On Fri, 28 May 2021 at 11:07, SSD Enquiries <SSDEnquiries@environment-agency.gov.uk> wrote:

Dear Peter

Thank you for your letter of 21 May 2021 about the environmental permit variation application to the Environment Agency, made by Britaniacrest Recycling Limited for their operation at Brookhurstwood near Horsham.

1. Site of High Public Interest

This permit variation application is being treated as a Site of High Public Interest (SHPI).

2. Documents

Before we accept ('duly make') an application, we ensure the essential documents have been enclosed and contain enough detail for us to begin its assessment ('determination'). We may ask the applicant to provide additional information which would be posted online on 'Citizen Space'.

Not all documents are not required for every type of permit application. For example, Climate Change Risk Assessments are not required for variation applications.

We have now uploaded the air quality modelling files and the H1 tool to Citizen Space. The Director's details are required to be redacted and the redacted version has been uploaded to Citizen Space.

3. Dated Documents

Application documents do not have to be dated from a specific period.

We do carry out sensitivity analysis (for example, on meteorological data) as part of determination and may request additional information. This could include confirming that older documents are still correct and valid.

4. Advertising

This permit variation application has already been advertised in accordance with our guidance. Sign up to @EnvagencySE to receive a tweet reminder towards the end of the consultation period.

5. Consultation Standard Document

Thank you for bringing this to our attention. We have updated the document on Citizen Space so that it now reads "We will look to make comments received publicly available at our Environment Agency public register". A link to published responses will appear once a submission has been received where permission to share was granted.

6. Public Events

We are not required to hold public events. We have to be careful with our limited resources. Any event would be limited to describing our role and the permitting process. This information is all available in our general [GOV.UK](#) pages or the Citizen Space consultation page. In any event, we would not comment on the adequacy of documents submitted or provide technical discussion.

7. Viewing of Documents

We are following Government advice to manage the risks of Coronavirus to our organisation, to protect the health, safety and wellbeing of the public, our staff and sustain critical operations.

The documents are available on Citizen Space and, if required, access can be booked at local libraries where printing facilities are available at local libraries. We will update Citizen Space if a document is revised or added.

8. Providing Comment

We are following our guidance and encouraging people to comment online through Citizen Space or to contact us using the email address provided. If any other problems are encountered please contact our Customer Contact Centre.

9. Statutory Consultees

The organisations we are required to consult, by law, are Public Health England (PHE), Director of Public Health, Health and Safety Executive (HSE), local council (Horsham Borough Council) and the Food Standard Agency (FSA)

A briefing note was also prepared and emailed to a number of stakeholders in the area including the local MP, other local councils, ward councillors, environmental organisations and emergency services. This briefing note is available on the Citizen Space online consultation page.

10. Community Liaison Group

Operators are sometimes required to set up Community liaison groups through planning permissions. We do not believe that a Group is required or has been set up.

11. Duly Making

This permit variation application has been assessed as duly made.

12. Consultation Extension

Consultations periods for permit variations are defined in law and usually run for 20 working days (4 weeks). We have extended the consultation on this variation to 6 weeks to allow people further time to submit comments.

Treating this permit variation application as a SHPI means that we will also consult on our draft permit (if we are minded to grant a variation), before making a final decision. This will allow people to check if the relevant information they have provided has been addressed and make further comment if they wish.

I trust this answers your questions.

Yours Faithfully

SSD Enquiries

Solent and South Downs Area

Environment Agency | Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD

ssdenquiries@environment-agency.gov.uk

3. LETTER FROM NI4H TO EA – 9 JUNE 2021



No Incinerator 4 Horsham Community Group

Website: www.ni4h.org

Email: NoIncinerator4Horsham@gmail.com

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

4. EMAIL FROM EA TO NI4H - 1 JULY 2021

**On Thu, 1 Jul 2021 at 16:33,
SSD Enquiries <SSDEnquiries@environment-agency.gov.uk> wrote:**

Dear Peter

Thank you for your letter of 9 June 2021 about our consultation on the environmental permit variation application made by Britaniacrest Recycling Limited for their operation at Brookhurstwood near Horsham.

We have produced a paper copy of the application documents and this is available to view by appointment at Horsham Library. We have extended the consultation deadline from midnight on 24 June 2021 until midnight 16 July 2021 to allow time for viewing and submission of comments.

The documents referred to as 'missing' are on our on-line consultation tool 'Citizen Space'. The hyperlinks do not work following submission of documents to us, so these items are included as individual documents. Appendix Q refers to the certificates relating to the site management systems, procedures manual and integrated management system. The existing environmental permit is not a document we would require to be submitted with the variation application. Please find attached a copy in response to your request. Any new documents added to Citizen Space will state the date added in their title.

We are not responsible for how, when or if Britaniacrest Recycling Limited may choose to engage with the community and this is outside of the scope of this permit application determination.

A non-technical summary is required for duty making and the content, including relevance, is not fully assessed until determination. Determination has not commenced yet and detailed assessment of the documents and operator competence will only be undertaken at that stage.

The consultation period has been extended until midnight 16 July 2021. We have also included an address for any handwritten consultation responses. We do not take verbal consultation responses as we could not guarantee an accurate capture of the response. You should also be aware that there will be another opportunity to comment once our 'minded to' decision is published. At this time, Citizen Space would be re-opened and you will be able to review all the documents again, including any additional documents that have been submitted during the determination work. We are currently not able to provide an indication on when this will be.

You also requested details of our complaints process, this can be accessed at <https://www.gov.uk/government/organisations/environment-agency/about/complaints-procedure>

Yours faithfully

Customers & Engagement Team

Environment Agency | Solent and South Downs Area | Guildbourne House | Chatsworth Road | Worthing | West Sussex | BN11 1LD

email: ssdenquiries@environment-agency.gov.uk