

**WRITTEN EVIDENCE SUBMITTED BY
THE UNITED KINGDOM WITHOUT INCINERATION NETWORK (UKWIN) (EA003)**

2nd March 2023

1. The United Kingdom Without Incineration Network (UKWIN) is a network of anti-incineration campaigners and campaign groups founded in 2007 that acts as an environmental non-governmental organisation (NGO).
2. As a network, UKWIN maintains close contact with a wide range of communities across the UK, and many of these communities have raised concerns with us, including about the health impacts of waste incineration.
3. To represent our members and for the benefit of the public, UKWIN actively engages with industry regulators, in particular the Environment Agency (EA), with respect to permitting, monitoring, reporting of emissions, and enforcement of permit conditions.
4. Some of the evidence and expertise UKWIN holds support EFRACOM's oversight of the work of the EA, and we are grateful for this opportunity to provide evidence on this topic.
5. Whilst this submission focusses on the EA's role with respect to waste incinerators, the submission raises wider issues regarding the EA's relationship with civil society, and the EA's communications with the public and with other bodies.
6. There are many examples of where the Environment Agency's practice with respect to transparency, environmental protection and clear communication falls below the standard the public could reasonably expect (especially in light of the EA's own public statements regarding how they will act and what people should expect).
7. To explore some of these examples, this submission is split into three parts, with each part devoted to a different aspect of the EA's work: pollution inventory; planning; and permitting. This is followed by examples of additional matters that could also be explored within the context of an EFRACOM inquiry into the regulation and environmental impacts of waste incineration.

Summary

8. Drawing on the evidence provided by UKWIN, EFRACOM could ask Environment Agency representatives about:
 - a. Any plans to increase the degree of transparency reflected in the Pollution Inventory relating to waste incinerators and to industrial processes more generally;
 - b. Any plans to issue clearer guidance about the strict limits to the EA's area of responsibility as the industry regulator and as a statutory planning consultee, and to review their standard planning consultation submissions to help improve understanding;
 - c. Why the EA asked the community for feedback to improve Permit Decisions Documents back in 2021 when, despite having received detailed feedback, this does not appear have resulted in any improvement in the quality of Decision Documents, and what consideration has been given to these suggested

improvements to date, and whether the EA will re-issue any outstanding draft incinerator decision documents to reflect any lessons learned;

- d. Why the EA does not pass on representations to the UKHSA when these contain new evidence about health matters, instead relying on historic UKHSA statements that may not have taken that new evidence into account;
 - e. Why the EA continues to use the term 'best available technique' ('BAT') when it has been acknowledged that an approach can be described as BAT even when better approaches are available, i.e. when an approach is not in fact 'best' but is a cheaper alternative that may cost less to the operator but results in higher levels of pollution; and
 - f. Why the EA persists in saying that they minimise emissions from waste incinerators when in fact the EA permits higher levels of incinerator pollution in order to minimise costs to operators?
9. The EA's answers to these questions could inform EFRCOM's work programme, and we ask that this includes consideration of an inquiry focused on the regulation and environmental impacts of waste incineration. Such an inquiry could investigate the questions set out above and below, alongside investigating concerns raised by MPs about inadequacies in the regulation of waste incinerators and the environmental impacts of incinerators during a series of Westminster Hall debates.

Pollution Inventory

10. The EA manages the Pollution Inventory (PI), which "provides information about releases and transfers of substances from regulated industrial activities" including waste incinerators.
11. Waste incinerators typically release reportable pollutants such as carbon dioxide, nitrogen oxides, nitrous oxide, sulphur oxides, ammonia, copper, nickel, chromium, mercury, cadmium, arsenic, and particulate matter.
12. In the interest of transparency, pollution reporting thresholds should be set to 'zero' for all monitored emissions so that the public would be able to know what was emitted in any given year by any given facility, and indeed what the cumulative total emissions would be from all incinerators in England.
13. By way of an example, the 2021 PI entries for the Severnside Energy Recovery Centre [EA Permit reference ZP3937KL] contains no figures for benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, carbon monoxide, chlorine and inorganic chlorine compounds, chromium, copper, dioxins and furans, fluorine and inorganic fluorine compounds, lead, naphthalene, nickel, non-methane volatile organic compounds, particulate matter, polychlorinated biphenyls, and sulphur oxides – despite the fact that the operator will have monitored all of these emissions and would therefore be capable of reporting these figures with very little additional effort.
14. Greater transparency could also be provided with little additional effort were the EA to include the 'method name', 'method description', and 'method text' columns in their publicly released version of the PI.

15. This information is already required by the EA to be provided by operators, and is already included in the EA's internal database, but is not released as part of the published dataset.
16. The release into the public domain of this methodological information would increase transparency by providing the public with information about how any given PI entry was derived, e.g. based on estimates or actual (continuous or periodic) measurement.
17. EFRACOM could ask EA representatives about any plans to increase the degree of transparency reflected in the Pollution Inventory relating to waste incinerators and to industrial processes more generally.

Planning

18. Whilst the EA is not directly responsible for determining planning applications for waste incinerators, the EA is included as a statutory consultee relied upon by Planning Officers as part of the planning process.
19. Over many years UKWIN has observed numerous examples of Planning Officers making serious errors and displaying fundamental misunderstandings about the EA's role with respect to both material planning considerations (related to potential environmental impacts of proposed incineration schemes) and the EA's regulation of waste incinerators.
20. Despite being made aware of these errors and misunderstandings, the EA has failed to devote the resources necessary to consistently correct errors and to use a systematic approach to better educating Planning Officers.
21. By way of illustration, Planning Officers frequently and incorrectly inform their respective Planning Committees that adverse traffic impacts are a matter for the EA's permitting regime. Planning permissions are then issued on this basis. When members of the public raise their traffic concerns as part of an EA permitting consultation they are belatedly informed that potential adverse traffic impacts cannot be considered by the EA as the EA's remit relates only to adverse impacts at the installation itself and not the road network taking material to and from the incinerator.
22. Another important example of the EA's failure to take appropriate action is provided by the instances where Planning Officers all too often cite a lack of Environment Agency objection as an indicator that there is no potential for refusing planning permission on environment grounds or to mean that adverse impacts which are anticipated should not be considered to weigh against the development in the planning balance.
23. However, this is a misinterpretation because – as Planning Officers appear not to appreciate – the EA does not assess planning application compliance with local planning policies nor does the EA assess all potential environmental impacts within their planning consultation responses. Instead the EA only undertakes a narrow consideration of compliance with their own permitting guidelines, e.g. whether or not there is a serious risk of flooding capable of preventing the EA from issuing a permit.
24. Even on such narrow matters, the EA does not communicate well to planning officers. As an example, the EA indicated to the planning authority in relation to the Carlisle incinerator that the EA would ensure flood risk is acceptable because the EA said:

“Mitigation is likely to be required to control off site flood risk and we will not be able to issue our permits until this has been demonstrated”.¹

¹ See https://consult.environment-agency.gov.uk/psc/ca6-4se-fortum-carlisle-limited/supporting_documents/Application%20%20Bespoke%20%20Planning%20Application%20and%20Permission.pdf electronic page 64

25. The EA then issued a draft permitting decision document without requiring additional mitigation of the area of concern that had been identified. By way of explanation, the Draft Decision Document said: “The Environment Agency provides advice and guidance to the local planning authority on flood risk in our consultation response to the local planning authority. Our advice on these matters is normally accepted by both Applicant and Planning Authority. When making permitting decisions, flood risk is still a relevant consideration, but generally only in so far as it is taken into account in the accident management plan and that appropriate measures are in place to prevent pollution in the event of a credible flooding incident”.²
26. Another example of the disconnect between permitting and planning relates to Combined Heat and Power (CHP). For example, the Carlisle incinerator Draft Decision Document says: “Our CHP-R guidance also states that opportunities to maximise the potential for heat recovery should be considered at the early planning stage, when sites are being identified for incineration facilities. In our role as a statutory consultee on the planning application, we ensured that the issue of energy utilisation was brought to the planning authority’s attention”.
27. But there is no record of any clear guidance from the EA to the Waste Planning Authority with respect to this issue in either of the two planning applications regarding that incinerator.
28. This means that, yet again, a ‘no objection’ from the EA was incorrectly treated as a green light for incinerators even when this was not the EA’s intention. The EA generally does nothing to correct Committee Reports featuring such misrepresentation of how the EA’s planning representations should be interpreted.
29. This is especially egregious because the Carlisle Decision Document is from December 2022 and it appears to have repeated the same mistake that UKWIN brought to the EA’s attention in our detailed comments on the Doncaster Kirk Sandall application back in August 2021, where we explicitly noted that they used similarly misleading language.
30. UKWIN told the EA in August 2021 that: “Rather than making it clear that ‘The location of the Installation largely determines the extent to which waste heat can be utilised, and this is a matter for the planning authority’ as the EA claimed in their draft decision document [for Kirk Sandall in Doncaster], the letter of 27 August 2020 from the Environment Agency seems to be entirely focussed on the EA’s role of requiring a plant is CHP ready and not at all on the Council’s role of determining the appropriateness of the location taking into account whether or not its location is appropriate for heat use and could give the Waste Planning Authority the impression that CHP is entirely a permitting matter. As such, the current draft permit decision document might be misleading as to the sort of advice given to the planning authority (and flag the need for improvements in what is expressed to Waste Planning Authorities)”.³
31. It is unclear whether the EA is unwilling or unable to learn from their mistakes, but they certainly have a track record of repeating them to the detriment of informed decision making.

² Available at <https://ukwin.org.uk/library/79-DraftPermitDecision-2022.pdf>

³ Available at <https://ukwin.org.uk/library/235-UKWINPermitConsultationSubmission1-2021.pdf>

32. As such, the EA's approach of only 'partial engagement' in the planning process can result in *net adverse* impacts on environmental outcomes compared to not engaging at all because it ends up providing Committee Members with a false sense of security that their environmental and health concerns would be addressed within the permitting system, or that if there were matters of planning concern these would have been flagged by the EA.
33. Whilst there are clearly shortcomings in Planning Officers' understanding that many need to be addressed through other means, it makes sense to expect the EA to issue guidance that can help both Planning Officers and the public better understand what does and does not fall within the EA's responsibility as regulator and statutory planning consultee.
34. EFRACOM could ask EA representatives about any plans to issue clearer guidance about the strict limits to the EA's area of responsibility as the industry regulator and as a statutory planning consultee, and to review their standard planning consultation submissions to help improve understanding.

Permitting

35. One of the EA's functions is to determine applications for new environmental permits from would-be incinerator operators, and variations to existing permits.
36. The EA's procedures for such applications differs somewhat depending on whether the application has been deemed of high public interest. Once the permit (and in high public interest cases the draft permit) is issued it is accompanied by a Decision Document.
37. With respect to the EA's permitting of waste incinerators, EFRACOM could ask EA representatives:
 - a. Why the EA asked the community for feedback to improve Permit Decision Documents back in 2021 when, despite having received detailed feedback, this does not appear have resulted in any improvement in the quality of Decision Documents, and what consideration has been given to these suggested improvements to date, and whether the EA will re-issue any outstanding draft incinerator decision documents to reflect any lessons learned;
 - b. Why the EA does not pass on representations to the UKHSA when these contain new evidence about health matters, instead relying on historic UKHSA statements that may not have taken that new evidence into account;
 - c. Why the EA continues to use the term 'best available technique' ('BAT') when it has been acknowledged that an approach can be described as BAT even when better approaches are available, i.e. when an approach is not in fact 'best' but is a cheaper alternative that may cost less to the operator but results in higher levels of pollution; and
 - d. Why does the EA persist in saying that they minimise emissions from waste incinerators when in fact the EA permits higher levels of incinerator pollution in order to minimise costs to operators?
38. These permitting issues are explored below, and UKWIN would be happy to provide further evidence on request.

EA's failure to respond to and implement suggested improvements to Decision Documents

39. When the EA embarks on permit consultations for incinerators they make public statements such as the following for the Kirk Sandall incinerator in Doncaster: "We will take your consultation responses into consideration as part of our determination of the permit. If we decide to grant the permit we will explain how we made our decision and how we have addressed the concerns that were raised".⁴
40. The Decision Document for the Kirk Sandall permit, issued in September 2021, described its purpose as follows: "This is a decision document, which accompanies a permit...It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position...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".⁵
41. A similar statement was made in the earlier Draft Decision Document,⁶ and as a result in August 2021 UKWIN provided the EA with 62-pages of initial comments⁷ on the Draft Decision Document which was followed in September 2021 by 9-pages of further comments on the EA's response to the issues raised by UKWIN in response to the Draft Decision Document.⁸
42. UKWIN's introduction to our September 2021 submission to the EA noted that: "Pages of detailed arguments and evidence were in most cases summarised to a single line of argument and then summarily dismissed by the EA simply by referring back to the very passages we critiqued, vaguely stating that the disputed section provides sufficient basis for the EA to have reached the conclusion which we disputed without adequately explaining why the EA maintained their position despite our critique. In some cases our arguments were not even mentioned, or were listed in such an obscure way as to make it difficult to know which comments were being responded to within the summary...rather than giving the impression that the EA had engaged with the substance of what we were saying it came across to us as if 'processing' our comments was simply treated as a checkbox exercise so that the EA could provide a formal but hollow assurance that they had provided a reference to having considered the topics raised within their decision document".
43. In terms of the responsibility for considering off-site traffic issues noted earlier, UKWIN would like to highlight how this issue was raised by UKWIN in our August 2021 submission to the EA.

⁴ https://consult.environment-agency.gov.uk/psc/draft-dn2-4sf-bh-energygap-doncaster-limited/supporting_documents/About%20this%20consultation.pdf

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1016540/Decision_Document.pdf

⁶ https://consult.environment-agency.gov.uk/psc/draft-dn2-4sf-bh-energygap-doncaster-limited/supporting_documents/Draft%20Decision%20Document.pdf

⁷ <https://ukwin.org.uk/library/235-UKWINPermitConsultationSubmission1-2021.pdf>

⁸ <https://ukwin.org.uk/library/235-UKWINPermitConsultationSubmission2-2021.pdf>

44. UKWIN noted how, in response to traffic concerns raised by Doncaster Council, the Decision Document in 'ANNEX 4: Consultation Responses - Response Received from Doncaster Council', the EA explained: "Movement of traffic to and from the Installation is outside of our remit but will normally be an issue for the planning authority to consider" and "If new housing or schools are proposed in the future they would require planning permission and the incinerator should be taken into account in assessing those proposals".
45. The EA failed to make that clear as part of the planning application process. We noted that in the EA's associated planning consultation submissions of 27th August 2020, 18th January 2021 and 3rd March 2021 for planning application 20/01774/TIPA the EA did not inform the Waste Planning Authority (WPA) that the EA was relying on the WPA to address this matter.
46. As part of our August 2021 permit consultation submission UKWIN asked the EA for an explanation of why the EA's position was not communicated to the WPA in a timely manner, i.e. as part of the planning process.
47. Despite the EA inviting feedback to improve their final Decision Document, that Decision Document was almost identical to the Draft and did not take on board any of the suggestions for improvement made by UKWIN, nor did it include an explanation of why the points in relation to traffic responsibility were not communicated to the WPA in a timely manner.
48. Furthermore, despite reassurance that we should expect a response from the EA "in due course", more than eighteen months later UKWIN has yet to receive a substantive response to our suggestions for how EA decision documents in general can be improved.
49. Decision documents issued for incinerators subsequent to Kirk Sandall are still exhibiting some of the same problematic issues (including the recent Draft Decision for the Carlisle incinerator issued in December 2022).⁹

EA's failure to share new health evidence with the UKHSA

50. Many people involved in environmental permit consultations cite health studies, old and new, in support of their objections to permit applications for waste incinerators.
51. These members of the public have an expectation that their concerns will be followed up by the EA as part of the EA's determination of the permit application.
52. In UKWIN's understanding, contrary to the public's expectation, the EA does not have the resources or expertise to consider the provenance and content of these studies, relying instead on an historic UKHSA statement to dismiss any health concerns raised.
53. A problem arises when neither the EA nor the UKHSA takes the time to investigate these health studies.

⁹ <https://www.gov.uk/government/publications/ca6-4se-fortum-carlisle-limited-environmental-permit-draft-decision-advertisement-eprsp3609bxa001/ca6-4se-fortum-carlisle-limited-environmental-permit-draft-decision-advertisement-eprsp3609bxa001>

54. At the very least the public is entitled to trust the EA to pass on any new evidence about health matters associated with waste incinerators to the UKHSA, the Committee on Toxicity, the Food Standards Agency, and/or COMEAP as appropriate, and to delay issuing a final decision until the matters raised have been adequately investigated with the results detailed in any subsequently issued (draft) decision document.
55. Such investigations could include, for example, commissioning research to examine whether or not adverse environmental impacts that could give rise to health problems (e.g. biomonitoring research that found dioxins in chicken eggs in proximity to fallout from waste incinerators) detected around waste incinerators currently operating on Continental Europe¹⁰ might also apply to incinerators operating in England.

Misleading use of the terms 'best' and 'minimised'

56. Two of the issues raised by UKWIN in our concerns about the Kirk Sandall incinerator Draft Decision Document relate more widely to the EA's choice of language in communications, including in briefings made as part of the permit consultation process.¹¹ As noted earlier, UKWIN is still awaiting a response to these concerns, and the EA does not appear to have improved the way that subsequent draft and final decision documents have been framed.
57. In our August 2021 document we noted that the EA made statements in their Kirk Sandall Decision Document such as: "we have carefully scrutinised the Applicant's proposals to ensure that they are applying the Best Available Techniques to prevent and minimise emissions of these substances" whilst not actually ensuring that all emissions are prevented or minimised or that the techniques are really the best available.
58. Page 29 of the Kirk Sandall Decision Document is the first time that the concept of Best Available Technique (BAT) is introduced within the Decision Document, and BAT is promoted as something that would 'minimise emissions', an ordinary meaning of which would be that emissions are 'reduced to the smallest possible amount'.
59. However, on page 51 we read how cost is one of the considerations alongside others such as energy usage (and operator 'preference') – this means emissions might not be reduced to the smallest possible amount that is technically achievable. As such, there is a discrepancy between how BAT is described and how it appears to be applied.
60. If the EA's approach is actually to ensure that the pollution is being minimised to the smallest possible amount then Page 51 needs to be changed to remove references to cost being a consideration, and the application needs to be assessed on the basis of what is claimed to be the BAT process as per Page 29.
61. However, if the EA's position is that BAT simply means that the levels of pollution are 'justifiable based on the preference of the operator, the cost to the operator and other relevant considerations' (i.e. a justifiable compromise between minimising pollution and other considerations) then this should be explicitly stated rather than implying that the EA has 'ensured' that pollution has been 'minimised'.

¹⁰ See some examples of such biomonitoring studies at <https://www.toxicowatch.org/blank-1>

¹¹ Available at <https://ukwin.org.uk/library/235-UKWINPermitConsultationSubmission1-2021.pdf>

62. We do not believe the approach that "Where an emission is screened out in this way, we would normally consider that the Applicant's proposals for the prevention and control of the emission to be BAT" is an acceptable position where the goal is to minimise emissions.
63. If an incinerator is adding to the pollution of an area (and/or worsening climate change for everyone) then it is working against efforts to reduce emissions, and multiple sources doing this could result in significant in-combination impacts.
64. This is especially relevant for incinerators as they could be operational and emitting pollution constantly for decades. As efforts to reduce emissions from other sources are successful, incineration can be expected to increasingly become a larger relative source of pollution within the geographical areas where they operate.
65. The Keighley (North Yorkshire) incinerator provides an example where prioritisation of operator costs resulted in increased levels of pollution. In that case the EA allowed a lower stack height because requiring a higher stack would increase developer costs as the planning permission for a lower stack would need to be varied at a cost to the developer.
66. Despite the EA's position that the higher stack would reduce the facility's adverse impact, they decided to reward the operator by allowing them to include the additional costs in their cost-benefit analysis (rather than considering those costs as having been self-inflicted and thus 'artificial').
67. The EA was not entirely transparent about this, stating in their Decision Document that: "The Applicant submitted an assessment of pollutant process contribution against the marginal cost of increasing stack. The assessment showed that increasing costs outweigh any environmental improvements from further stack height increases above 60m" without explaining how the costs would have been 'self-inflicted'.¹²

Inquiry into the regulation and environmental impacts of Waste Incineration

68. While we hope that the above issues can be fully explored as part of EFRACOM's regular hearings with individuals from the Environment Agency, we believe that there is also the case for these issues and other related issues to be explored within the context of a dedicated inquiry on the regulation and environmental impacts of Waste Incineration and the potential for improvements to be made both with respect to the processes that are followed and the standards against which incinerator applications are assessed.
69. As such, when asking questions of the Environment Agency at the forthcoming EFRACOM session we believe that this should be done within the context of helping to confirm that there would be significant benefit which could increase the quality of, and public confidence in, the regulation of incineration in particular, and industrial emissions more generally.

¹² <https://ukwin.org.uk/library/247-PermitDecision-2020.pdf>

70. To support the consideration of this matter, we provide the following non-exhaustive list of questions about which, in the event EFRACOM launched a more in-depth inquiry, UKWIN would be able to assist the EFRACOM inquiry:
- a. Whether the Environment Agency has sufficient resources, powers and Defra support to allow them to effectively regulate waste incineration, especially in light of the lack of evidence held by the EA on the adequacy of its air pollution screening criteria for nature reserves, Natural Resources Wales's stricter protections for nature reserves, and the fact that the EA rarely carries out unannounced site visits to English incinerators;
 - b. The harm to public confidence in the regulation of incineration resulting from the Environment Agency's repeated failure to abide by legal responsibilities and legitimate expectations, such as their repeated failure to comply with regulations such as responding to Environmental Information Regulations (EIR) requests as soon as possible and within 20 working days;
 - c. Whether the EA had sufficient expertise regarding the ecological impacts of waste incineration to disregard Natural England's repeated assertions that the Habitats Regulations Assessment carried out by the EA for the Carlisle incinerator was inadequate, and the extent to which the EA ought to have taken Natural England's concerns more seriously rather than appearing to downplay them;
 - d. The apparent disconnect between the EA saying permit applicants must submit an Environmental Management System (EMS) and the EA's granting of permits without an EMS (only requiring them prior to commissioning);
 - e. Why the EA does not do more to enforce the waste hierarchy, for example, though a permit condition requiring applicants to keep records showing what measures have been taken to ensure alternative ways of processing recyclable material (e.g. pre-sorting prior to incineration to remove recyclates from the mixed waste stream) have been explored and exhausted, alongside requirements for incinerator operators to annually publish waste composition analysis of the material incinerated so that people can know what is being incinerated and how of it could have been recycled composted;
 - f. Why the EA appears unable to consider whether an incinerator proposal is in accordance with the Paris Agreement and climate objectives except in their very limited consideration of energy efficiency, and why the EA does not contact the government body responsible for ensuring compliance with the Paris Agreement prior to approving an incinerator that is not carbon capture ready;
 - g. Whether the EA should be required to consider a company's corporate reports when assessing its environmental record. The EA currently appears to give little or no consideration of previous pollution exceedances/fires/non-compliance/fines even when informed about such matters;
 - h. In light of the EA having found "puzzling" elevated levels of dioxins near incinerators, why does the EA not require permit applicants to measure dioxin ground contamination prior to issuing a permit so that assessments can be

made of any dioxin contamination during operation and when the incinerator is decommissioned, and should the EA be required to do so; and

- i. The measures that the EA takes, and could be required to take, to ensure all information about a permit is released for public consultation in a timely manner to inform the environmental permitting process. The EA has regularly carried out public consultations without publishing all of the information supplied to the EA by the applicant (as was the case for the Horsham, Carlisle and Keighley consultations).

71. Such an inquiry could take evidence not just from UKWIN, but also from various other bodies who have raised concerns about the adequacy of the Environment Agency's approach to regulation.

72. For example, we note that in May 2020 the Institute of Air Quality Management published 'A guide to the assessment of air quality impacts on designated nature conservation sites' and this guide noted how: "For local wildlife sites and ancient woodlands, the Environment Agency uses less stringent criteria in its permitting decisions. Environment Agency policy for its permitting process is that if either the short-term or long-term PC is less than 100% of the critical level or load, they do not require further assessment to support a permit application. In ecological impact assessments of projects and plans, it is, however, normal practice to treat such sites in the same manner as SSSIs and European Sites, although the determination of the significance of an effect may be different. It is difficult to understand how the Environment Agency's approach can provide adequate protection".¹³

73. While this issue was raised in May 2020 it still persists, and UKWIN is aware of internal Environment Agency communications questioning why it is that the EA is not being more rigorous in this area and acknowledging tensions with the EA's legal duties to provide environmental protections. Such evidence could be thoroughly examined and investigated within the context of a dedicated inquiry.

74. The investigation could also explore matters raised in Parliament as part of Westminster Hall debates on incineration including concerns regarding the EA's regulation of waste incinerators and the adequacy of current rules, standards, and procedures. We set out a few of many examples below.

75. The debate on 'Permit variation processes for waste incineration facilities' which was held on Thursday 1st December 2022 was secured by Elliot Colburn MP (Carshalton and Wallington) who noted that: "There needs to be a mechanism to ensure that communities have greater influence – more than just a single written consultation – over these processes and the determination of repeated major permit variations. Communities need to be able to hold regulators and those who make these decisions, whether that is the local authority or the Environment Agency, to account." and that: "The UK Government plan to halve the amount of waste going to landfill or incineration in England by 2042. Proposals to expand existing sites, such as the one at Beddington, directly contravene that ambition...Despite that, the Environment Agency is unable to take into account issues around national overcapacity when determining permit variations such as the one for Beddington."¹⁴

¹³ <https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2020.pdf>

76. At that same debate, Jane Hunt MP (Loughborough) asked the question: “Could the [Environment Agency’s] BAT system be better defined regarding the emissions produced and what is technically possible—not just what is [financially] viable—and therefore focus on both climate and climate change rather than finance?” and Robbie Moore MP (Keighley) noted that “The potential impact on people’s health from the incineration process cannot be ignored” and set out how he had “concerns about the modelling of the pollution data that the Environment Agency used, because it was unreliable”.
77. The debate on Waste Incineration Facilities on the 11th of February 2020 was secured by Sharon Hodgson MP (Washington and Sunderland West) who noted that: “My constituents and I know that the Environment Agency is a little toothless in tackling the problems that waste processing sites cause. We are rightly concerned that any issues arising from this gasification plant will bring just more of the same.”¹⁵
78. Concerns were also raised at the Westminster Hall debate on Industrial and Commercial Waste Incineration held on the 28th of January 2020, with Caroline Nokes MP (Romsey and Southampton North) noting for example that: “Time does not allow me to examine in detail the issue of air quality and the balance – I use that term loosely – that the applicant must strike between the visual impact of tall chimneys and the need to make them high enough to disperse the emissions over a less concentrated area....We need to improve regulations to make them tighter, rather than having applicants rely on the emissions set out within existing regulations”.¹⁶
79. An EFRACOM investigation would allow these sorts of concerns to be investigated and considered in more detail and given the time they deserve, and this could also result in helpful improvements being recommended.

¹⁴ <https://hansard.parliament.uk/Commons/2022-12-01/debates/A6421102-2B57-4CB2-9F0A-0325129B9888/WasteIncinerationPermitVariation>

¹⁵ <https://hansard.parliament.uk/commons/2020-02-11/debates/D1799344-3D26-4DF0-94C1-3AEB397AF375/WasteIncinerationFacilities>

¹⁶ <https://hansard.parliament.uk/Commons/2020-01-28/debates/9209AD6A-6C6B-47CB-A460-5147EC43131F/IndustrialAndCommercialWasteIncineration>