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NO COVANTA INCINERATOR

Covanta Rookery Pit Incinerator - Reference No EPR/WP3234DY/A001 2nd Consultation

Dear Sirs

I am writing to you on behalf of Bedfordshire Against Covanta Incinerator (BACI) - A coalition of Residents, Parish & Borough Councillors and Action Groups members who are proactively expressing their concern and - where appropriate - protesting against the Covanta Incinerator at Rookery Pit.

We have reviewed the Decision Document, Draft Permit and associated documents and we believe that a permit should not be granted by the Environment Agency to Covanta to operate an Incineration Plant to be located at Rookery Pit South, Bedfordshire.

Covanta as an Operator

We do not agree that the operating history of Covanta is acceptable - both for the 41 incinerator sites they run in the US - which have had over 100 reportable incidents of significance in the last 5 years (https://consult.environment-agency.gov.uk/psc/mk43-9ly-additional-information/supporting_documents/2nd%20Schedule%205%20Response%20%20Appendix%20G%20%20Revised%20Regulatory%20action%20summary.pdf) - and additionally the problems that have been experienced at the Poolbeg Dublin site. The serious issues experienced at Poolbeg have occurred since the closure of the 1st public consultation and therefore did not feature in any previous submissions. We understand that a criminal investigation is underway by the HSA - which is looking into 12 non-compliances and 16 other incidents of note. This is a staggering amount of issues given the plant has only been operational since June 2017. We also note that the Dublin Incinerator will be subject to the same EU laws as Rookery South. With the evidence that is available we cannot see how the EA can possibly conclude that Covanta is a competent operator. We note that competence is defined by the EA in 3 ways - financial competence, technical competence and environmental record (<https://www.gov.uk/guidance/legal-operator-and-competence-requirements-environmental-permits#what-a-competent-operator-is>). We have not been party to Covanta's financial competence but it is extremely clear that Covanta's technical competence is lacking - despite their industry experience and the environmental record proves that they are not able to work within permit regulations - they simply budget for imposed fines.

In the decision document - the EA is claiming that incidents are merely learning lessons for Covanta. This is extremely worrying from a residents' point of view - who are looking to EA to protect them and their environment - and do not wish to be used as a guinea pig for an American Company's purposes.

It is also claimed that any previous incidents are the responsibility of a different legal entity "The Applicant for this Installation is a different legal entity to those permitted in the USA"- however the main officers of all the various Covanta companies internationally - including the company involved in Poolbeg and the applicant for Rookery South - are the very same bank of 5 or 6 individuals. In addition EA's own documentation concludes that 'different 'names' of Companies does not distance officers of their previous records"

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/552882/LIT_8189.pdf

Covanta has continually stated its experience, expertise, successful and established record in both Incineration operations and management with statements such as ".....Covanta's proven expertise and operating procedures will ensure industry-leading performance for the Rookery South Project" and "Covanta operating performance statistics

demonstrate excellent environmental track record and availability throughout plant life"

https://mmetag.files.wordpress.com/2009/11/rookery-clp-1_250716-final.pdf. The EA must take into account fact over this obvious attempt at fiction.

Temperature Inversion Events

We disagree that the EA has considered the impact on emission dispersal in relation to the temperature Inversion events that occur due to the geological aspects of the Marston Vale. The EA decision document claims to take into account 'local factors' - however the main decision document does not even acknowledge the temperature inversion conditions and it is only discussed in the appendices where resident concerns are listed.

The surrounding edges of the vale stand at 130m at Lidlington and 112m at Cranfield. The proposed chimney height of 105m (of which some will be below ground level in the pit) is not high enough to allow for proper dispersion of emissions in this bowl like geology.

We do not consider a proper and thorough investigation into the temperature inversion events has taken place - as all the readings that the "dispersions models" rely on as being representative of the conditions in the Vale were actually taken from outside the Vale at Cranfield 5.5 Km away, Bedford 19 Km away and Luton Airport 23 Km away.

In the decision document - the EA admits that Covanta's modeling does not take into account temperature inversion - but it is claimed that the EA have "conducted a number of case studies investigating the likely dispersion impacts of such conditions". We can find no evidence of these case studies being included in the consultation documents.

In addition to this lack of relevant modelling data - on page 120 of decision document the EA states that although the 120m Wind Turbine situated only 250m "could potentially alter plume dispersion" it is "not likely to have a significant effect on dispersion" but "therefore the wind turbine will not affect the conclusions". The terminology used by the EA of 'could potentially' and 'not likely' do not seem to point towards a technical analysis of this point - and when taken in conjunction with the total lack of relevant dispersion modelling data in this case - the conclusion is that the EA does not actually know the levels of emissions that the Marston Vale will be subjected to.

We note that the EA's own weather data was taken from Bedford - and therefore conclude that no attempt has been made to scientifically record the temperature inversion - and therefore no conclusions can be accurately reached using case studies or recordings from outside the Vale. It is extremely concerning that the EA has no wish to gather the correct information to determine the environment impacts of the incinerator on the Marston Vale which potentially could be in situ for up to 40 years.

BAT Assessment

Since May 2017 Bedfordshire Against Covanta Incinerator has been seeking to ascertain the method applied by your applicant Covanta to calculate cost analysis in relation to BAT.

We continued to ask through our local branch contact until 18th October when we were then told that we must pursue this content through Freedom of Information.

We believe that this content should have already been included in the documentation supplied for consultation.

This is the text of our request:

" Within the Decision Document and the BAT Assessment document of this consultation there is continuous reference to cost benefits and cost assessments and the BAT Assessment document references using methods Technical Guidance EPR H1 <https://www.gov.uk/government/publications/h1-environmental-risk-assessment-for-permits-overview> .

The BAT Assessment Document is dated 17/11/16 - however we note that the Technical Guidance EPR H1 document cited by your Applicant was withdrawn on 01/02/16. We presume that there were reasons surrounding the withdrawal of this document and replacement by the guidance found at <https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit>.

We request all information relating to which of the 3 economic analysis methods (damage cost approach, impact pathway approach or unit abatement cost) was employed by the Applicant Covanta in calculations relating to air emissions and BAT assessments in accordance with the government document "Air quality: economic analysis" <https://www.gov.uk/guidance/air-quality-economic-analysis>.

We believe this information should have been included in the consultation documents to allow for proper analysis by the public and other interested parties.

We trust you will be able to provide the information requested regarding the method employed and explanation to the use by the Applicant of withdrawn guidance - via email - in a timely matter to allow for the consultation process to continue.

If it is unclear about which specific information is required – please contact me immediately by email. If there is any further delay in receiving this information it would be appropriate to increase the consultation period to allow for your reply to be fully considered and responded to fairly and without prejudice."

We have received an update regarding our request that states that the information could take as long as up to 22nd November to provide.

We are concerned that withdrawn documentation is referred to in the BAT Assessment Document. We have found this is a re-occurring theme throughout this 'consultation' process and does not give us confidence in the EA's abilities.

We have some comments regarding the BAT assessment document and associated documentation as they stand. However - we reserve the right to add further comments when the full information has been made available to us.

SCR as NOx Abatement option

It should be noted that an SCR installed on incinerators is a proven technology and is economically justifiable. We have no evidence of the EA conducting an independent technical and cost analysis on this option. It is documented that SCR is technically viable - so what is the cost threshold for SCR to be considered by the Environmental Agency?

1. Page 12 Table 3-1– Air Emissions, NOx Abatement Options
 - a. NOx, abated concentration using SCR can achieve 60 mg/Nm³ (annual); not just 70 mg/Nm³ (Refer to Air Permit No. 0990234-017-AC (PSD-FL-413)).
2. Page 14 Table 3-5 – Costs, NOx Abatement Options
 - a. SCR capital cost of £23,100,000 is unbelievable, arbitrary, and has no basis and justification provided in the application.
 - b. Loss of exported power cost of £1,225,000 p.a. does not have a basis or justification provided. How was this figure derived? Note that the power demand is for ID Fan only. Assuming typical losses of 0.5% of the gross (470,000 MWh p.a.) parasitic load, the estimated amount should be £129,250.
 - c. Maintenance cost of £462,000 p.a. is arbitrary. There is no maintenance required for SCR.
3. Page 15 Table 3-6 – Comparison Table, NOx Abatement Options
 - a. Total Annualized Cost for SCR at £4,473,000 is arbitrary and unsupported. Use of SCR is a proven technology and is economically justifiable. Note that SCR will also reduce Dioxin/Furans.

Heat Export

We disagree with the EA's assessment of energy efficiency of the Rookery South Incinerator. Original IPC documents show that Covanta said they were keen to export heat to Center Parcs etc <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2010/02/DRAFT-meeting-notes-2-12-09-2-with-RN-comments-2.pdf>. We disagree with the EA's position that they are 'content' with Covanta's assertion that the export of heat is now suddenly not financially feasible due to "...physical restraints such as rivers, roads and railways that make heat supply not feasible".

The location of the Incinerator has not changed in relation to the rivers, roads and railways. The Combined Heat and Power Report that forms part of the planning documentation states - " 4.1.3 The Alternative Site Assessment carried out to determine the suitability of Rookery South Pit for the Project (also accompanying the Application has identified a range of proposed developments in the area that could potentially benefit from CHP." <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010011/EN010011-000555-Combined%20Heat%20and%20Power%20Report.PDF> Additionally - on page 40 of this same document - Covanta provided evidence to the IPC that included cost analysis that took into account the same factors that now make the heat export prohibitive.

Additionally in the Schedule 5 document page 19 section 10 (30) - Covanta now claim that Center Parcs has been designed in a way that makes it financially unviable to export heating to them despite the Woburn Center Parcs following a Company wide layout specification. Lockheed Martin has also been identified as a heat customer but Covanta claim this customer is likely to need "high grade heat" which they can not supply.

The Development Consent Order was issued under the impression that heat export was inevitable - and not subject to problems with already existing features surrounding the pit. We believe that the EA has accepted false promises from Covanta regarding this aspect of the development - including not having any customers that are suitable for heat export in the surrounding area. This only goes to illustrate how unfeasible the location was in the first place. We also do not see how allowing the development to go ahead on this particular basis is reaching the EA's objective of supporting 'sustainable' development.

Air Emissions

Referring to Air Quality Assessment Document https://consult.environment-agency.gov.uk/psc/mk43-9ly-covanta-energy-limited/supporting_documents/Air%20quality%20assessment%20and%20human%20health%20risk%20assessment.pdf

Modelling Domain and Terrain File Extents

- a. Page 29 Figure 6.4 - Modeling domain grid resolution of 158m is too coarse and is likely to overlook high impact between two receptors 158m apart. Receptor spacing should be 25m for first 5 kilometers. Modeling should be redone with finer grid resolution around the design receptor.
- b. Modelling domain of 15.8 km x 15.8 km grid is too small. Has the Environmental Agency independently verified that there is no impact beyond 15.8 km from the incinerator?
- c. Where is the maximum impact? It is not clear where the maximum concentration occurs at 15 minute, 1-hour, 24-hour, and annual averaging periods.

Emissions

1. Throughout the document only benzo(a)pyrene is assumed to be emitted by air. PAHs are members of a large group of organic compounds widely distributed in the atmosphere.
 - a. What about B(a)A;benzo(a)anthracene, B(k)F;benzo(k)fluoranthene, B(b)F;benzo(b)fluoranthene, and B(ghi)P;benzo(ghi)perylene; besides B(a)P;benzo(a)pyrene?
2. Page 38 Table 8.1: Results – Point of Maximum Impact shows that PAHs are at 448% of the Annual mean. This should not be counted as acceptable just because current levels are already high in this location. This is not a progressive approach. The EA is tasked to protect the public health and the environment and must consider the impact of all pollutants of concern, like PAHs, whether or not they are formally regulated with an emission limit.
3. Metals
 - a. Page 42 Table 8.2 Long-term Metals Results for:
Chromium VI: PC is 1547.69% of AQAL and PEC is 1686.69% of AQAL
Arsenic: PC is 103.18% of AQAL and PEC is 123.85% of AQAL.
 - b. Table 7.1: Impact Analysis – TDI – Point of Maximum Impact – “Agricultural”
Overall impact for a child:
 - i. For Nickel: 167.89% (by inhalation); 178.10% (by ingestion)
 - ii. For Cadmium: 137.92% (by ingestion)
 - iii. For Chromium: 157.24% (by ingestion)

Air Quality Impact Analysis clearly indicates that PAHs, Arsenic, Nickel, Cadmium, Chromium, and Chromium VI will exceed the Air Quality Assessment Levels (AQALs). The EA must refuse to issue a permit until it can be demonstrated how the AQALs will be achieved.

Startup and Shutdown

The air quality assessment does not quantify emissions during startup and shutdown; No modeling is included for startup and shutdown. The incinerator will have 10 start-ups and shut-downs per annum. Each start-up will take 16 hours, and each period of shut-down will take 1 hour. Dioxin testing and compliance should be included during startup conditions and shut-down conditions.

PM2.5s

Page 35 of the Decision Document states that there is no emission limit prescribed for - or continuous monitor for - PM₁₀ or PM_{2.5}s. How can the EA be confident that these nano-particles will not put the public health at risk? The main two reports cited by the EA in 5.3 of the decision document were conducted by DEFRA in 2004 and PHE in 2009. With large reports of this type - the data will be several years out of date by the time the report is published and it appears that science is only just understanding how these particles - PM_{2.5} in particular - interact with the human body.

We note that the EA have put an improvement condition in the draft permit (IC2) for Covanta to carry out their own tests regarding the PM₁₀ and PM_{2.5}. We consider this matter to be too important to remain in the hands of a biased operator and conclude that this is the responsibility of the EA to conduct the necessary tests. We understand that currently an effective way to filter out PM₁₀ or PM_{2.5} particles does not exist. Additionally - an improvement condition means nothing if it does not state the steps that will be taken should it be proven that human health is at risk from PM₁₀ and/or PM_{2.5} particles from the Rookery South Incinerator. We note that the 2008/50/EC Directive specifies target and limit values of both PM_{2.5} and PM₁₀.

Waste Codes

We note that the EA is 'minded' to issue the permit to Covanta that includes codes for wastes allowed to be incinerated that should be dealt with higher up the waste hierarchy. For example 20 01 01 - Paper Card, 20 01 11 - Textiles and 20 01 39 - Plastic.

We assert that Covanta's justification regarding the need to incinerate these wastes shows a complete and total disregard for the waste hierarchy and government recycling aspirations.

In the Schedule 5 response page 13 - 7.13 - the claim is that this "...reflects the materials required to be burnt in other incinerators during the last 10 to 15 years of experience from Veolia as operators of other EfW plants in the UK." This is an extremely weak argument and shows that Covanta has no intention of being part of a more progressive recycling and reducing society - and this is far from the sustainable industry the EA claims to champion. To put this into context the recycling figures for England are 15 years ago - 12.8%, 10 years ago - 34.1% and 2016 was 42.4%.

Covanta's partnership with Veolia as the main waste stream provider has brought additional concerns to this issue since the first consultation. It is understood that an investigation is taking place regarding Veolia sending cardboard suitable for recycling for incineration at Newhaven.

http://www.theargus.co.uk/news/15524856.Investigation_launched_into_recycling_claims/. During a CLP meeting a representative of Veolia stated that what was termed as 'residual' is down to the end provider of the waste "David confirmed that the waste being targeted is comingled waste, residual waste was defined by the waste producer" <https://mmetag.files.wordpress.com/2009/11/clp-meeting-3-notes-final.pdf>.

This statement shows a total lack of concern for either the waste hierarchy or any waste acceptance procedure Covanta may employ. This is implying that Veolia accepts no responsibility for the content of the waste delivered to Covanta in terms of residual or recyclables. Furthermore as there is no Local Authority attached to - or indeed responsible for - this purely commercial venture and we believe that this will provide ample opportunity for Covanta/Veolia to take liberties with the waste taken for incineration. What commercial reason would Covanta have of turning away gate fees? If they are presented with a HGV full of industrial waste - how are recyclables to be separated from residual? Covanta procedure appears to rely on a classification system based on the industry involved followed by a visual inspection by the driver on collection - followed by a random visual inspection of the full HGV sized heap on the ground in the incinerator prior to incineration.

We note that Covanta that when questioned regarding the acceptance of waste Schedule 5 #2 page 9 3 (12) did not have any procedure in which to deal with recyclables arriving at the plant - other than to class them (in the case of plastic) "...as contaminated plastic that is not suitable for recycling" - which of course by this time it has travelled with other waste in a HGV then tipped on the floor of the waste hall - will indeed be contaminated.

We note that this point was also of concern to the IPC during planning <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010011/EN010011-000938-Statement%20of%20Reasons.pdf> - page 23 5.25. However they believed that waste would be sourced from local authorities at this time.

We have seen no evidence that the EA will have the ability to ensure residual only waste is incinerated if there is not - at least - better definition of the waste codes allowed on the permit.

Bottom Ash Storage

Schedule 5 #2 response shows that the IBAA storage yard will be enclosed by a 3M high wall (1.1). However - the same document states that the piles of IBAA could be 5M high 1.3 (4). We note the dust suppressant system proposed by Covanta for the piles of IBAA in the yard relies on manual inspection of the piles and then manual use of hoses. This seems to be very antiquated. To avoid dust contamination from the piles of IBAA they first of all need to be lower than 5M high to be contained - and then a regular scheduled system of automatic sprinklers should be deployed.

However - we note that Covanta have put forward an alternative solution that appears to feature in your decision document at 6.5.3 also in https://consult.environment-agency.gov.uk/psc/mk43-9ly-additional-information/supporting_documents/Additional%20information.pdf - of enclosing the IBAA storage area as a 'new building' - or transporting it off site to be stored elsewhere.

We believe that either of these solutions would involve planning issues - for a new building to be added to the complex - or to increase the number of vehicles needed to access the site via Green Lane. The solution of transporting the IBAA off-site also has further environmental issues that you do not seem to have addressed - regarding the dust management in relation to the safe passage of the IBAA down Green Lane past the new local sixth form college.

Fire Prevention

Covanta's proposed fire water tanks do not meet the guidance requirement of 2000 l/min for 3 hours. We note Covanta is suggesting to also use the water stored for use as process water as fire water. Given Covanta's history with fire outbreaks - we do not see why the EA should accept any suggestions that do not at least meet the guidance - if not surpass it.

Odour Control

The draft permit does not have an enforceable method, during operations, for the incinerator to demonstrate that the tipping hall is kept under negative pressure. Pre-operational measures may not be sufficient. The incinerator must have pressure monitors at the entrance of the waste reception areas to demonstrate negative pressure at all times.

Water output to Stewartby Lake

We understand from local knowledge that facilities around Stewartby Lake experience flooding on a yearly basis. It is further understood that Stewartby Lake forms part of a holding system to ensure the Great Ouse does not flood further down its course.

We have concerns that Covanta's plan to pump water into Stewartby Lake is likely to cause further problems to the area - and more loss of amenity to those using Stewartby Lake and surrounding recreational areas.

Claims that the attenuation pond (proposed to initially take uncontaminated water - which is then pumped into the LLR pond and then into Stewartby Lake) will have further discharges - is extremely concerning in this context. Schedule 5 response page 8 (6) "The discharge of uncontaminated rainwater from the Rookery South ERF is very small compared to the wider Rookery South re-development"

This implies an actual knowledge of a complete re-development of Rookery South. The EA appeared to accept this answer to their direct question regarding the attenuation pond. Does this mean that the EA is in the position to also have knowledge of the complete re-development of Rookery South?

In the Sustainability Assessment document which forms part of the original planning documents - page 13 2.2.1 - the statement regarding the rest of Rookery South Pit was " The Operations Area would be located in the north-west quadrant of the Pit. Landscaping, habitat creation and delivery of green infrastructure is also proposed. The remainder of the pit not proposed to be developed by the Project would remain in its restored state (as agricultural land)." <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010011/EN010011-000569-Sustainability%20Assessment.PDF>

Page 161 of the Decision Document claims that "The risk of flooding was addressed as part of the planning process" - however as is clear from the Sustainability Assessment Document in the original planning - during planning it was thought that the rest of the pit would be agricultural land which would help ease any potential flooding risks. The statement that you have accepted from your applicant regarding the wider Rookery South re-development would clearly bring into question additional flooding risks - if there is no agricultural land to soak up the additional water. This does not seem to have been addressed in your documentation.

In our view the Covanta Incinerator is already in direct conflict with the aims of the Forest of Marston Vale - one of 12 community forests set up as a government initiative to re-generate landscapes previously scarred by industry and provide those communities with leisure amenities.

Receptors

400,000 members of the public visit the Forest Centre in Marston Moretaine each year - however - this amenity has not been included in the list of relevant human receptors. Some of the footpaths open to the public are located adjacent to the Marston Vale rail line and therefore no more than 25 meters from the facility boundary. This is an amenity that is used by families in particular who could travel from the whole of Bedfordshire and beyond to visit.

Traffic Emissions

We note that the EA will not take into account the traffic movements outside of the site grounds. We believe that this will have a huge impact and should be the environmental agency's responsibility. The new Sixth Form College down Green Lane and the increased traffic from various new housing developments were not envisaged at the time planning was first granted in 2011. There is a total disconnect in this project between current Government policy, planning and environmental issues which need to be addressed prior to the issue of any permit.

Other inconsistencies in the EA's consultation, guidance documentation, decision documentation etc.

Consultation

BACI has asked on numerous occasions - and been refused on numerous occasions - to have access to a member of the Permitting team in order to ask questions direct. The current situation of asking the regional representative - for them to ask the NPS - for the NPS to get back to them and then for the regional representative to get back to us - is extremely convoluted and unnecessary.

The amount of guidance available to the public regarding the consultation process, high interest sites and 2nd consultation periods has been very disappointing.

We note that prior to the EA's migration to the .gov website a number of guidance documents were available. These were:

- Participation Statement Working together: your role in our environmental permitting decision-making (February 2010) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/309632/Working_together_PP_S_v2.0_1_.pdf
- Environmental permits – what you need to know (May 2011) <http://webarchive.nationalarchives.gov.uk/20140328160856/http://cdn.environment-agency.gov.uk/geho0711btuz-e-e.pdf>
- Waste operations and industrial sites - making your views known (May 2011) <http://webarchive.nationalarchives.gov.uk/20140328160911/http://cdn.environment-agency.gov.uk/geho0711btvd-e-e.pdf>
- Waste operations and industrial sites - how we decide whether to grant a permit under the Environmental Permitting Regulations (May 2011) <http://www.sellindge-pc.gov.uk/sellindge->

[pc/UserFiles/Files/Council%20Section/Otterpool%20Quary/How%20we%20decide%20whether%20to%20grant%20a%20permit.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496269/withdrawn_RGN6_-_LIT_5837.pdf) (only seems to be available through a third party website)

- Determinations involving sites of high public interest (RGN6) (Version 5.0 March 2015 original version 1.0 March 2008)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496269/withdrawn_RGN6_-_LIT_5837.pdf

This is now the only document that is currently available to the public:

- Participation Statement Working together: your role in our environmental permitting decision-making (February 2010) *
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/309632/Working_together_PP_S_v2.0_1_.pdf

* there are a number of issues with this document namely:

- Working together: your role in our environmental permitting - our public participation statement you sent to me on 31/95/16 - links under "More information on the Environmental Permitting Programme can be found at <http://www.defra.gov.uk/environment/policy/permits/index.htm> and www.environmentagency.gov.uk/epr " - do not work - please provide correct links to these sites/documents.
- Annex 1 of the Working together document also refers to: specific information required by the Integrated Pollution Prevention and Control (IPPC) and Mining Waste Directives. The IPPC directive archived on 01/01/2014 <http://ec.europa.eu/environment/archives/air/stationary/ippc/summary.htm>. This document is also referred to in Annex 2.
- Page 6 note 4 - Regulatory guidance series No RGN 6 Determinations involving sites of high public interest - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496269/withdrawn_RGN6_-_LIT_5837.pdf - document withdrawn

This problem with the guidance documentation has been pointed out to the EA by BACI since May 2016 - however - the EA continue to only offer the one document - Participation Statement Working together: your role in our environmental permitting decision-making - despite its numerous errors.

1st Consultation Documentation

Some of the documentation was poorly presented for online viewing. Some of the appendixes do not appear with the documents they are referring to e.g Additional Information for Duly Making Document. Some documents are poorly referenced e.g Air quality assessment and human health risk assessment Document also includes The Greenhouse Gas Assessment document but it is not referenced by the title.

2nd Consultation

1. Drop-In Event

BACI along with other groups had requested a drop-in event during the first consultation and were refused. We were advised that the advertising budget had been spent during the 1st Consultation and there would be no paid advertising for the drop-in event 20/09/17.

We were given 9 days notice to try to advertise the event ourselves in order for residents to have their one and only chance to speak directly with the EA.

An email about the 2nd Consultation was sent to all residents that submitted comments to the 1st Consultation. However - the email did not have the Environment Agency in the address of sender only "Area Manager Correspondence, East Anglia". The drop in session was not mentioned in the body of the text of the email - only in an attachment. In this day and age residents are quite rightly cautious about opening emails from senders they cannot recognise - and therefore are much less likely to open an attachment.

The attachment Leaflet itself is also trying to disguise what it is really about. The graphic shows a lovely white building without a chimney not giving a hint at its purpose.

On top of all this - the weekday afternoon slot of 1pm (after most working resident's lunch-hour) to 7pm (before most working residents will be able to return from work to attend) will of course not help numbers participating. Indeed BACI volunteers observed a number of residents arriving at the venue past 7pm trying to be involved but let down by the chosen timing of the event.

The event itself was marked at the venue as 'Community Drop-In' - no mention of either Covanta or Incinerator or even Waste and the marketing posters again showed a graphic of a lovely white building with no chimney and were clearly not representative of an incinerator.

There was concern regarding the lack of material on display - only 2 boards showing 10 sheets in total. Residents were insulted that one of these 10 pieces of information was a large map which was almost 10 years out of date and therefore was not representative of the area as it stands now in terms of development. Newer residents to the area were astonished that map did not even resemble the area that they know. This was expressed to BACI as a total vote of no confidence in the EA and their ability to make decisions based on current information.

Once in the event - one of the main issues experienced by residents was the lack of EA representatives to allow for individual interaction. Another issue would appear to be the knowledge of the representatives in attendance. We note of the 11 representatives there - only 3 were from the National Permitting Service.

Information given out by the representatives was vague at best - "It's in the documentation" and completely wrong and divisive at worst - "You need to speak to your local authority about the traffic - it has been agreed by them". It is inconceivable that the EA representatives were not even briefed on the background to this application. At BACI's request the local waste and minerals planning department issued a statement regarding this wrong information.

The only literature available to take away was a small handout - which on closer inspection contained misleading information which does not represent the past and present situation of the Rookery Pit Incinerator - namely:

- * Page 1 - numerous mentions of household waste - no mention of the principle waste stream proposed for Rookery Pit Incinerator i.e industrial waste
- * Page 2 - contains material which is totally irrelevant to the Rookery Pit Incinerator situation regarding - Regional and local waste management strategies and "waste to be disposed or treated near to where it is produced"
- * Page 3 - misleading information regarding who has actually granted planning permission i.e the IPC not as stated "planning must be granted by local planning authority"

Nearly 400 residents attended the drop-in event. BACI conducted a post event survey <https://bedsagainstincinerator.files.wordpress.com/2017/11/ea-drop-in-questionnaire-report-s.pdf> of residents and in summary the drop-in event left residents confused and with a lack of confidence regarding the EA's ability to protect the environmental and health issues they are charged with - or indeed regulate any polluting installation they have issued a permit for. These findings were shared with the EA via email on 27th September 2017.

2. 2nd Consultation Documentation

From the beginning of the 2nd Consultation period 11/09/17 to 27/09/17 - the only documents that were available for consultation were the Decision Document and the Draft Permit. On 28/09/17 the rest of the Schedule 5 documents were released. Note this date is after the drop-in event - so residents were unable to query any of the contents of the Schedule 5 documents direct with EA representatives.

The documents do not seem to have been presented in a way that allows for easy access. It was unclear what the most up-to-date information was on any one aspect as the Schedule 5 documents superseded some - but not all - of the documents - but was not labelled the same as the documents they superseded.

a. Decision Documentation

Under 'Consultation on the Application' Page 7 2.2 - it appears that the EA has yet again used an 'out of date' and 'withdrawn' (01/02/16) document - Regulatory guidance series No RGN 6 Determinations involving sites of high public interest - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/496269/withdrawn_RGN6_-_LIT_5837.pdf

Page 41 - Government policy on the effect of Incinerators on public health has been reviewed by the EA. It is stated that "**Paragraph 30 of PPS10** explains that "modern, appropriately located, well run and well regulated waste management facilities should pose little risk to public health."" Note this policy was withdrawn on 16th October 2014.

It would appear that the EA simply churns out material for their decisions as on closer inspection the same government policy 'justification' is found in the decision documents of - Clay Cross Energy Recovery Facility EPR/HP3735AE duly made 11/03/16

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614223/Decision_document.pdf and Rivenhall Airfield site EPR/FP3335YU duly made 06/03/17 https://consult.environment-agency.gov.uk/psc/co5-9df-gent-fairhead-and-co-ltd-draft-decision/supporting_documents/28%20EPRFP3335YUA001_Draft%20Decision%20Document.pdf

For the EA's interest the PPS10 document was replaced by The National Planning Policy for Waste. We would also like to point out that both the PPS10 and The National Planning Policy for Waste are only used for local authority backed Incinerators that are not subject to decisions at a national level (i.e over 50MW).

It is concerning that the regulatory authority for insuring our health and environment pay so little attention to the actual situation at Rookery South and resort to a 'cut and paste' approach - not even noticing when information is out of date or irrelevant.

Conclusion

Residents and other interested parties have been subjected to a completely inadequate and poorly executed consultation process. The guidance has been lacking due to references to out dated legislation and withdrawn documentation. The EA has been totally ineffective and lacking in knowledge during the one and only drop-in event. Vital documents have not been available for the full period of the consultation. Information that should be readily available has been unnecessarily withheld until after the consultation period has ended. The decision document itself is littered with references to withdrawn and irrelevant documents. We totally refute the statement on page Page 7 2.2 that " We consider that this process satisfies, and frequently goes beyond the requirements of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters"

This application and its consideration by the EA demonstrate a total lack of cohesion between Government policy, planning process and environmental concerns.

Original planning was given in 2011 and yet there is no attempt by the EA to consider that the situation has changed. The Decision Document refers to the Sustainability Appraisal several times. The Sustainability Appraisal states that its purpose is "to determine the extent to which a plan or project contributes to sustainable development". The original Sustainability Appraisal presented to the IPC in the planning documents page 14 sets out the intended catchment area to be: the Bedfordshire and Luton sub region, Buckinghamshire, Milton Keynes, Northamptonshire, Royal Borough of Windsor and Maidenhead, Cambridgeshire and Hertfordshire <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010011/EN010011-000569-Sustainability%20Assessment.PDF>. Many of these areas have now moved on and have different waste management contracts in place. It is clear that the Rookery South Incinerator will have to source waste from an increasing larger catchment area - possible including international - in the lifetime of the plant. We fail to see how the EA is still classing this as sustainable development.

It is clear that the more usual procedure would involve planning and environmental permitting occurring either at the same time or concurrently. In this case the original planning considerations are currently over 6 years out of date and will be at least 9 years out of date when construction phase is completed. The EA must acknowledge that national need and government focus has changed in this considerable time - as has the geographical area under consideration. Yet it appears that the planning and environmental concerns are acting totally independently of each other and this approach has no hope of arriving at a coherent and sustainable conclusion for a development that could be in situ for the next 40 years.

We also note that there is evidence throughout that the applicant is not proposing BAT in all areas - and continually cites costs as prohibitive to any process that would minimise pollution or indeed increase energy efficiency.

Covanta has a long history of being unable to work within regulations and recent incidences at Poolbeg show that - far from learning lessons from the past - they continue to put human health and the environment at risk - whilst still realising themselves a healthy profit.

Over 4,600 residents have recently signed a petition specifically about the EA's review of Covanta's application and their intents should be recognised as submissions along with all other individual representations.

<https://www.change.org/p/no-environmental-permit-for-covanta-incinerator-in-rookery-south-pit-bedfordshire-petitioning-secretary-of-state-for-environment-food-and-rural-affairs-and-ceo-environment-agency>

We believe it would be against the Environment Agency's role as stated by Sir James Bevan CEO "...to protect the environment while supporting sustainable growth" to issue a permit for Covanta as an operator of a mass Incinerator plant at Rookery South.

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