### The Links between EIA and Environmental Permitting for an Energy from Waste Scheme

Energy from Waste (EfW) developments fall under Schedule 1 of the EIA Regulations within Article 9 if the fuel source includes hazardous waste, or Article 10 if it is non-hazardous and capacity exceeds 100 tonnes of waste per day. Below the Article 10 threshold, installations with a footprint above 0.5ha (effectively all proposals) fall under Schedule 2.

While the EIA will inform design evolution and the consenting decision, assessments within it will also be required as part of the Pollution Prevention and Control (PPC) process. Often assessments will need to be re-worked during the permitting process incurring additional cost and time. So the EIA process needs to be managed to allow efficiencies in the subsequent permitting process.

First it is necessary to understand the relationship between consenting and permitting. The UK planning system considers whether a proposed development represents a suitable land use. However, the environmental permitting process is concerned with whether and how emissions to air, land and water due to the operation of an installation can be made acceptable throughout its lifetime. The planning consent, and EIA that informs it, will likely consider the whole development or site while the PPC permit will focus on a particular process or processes occurring within that site. In practice there are numerous overlaps between the impacts considered by the consenting authority and those governed by the PPC regulator.

There is inconsistency in guidance over the coincidence of planning consent and permitting. Both the NPPF for England and Wales and the National Planning Policy for Waste state that planning authorities should focus on implementing the development plan and not with controlling processes that are a matter for the pollution control authorities.

However, Planning Practice Guidance for England instructs that, prior to granting planning permission, the planning authority should satisfy itself that the issues can or will be satisfactorily addressed through consultation with the regulator. In Scotland, online Planning and Waste Management Advice instructs planning authorities not to impose planning conditions on matters subject to SEPA regulation. In practice, particularly for newer technologies, the planning authority may want more certainty than provided in the, often generic, regulator consultation response.

Regardless of the distinction between land-use planning and operational pollution risk, the EIA for an Energy from Waste scheme is likely to include consideration of the likely effects of pollution that must be revisited for the PPC application. Ideally, topics covered by the PPC permit, such as Human Health Risk Assessment, should be scoped out of the EIA. However, to ease the concerns of waste authorities and communities and for developers to adopt an inclusive approach to reduce planning risks this often is not the case.

The 2014 EIA Directive includes a requirement for Member States to adopt coordinated or joint procedures where the obligation to carry out environmental assessments arises from both the EIA Directive and another Directive such as the Industrial Emissions (Integrated Pollution Prevention and Control) Directive¹ (IED). In the UK, it can be that both the local authority and Environment Agency or SEPA have obligations under the Environmental Permitting Regulations and where this is the case the preferred approach is to have a single regulator.

However, the development process does not necessarily allow integration between the EIA and the PPC permitting process. EIA is likely to begin at or before Front End Engineering Design (FEED). Often the EIA will assess environmental effects based on an indicative engineering design that will not be finalised until planning consent is gained.
The EIA can still provide sufficient clarity to gain planning consent with amenity and environmental protection secured through appropriately worded planning conditions and pollution related effects governed by a PPC Permit.

For example, a suitable EIA noise assessment can be based on indicative sound power levels in line with BS 4142 'Methods for rating and assessing industrial and commercial sound'. Noise limits can also be set, and conditioned, based on the baseline noise levels (although other methods are available). For PPC permitting a more detailed noise assessment is required based on analysis of noise data and operational parameters for the actual plant and machinery.

The fundamental aims of the noise assessment work are different at each stage too; consenting must ensure that noise impacts will be acceptable whilst the PPC permit assessment needs to demonstrate that Best Available Techniques have been adopted to minimise noise emissions as far as reasonably practicable. Conditional permits often require regular monitoring of operational impacts and continual identification and implement measures to reduce them.

One option is to delay completion of the EIA until final engineering design. However, project financing requirements, possibly including qualification for market support, often dictate that consenting and permitting are separate stages.

Therefore, EIA practitioners need to be aware that there may be different assessment requirements for PPC permitting and seek to build project teams, agree scopes of work and coordinate the EIA as far as possible to avoid abortive or repetitive work.

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