

Cabinet Meeting: Monday, 01 September 2025

Question from: David Pugh

Question to: Councillor Durrans, Cabinet Member with responsibility for Public Services and Communities

QUESTION

In relation to my question dated 4th August 2025 regarding planning conditions for the Belmont Incinerator, your answer was incorrect in saying condition 8 has been discharged; it has only been partly discharged.

In your answer you said that the local authority does not have to be fully aware as to the future operational state of the facility with regard to its R1 status until a breach of the approved document becomes apparent

In respect of the information submitted to the LPA in relation to condition 8.

The original calculations submitted were for a sample one hour period and this was scaled up to provide a yearly figure which met R1 and this was accepted by planning. The calculations were carried out on an Environment Agency Excel spreadsheet which was modified to suit the application. This modified calculation did not take into account a number of factors impacting the required R1 standard. There are considerable omissions in the calculations provided by CVSH to prove the plant can achieve R1 status and be classed as energy from waste. It is NOT a one time verification but an ongoing process. This is why the energy from waste calculation needs to be resubmitted.

1. A significant omission in the submitted calculations is the loss of energy via the flue (approx 37%), directly related to the exit temperature of the flue gas from the heat exchanger. This is NOT in the RPS R1 calculation.

2. The ORC output of electricity is small relative to the waste energy input. Will the electricity generator (ORC) run by the incinerator produce 200kW of electricity, and if not, then what is the electricity production?

3. This is a quote from the RPS SWIP ENERGY RECOVERY SYSTEM document.

2.3.6 In order to ensure the SWIP is operated to maintain R1 status and in accordance with Condition 6 of the Planning Permission, the plant will only operate when the drying plant is available for use and there is an associated demand for heat. The SWIP will not be operated to produce electricity only.

4. There is no coherent specification for the dryer. The dryer only runs up to 11 hours per day, reducing the average thermal energy counted as “useful heat” reducing its contribution to the R1 calculation.

5. There are no calculations regarding the heat loss from the 120 m underground duct to the dryer.

6. The temperature of air exiting the heat exchanger, flow rate, temperature of the air entering the dryer and exiting the dryer to show energy use during the day is not reflected in the calculations.

There should be a diagram of flow and temperature gradient throughout the whole system from beginning to the end to support the R1 calculation.

In your answer also on 4th August to Mr Dobson you highlighted that "Officers will follow a monitoring and compliance plan which has been developed to ensure that operation of the plant is in accordance with the conditions of the environmental permit, in order to protect the health and the environment"

Therefore does the cabinet agree that the local authority does have to be fully aware of the details of the plant as it is the regulator of the facility and that the following actions need to urgently take place?

a) Clarify the true burn rate for the incinerator, as figures ranging from 1000kg to 450kg per hour have been suggested in various documents and meetings. This figure will again impact the calculations the original modified spreadsheet was based on 1 ton per hour..

b) Considering the lack of detail in the calculations and the fact that the dryer can only contribute to the energy recovery during the day the R1 calculation needs to be revalidated using the latest Environment Agency proforma for determining energy efficiency using R1 (Version 3.2 August 2022) and be validated by an independent expert.

c) Ensure that all relevant planning conditions are documented and properly discharged and in compliance BEFORE operation of the plant.

Local people need to have confidence in the Local Authority; these actions will demonstrate to the residents that you are proactive and serious about regulating the plant and not just wait until a breach of the approved document becomes apparent.

Response

Details for Condition 8 of 17/00113/WAM were submitted under application ref no 17/00113/DISC4. The decision notice for that Discharge of Condition application states:

'The details submitted for this condition satisfy that part of the condition that requires details to be submitted and approved prior to commencement of development.'

The status of the condition as 'partially discharged' relates to on-going compliance with the approved details. Having made its determination the local planning authority is compelled to use this document as the basis for any enforcement investigation which may subsequently take place. On this basis, the local planning authority cannot compel the operator to submit further details prior to commencement of operations,

regardless of what technical changes may have taken place between determination of the condition discharge application and the commencement of development.

The approved scheme is an amended version of the original, for which some clarifications were sought at the time from the operator. Both versions were uploaded and made available for public viewing, however it was not clear that one document was an amendment of another, superseded document. This has been rectified and Mr Pugh is referred to the latest version of the document, with apologies for any confusion this may have caused. For clarity, the approved document is dated 07 April 2021.

The approved document contains a requirement for ongoing evaluation and the relevant paragraph is as follows:

'2.6.1 Operational data will be recorded to enable ongoing monitoring of the R1 efficiency of the facility. Using the actual recorded data an R1 calculation will be made annually and recorded. To inform the annual calculation the following data will be gathered:

- Total RDF feed to the SWIP (tonnes per annum).*
- Auxiliary fuel consumption by the SWIP (litres).*
- Heat supplied to the dryer unit (MWh per annum).*
- Electricity produced by the SWIP (KWe/annum).*
- Electricity exported (KWe/annum).*

2.6.2 The R1 status will be calculated and recorded using the spreadsheet in Appendix A.

2.6.3 In the event that operational data indicates that R1 has not been met then CVSH will investigate the reason why R1 has not been met and implement an action plan to ensure corrective actions are carried out to an agreed timescale. Any plan will be documented, and a record kept.'

The monitoring regime is therefore built into the approved document and no planning enforcement action can be considered until the terms of this document have clearly been breached. It is not within the Council's gift to pre-empt this process.

That being said, condition 8 clearly stipulates that the scheme to be submitted demonstrating that electrical and/or heat recovery systems have been installed with the capability to meet equivalent energy outputs per unit of waste derived fuel input that meets or exceeds the equivalent of the R1 efficiency index. It has become clear that neither an electrical or a heat recovery system had, at the time of determination been installed and are only now in the process of being acquired and installed. In order for the terms of the condition to be met, therefore, it is incumbent upon the operator to submit another discharge of conditions application to reflect the actual specification of the heat recovery plant *if* this differs materially from what was assessed in the approved document. While the local planning authority can engage the operator in discussions about this, they cannot force an applicant to submit such an application. If, ultimately, it becomes clear that the heat recovery system is not of the same specification as that allowed for in the approved documentation then only at that point can enforcement action be considered. The Council cannot pre-empt the outcome of

an investigation nor can it prejudice any outcome of a future determination by speculating on a situation which has not yet occurred.