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Our Ref: BH/LW/GH/CJM
EA2006/0651
Your Ref: WDL/TJB/UP

T J Brydone
Environmental Health Manager
Environmental and Consumer Services
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If telephoning ask for:
Guy Heaton

23 January 2007

Dear Mr Brydone

**TOWN AND COUNTRY PLANNING ACT 1997
PLANNING APPLICATION: PK/06/01427/FUL
PROPOSED DEVELOPMENT OF ENERGY FROM WASTE PLANT TOGETHER WITH MATERIALS
RECLAMATION FACILITY, ASSOCIATED INFRASTRUCTURE AND LANDSCAPE WORKS LAND
AT BINN FARM, GLENFARG**

I refer to your letter dated 14 December 2006 which SEPA received on 22 December concerning the above. I apologise for the delay in responding.

In the first paragraph of your letter you refer to "verbal assurances from SEPA officers that compliance with statutory air quality standards and objectives and protection of public health will be a primary consideration of PPC authorisation for this process" in respect of a meeting held on 23 November, 2006 between SEPA and Council representatives. In response to your request for further written representations, SEPA would comment as follows:

Legislative Background

In response to this point I believe it would be useful to rehearse the legal framework under which SEPA Permits such processes and the statutory obligations that are required to be fulfilled specifically concerning air quality standards and objectives.

You are aware that such processes are required to be permitted by SEPA under the provisions of the Pollution Prevention and Control (Scotland) Regulations 2000 ("the Regulations"). In assessing applications for permits submitted under the Regulations SEPA has regard to, among other documents, the Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide (Part A Activities) Issue 2 ("A Practical Guide"). Section 18 of A Practical Guide discusses Environmental Quality Standards ("EQS") and how SEPA may take them into consideration when determining PPC applications.

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Paragraph 18.2 of A Practical Guide states, among other things, that *“The Regulations provide that where an EQS requires stricter emission limit values (ELVs) than BAT would entail, then those stricter limits must be included in the permit. In this context, the term “environmental quality standard” defined by the Regulations only covers requirements set out in EC legislation that must be fulfilled at a given time by a given environment”*. Hence, in terms of air quality, SEPA’s statutory obligation is restricted to the assessment of EC EQS. That said, although it is likely that domestic EQS may be taken into consideration in determining BAT, as stated in paragraph 18.3 of A Practical Guide, *“there is no absolute legal obligation under the Regulations to impose any stricter conditions beyond BAT where this would be required to comply with a domestic EQS”*.

Air Quality

In the second paragraph of your letter you ask that SEPA provides *“details of all information relating to their assessment of air quality for this application and written confirmation whether SEPA is satisfied that this development will not have significant adverse effect on local air quality”*.

SEPA carried out an initial assessment of the “Air Quality Assessment” Report in Appendix D, Volume 2: Appendices of the Environmental Statement. Several recommendations to improve the report were made in SEPA’s letter to Perth & Kinross Council (FAO Mark Williamson) dated 15 September 2006. The further information submitted to SEPA in response to these recommendations was seen to be acceptable. The report and supplementary information concluded that the air dispersion modelling was indicative of *“worst case scenario”* and highlighted that no current air quality standard or objective was likely to be exceeded as a result of the operation of the process.

If an application is made to SEPA for a Permit to operate the process under the Pollution Prevention and Control (Scotland) Regulations 2000, SEPA would expect a full air dispersion model and environmental impact assessment to be included within the application along with a robust demonstration that the activities and emissions to all media from the said activities comply with Best Available Techniques (“BAT”). SEPA will re-assess the emissions to air from the process during the determination of any such application.

Where required, it is always beneficial to receive an application for a PPC Permit at the planning stage to enable concurrent assessment. In this instance, it is anticipated that an application for a PPC Permit may not be made for some time. It is therefore possible that changes or additions to the current air quality standards may be made before an application is received. SEPA emphasises that the assessment carried out by the operator and SEPA in relation to the planning application was based on current understanding and standards. Accordingly, further assessment may be required at the PPC application stage.

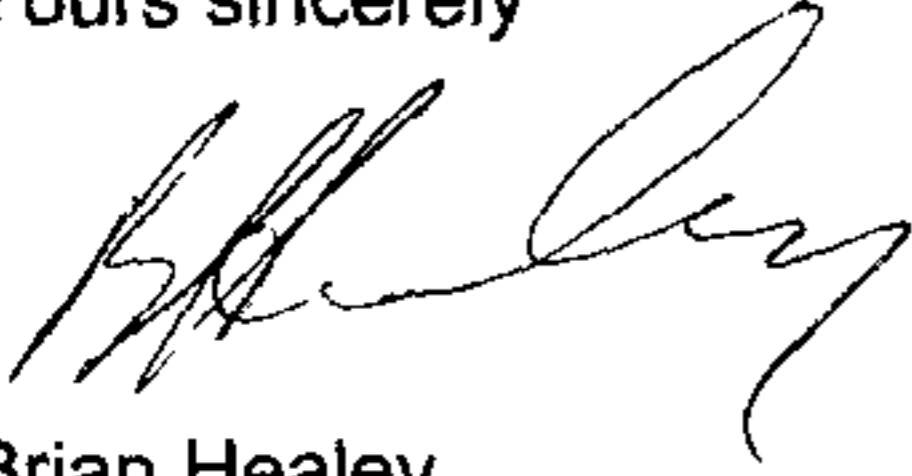
It should be noted that the Regulations cite local authorities as a statutory consultee on all applications for permits to operate Part A installations by virtue of Schedule 4, Part 2, Paragraph 9(e). Perth and Kinross Council will therefore have an opportunity to comment at the PPC application stage in relation to its statutory responsibility for local air quality management.

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If you have any questions with regard to the above please contact Guy Heaton at SEPA's Edinburgh Office (0131 273 8553 or guy.heaton@sepa.org.uk).

Yours sincerely



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