



REA Response to consultation on 'Best Available Techniques' – A future regime within the UK.

The Association for Renewable Energy and Clean Technology (the REA) is a not-for-profit trade association, representing British renewable energy producers and clean technology and promoting the use of renewable energy in the UK. It has around 550 corporate members, making it the largest renewable energy trade association in the UK.

The REA's Organics and Natural Capital forum and its Biogas forum together comprise 422 members, numerous of which operate commercial composting facilities, commercial scale anaerobic digestion (AD) facilities and recycle organics to land. The REA works with stakeholders with the aim of achieving policy and regulatory frameworks for renewables and organic waste recycling that deliver an increasing contribution to the UK's electricity, heat, recycling and transport needs. More info available at www.r-e-a.net

Questions from consultation

Organisation and governance

Do you want your response to be treated as confidential? No

Q1. Do you agree or disagree with the proposed organisation and governance arrangements?

Options: Strongly Agree/agree/neither agree nor disagree/ disagree/strongly disagree

REA agree with the proposals.

Q2. Do you agree or disagree that the 'Best Available Techniques' within the UK process should consider first 'Best Available Techniques' for sectors that have already begun development within the EU 'Best Available Techniques' process?

REA agrees with this approach.

Q3. Do you have any further comments on the organisation and governance proposals?

It is imperative that the regulators on the Regulatory Group have the appropriate level of expertise and experience with the sector they are reviewing.

In our experience, the effective review and revision of BAT guidance is a time-consuming exercise and therefore it is also essential that the Regulators are adequately resourced to enable the BAT review to take place.

In the existing Waste Treatment BREF - AELs refer to emission levels associated with the best available techniques, not emission limits, an important distinction as the measurement is often an average over a period of time depending on the emission type. We support this approach and would encourage any future BAT to retain it.

Any UK BAT reviews in the future should ensure that the final draft is compared to the corresponding EU versions. This is important to enable benchmarking, particularly for sectors where the market is wider than the UK.

Finally, we support the inclusion of industry representatives within the technical working groups but highlight such groups must have a range of representatives from both large and small operators in the relevant sector. It is important that future BAT requirements are achievable across all scales of developments.

Public participation

Q4 Do you agree or disagree with the concept of a two stage public participation process?

Options: Strongly Agree/agree/neither agree nor disagree/ disagree/strongly disagree

REA agree with the concept.

Q5 Do you have any views on the proposal to potentially remove the need for the call for evidence for sectors where data gathering has already occurred?

REA do not support the removal of the call for evidence phase of the process.

Where data gathering has already occurred, this can be useful to inform the review but should not negate the need for a further call for evidence. Data previously gathered may not be representative of the UK, especially given a previously EU-wide focus, and retaining a call for evidence phase is essential to give the sector the opportunity to submit additional information.

Robust and reliable data is essential for informing revision and determining BAT so there should be further thought given as to how this is effectively carried out. Previous BAT revisions have involved the use of lengthy questionnaires and

operators choosing to complete it or not. This may lead to data that is unrepresentative as operators may choose not to complete the information for various reasons (e.g. commercial sensitivities or protection from scrutiny). The collection of data needs to be carefully managed to ensure that operators are confident in participating in an open and honest manner.

Q6 Do you have any further comments on public participation proposals?

No further comments.

[Scrutiny](#)

Q7 Do you agree or disagree with the proposals for ensuring scrutiny of the 'Best Available Techniques' within the UK regime?

Options: Strongly Agree/agree/neither agree nor disagree/ disagree/strongly disagree

REA agrees with the proposals.

Q8 Do you have any other comments on how to ensure effective scrutiny?

No further comments.

[Policies on implementing 'Best Available Techniques'](#)

Q9 Do you have any feedback on policies for implementing 'Best Available Techniques' within the UK?

The REA are broadly supportive of the policies set out. In the existing Waste Treatment BREF it states 'the techniques listed and described in these BAT conclusions are neither prescriptive nor exhaustive. Other techniques may be used that ensure at least an equivalent level of environmental protection'. We support the retention of this approach to enable flexibility with implementation.

Any interpretational guidance that is published would be most helpful to the industry if it is available in a downloadable format to enable easier navigation and referencing.

Q10 Do you have any views on the proposals in England and Wales to modify the guidance for setting emission limit values?

REA broadly support the proposals. We encourage this process to be subject to consultation. Site-specific risk assessments should be considered when assessing the appropriate values for the emission limit values (ELVs). In addition, an early indication must be given of required ELVs for any specific site so that project designers and developers know the relevant limits they must meet.

Evaluation

Q11 Do you agree or disagree with the proposals for evaluation within the new regime?

Options: Strongly Agree/agree/neither agree nor disagree/ disagree/strongly disagree

REA agree with the proposals.

Q12 Do you have any other comments on the evaluation proposals?

The timescale for the review needs careful consideration to ensure there are sufficient resources (experts, regulatory resources etc) to complete this. Given we are currently in 2021 and still implementing the BAT requirements in some sectors (as is the case with the Waste Incineration BREF), the 'early 2020s' seems ambitious for the review of the regime as a whole. We suggest this is revised.

Horizon scanning

Q13 Do you have thoughts on additional elements that could be explored in the longer term around areas of 'Best Available Techniques' policy?

Any broadening of the scope of the sectors covered by BAT needs to be properly resourced to ensure that the regulators are able to effectively implement and regulate the requirements.

One new sector we would encourage the EA to consider the development of new BAT arrangements is Advanced Conversion Technologies (ACTs), which include the use of technologies like gasification and pyrolysis. Within current arrangements, such technologies, when using waste feedstock, are permitted in accordance with the Waste Incineration BREF. However, Article 42 of the IED does promote the option for them to be regulated differently to traditional energy from waste if the syn-product meets the end of waste criteria and can cause emissions no higher than a fossil fuel comparator. Given Government and industry focus on using such technology to decarbonise hard to treat areas - including production of renewable transport fuels, hydrogen or the chemical recycling of plastics - a better designed permitting regime, that recognises the specific characteristics of ACT, is required to avoid inappropriate regulatory requirements being a barrier to growth in the UK.

Q14 Do you have any other views or comments, which you have not already made, on the proposals in this consultation?

No further comments.

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