

## Permitting Decisions- Variation

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We have decided to grant the variation for Carr Crofts Waste Treatment Facility operated by Oates Environmental Limited.

The variation number is EPR/YP3832WS/V005.

This variation authorises the following:

- An increase to the permitted site boundary for outside storage of hazardous and non-hazardous waste within IBCs, drums, sealed lockable containers, and skips
- The addition of an Environmental Permitting Regulations Schedule 1 activity: Section 5.3 Part A(1)(a)(iii) blending or mixing of hazardous wastes (activity reference AR4)
- The addition of waste codes for storage, repackaging, phase separation and filtration, and blending or mixing activities
- Addition of a surface water collection system (activity AR8) for runoff from Yard 2 which will be passed through the on-site filtration system

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

### Purpose of this document

This decision document provides a record of the decision-making process. It

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

## **Key issues of the decision**

### Restriction of waste types for storage outside

The list of wastes permitted to be accepted at this facility include both non-hazardous and hazardous wastes, some of which may be described using certain [hazardous properties](#).

The application included HP2, HP3, HP5, HP6, HP8, HP10, HP12, and HP14 hazardous property codes, during determination it was identified that only four were needed to be restricted based on environmental risk, and therefore have taken the decision to restrict the types of waste authorised for outside storage to those without the following hazardous properties:

HP2 Oxidising  
HP3 Flammable  
HP8 Corrosive  
HP12 Produces toxic gases in contact with water, air or acid

### Removal of waste types for phase separation and ultrafiltration treatment

In their response to the Schedule 5 notice dated 23/02/2023, the operator asked to remove two EWC waste codes proposed for phase separation and ultrafiltration treatment. See the below section titled 'Waste types'.

This has been done in accordance with the appropriate guidance set out in the general operating techniques section.

## **Decision considerations**

### **Confidential information**

A claim for commercial or industrial confidentiality has not been made.

### **Identifying confidential information**

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

### **Consultation**

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Leeds City Council Environmental Protection Team

Leeds City Council Public Health

UK Health & Security Agency

West Yorkshire Fire and Rescue Service

Health and Safety Executive

The comments and our responses are summarised in the [consultation responses](#) section.

## **The regulated facility**

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility' Appendix 2 of RGN2 'Defining the scope of the installation', and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

## **The site**

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

## **Site condition report**

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

## **Nature conservation, landscape, heritage and protected species and habitat designations**

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England.

The decision was taken in accordance with our guidance.

## **Environmental risk**

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

## **General operating techniques**

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The relevant guidance notes are as follows:

- Best Available Techniques (BAT) Reference Document for Waste Treatment
- Best available techniques (BAT) conclusions for waste treatment
- Sector Guidance Note S5.06: recovery and disposal of hazardous and non-hazardous waste
- Chemical waste: appropriate measures for permitted facilities

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

## **Fire prevention plan**

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.

We have approved the fire prevention plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The plan has been incorporated into the operating techniques S1.2.

## **Waste types**

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

The following waste types were excluded by the operator during the determination of this variation for the following reasons:

- 04 02 15 wastes from finishing other than those mentioned in 04 02 14
- 06 04 05\* wastes containing other heavy metals

Both were no longer required for phase separation & filtration.

## **Pre-operational conditions**

Based on the information in the application, we consider that we need to include pre-operational conditions.

The Applicant proposes to add an extension to the site boundary, within which includes measures to concrete the site, seal off existing manholes, and implement a sealed drainage system including a sump.

The pre-operational condition states that storage of waste in the extended area of the site (Yard 2) will not be authorised until the operator has provided a report, to the Environment Agency for approval, demonstrating that the infrastructure as agreed in Table S1.2 Operating Techniques has been installed.

This condition can be found in Table S1.4B Pre-operational measures for future development.

## **Emission limits**

No emission limits have been added, amended or deleted as a result of this variation.

## **Management system**

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

## **Technical competence**

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme.

We are satisfied that the operator is technically competent.

## **Growth duty**

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

## **Consultation Responses**

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

### **Responses from organisations listed in the consultation section**

#### **Response received from Leeds City Council Environmental Protection Team.**

Brief summary of issues raised: concerns that the variation will lead to an overall intensification of the site and operations drawing closer to the total storage capacity.

Concerns of disturbance to nearby sensitive receptors from odours, as well as noise, dust and particulate emissions. Received unsubstantiated reports from residents regarding amenity issues emanating from this site.

Summary of actions taken: Confirmation was gained from the operator that the current variation to this permit will not increase the total storage capacity of the site or increase the scale of the activities. Please refer to the section below titled 'Further information regarding actions taken'.

#### **Response received from UK Health & Security Agency.**

Brief summary of issues raised: Raised that in October 2015 the then Public Health England responded to consultation that there was insufficient information provided within the application in relation to potential emissions of odour or dust or abatement which may be fitted to the installation, and that they received no further information on the matter at the time.

Concerns of particulate matter, dust and odour from the hazardous and non-hazardous material to be stored at the installation, and the lack of information to enable them to assess the risk to public health. The mitigation or abatement measures for the above emissions are inadequately described.

Stated that there is no description of how the waste will be transported in and out of the installation.

They raised the issue of insufficient information within this application to be able to fully assess the impact on public health from this installation.

The response contained a request to forward any further information to UKHSA for further review.

Summary of actions taken: Regarding the statement that mitigation or abatement measures for fugitive emissions were inadequately described, additional information was received in response to a Schedule 5 notice and further information requests which were assessed against the relevant guidance. We are satisfied that the application contains sufficient content to enable determination. UKHSA were informed of the additional information received following the response to the Schedule 5 notice. Please refer to the section below titled 'Further information regarding actions taken'.

#### **Response received from Leeds City Council Director of Public Health.**

Brief summary of issues raised: Concern of insufficient information contained within the application.

Reinforced the comments made by UK Health & Security Agency (above).

Summary of actions taken: Additional information was received in response to a Schedule 5 notice and further information requests which were assessed against the relevant guidance. We are satisfied that the application contains sufficient content to enable determination. Leeds City Council Director of Public Health were informed of the additional information received following the response to the Schedule 5 notice. Please refer to the section below titled 'Further information regarding actions taken'.

#### Further information regarding actions taken:

The types of wastes authorised are of a low odour and dust risk because all wastes are stored in containment such as IBCs, drums, lockable containers, and skips. Yard 2, the new extension to the site boundary, is for storage only and therefore not give rise to increased noise levels outside of the permitted boundary. Vehicular movements and operational hours will remain the same.

The blending or mixing activity will take place within the warehouse building, which has existing Local Exhaust Ventilation (LEV) installed. This activity will not give rise to increased noise levels outside of the permitted boundary.



Additionally, the means of which waste are transported to and from this facility is not changing as a result of the variation.