

## Permitting Decisions- Variation

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We have decided to grant the variation for Worle Quarry operated by Lincoln Storm Ltd.

The variation is for:

- Allow for the treatment of lithium-ion batteries and other similar wastes from the manufacture of lithium-ion batteries and the production of Storm Black TM (a 'black mass' waste product); and,
- the storage of waste lithium-ion batteries and lithium-ion battery materials,
- Add a number of additional EWC codes to include all forms of lithium-ion battery material and removal of existing EWC codes to streamline the risk profile,
- Increase and amend the permitted area to include a greater proportion of Worle Quarry, to allow more distributed storage of lithium-ion battery material in structures specifically designed for that purpose (including fire detection, fire suppression and containment).
- Add the schedule 1 listed activities to allow the treatment and processing of lithium batteries and lithium battery manufacturing wastes - S5.3 Part A (1) (a) ii) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving physico-chemical treatment; and
- Add the schedule 1 listed activity - S5.6 Part A (1) (a) Temporary storage of hazardous waste with a capacity exceeding 50 tonnes.

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 summarises the decision-making process to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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

- 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.

## **Confidential information**

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

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

## **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 application was publicised on the GOV.UK website.

We consulted the following organisations:

Somerset county Council

Local Fire Service

HSE

UKHSA

FSA

Wessex Water

The comments and our responses are summarised in the consultation responses section.

## **The regulated facility**

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

The extent of the facilities are 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 a 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.

## **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 not within our screening distances for these designations.

## **Environmental risk**

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

The operator's risk assessment is satisfactory.

## **Operating techniques**

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

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

## **Operating techniques for emissions that screen out as insignificant**

Emissions of Dust, Total VOCs have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

## **National Air Pollution Control Programme**

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

## **Noise and vibration management**

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management 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 applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.||

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

## **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.

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

## **Dust management**

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management 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 applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit.

## **Updating permit conditions during consolidation**

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

## **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.

We have restricted the following wastes for the following reasons

We have restricted waste codes to specific waste streams associated with the lithium battery manufacturing processes, including all 99 codes wastes permitted.

## Pre-operational conditions

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

This is to ensure that prior to the commencement of the new lithium battery treatment facility and the dry treatment facility all necessary infrastructure and technical measures are in place, including abatement control and monitoring.

## Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that existing site infrastructure and technical process meet the required environmental standards within 3 months of the permit being issued.

## Emission limits

Emission Limit Values (ELVs) and/or equivalent parameters or technical measures based on Best Available Techniques (BAT)] have been added for the following substances:

Dust and total VOCs

## Monitoring

We have decided that monitoring should be added for the following parameters,

### List parameters

Emission point reference or source or description of point of measurement	Parameter	Monitoring frequency	Monitoring standard or method	Other specifications
Wet Scrubber	Gas flow rate – differential pressure	Continuous	Gas flow meter / EN 16911-1 and MID for EN 16911-1	
	pH scrubber solution	Continuous	pH meter	
	Conductivity	Daily	Conductivity meter	
Carbon Filter	Carbon bed temperature – bed temperature only	Continuous	Temperature probe	

<b>Emission point reference or source or description of point of measurement</b>	<b>Parameter</b>	<b>Monitoring frequency</b>	<b>Monitoring standard or method</b>	<b>Other specifications</b>
	Gas flow rate – differential pressure	Continuous	Gas flow meter	
	Pressure	Weekly	Recognised industry method	
Bag filter	Pressure	Weekly	Recognised industry method	
Water used for the lithium battery shredding activity	pH	Daily	pH meter	
	Temperature	Daily	Recognised industry method	

These monitoring requirements have been included in order to demonstrate the permitted processes are not causing pollution of the environment.

## Reporting

We have added reporting in the permit for the following parameters:

<b>Parameter</b>	<b>Emission or monitoring point/reference</b>	<b>Reporting period</b>	<b>Period begins</b>
Point source emissions to air Parameters as required by condition 3.5.1	Emissions points as shown on plan ref '020_09_013	Every 6 months or as agreed in line with IC2	1 January, 1 July

We made these decisions in accordance with the relevant technical guidance.

## Considerations of foul sewer

The facility is in a location where it is not reasonable to connect to the foul sewer.

## 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.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

## **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.

## **Previous performance**

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

## **Financial competence**

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

## **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 Somerset Environmental Health.

Brief summary of issues raised:

*This is a variation application however the plans do not appear to show “before and after” in relation to the site plan, and the specific area which is being increased by the variation.*

*In addition I would question whether the introduction of diesel generators represents Best Practicable Means and whether electric generators should be used with the consideration of improving air quality.*

*The noise assessment presents a wide range of recommendations required to ensure noise levels are ‘kept to a minimum’.*

*These include screening and acquiring “quieter” fork lift trucks. I would suggest that these matters have not been presented with specific detail to know whether they will protect the amenity of local residents.*

*Actual cumulative noise limits would be more appropriate and allow for enforcement / compliancy checks.*

*I note that the report relies on a one day noise survey on Wednesday 28th June 2023. This is suitable if the plant is only intended to operate on weekdays.*

*If the site is open at weekends, a more detailed survey is necessary as this is a time when local residents would reasonably be using their gardens, and in the summer months have their windows open.*

Summary of actions taken: The operator has been required to submit a noise impact assessment as part of their application for assessment and are also required to review the noise impact assessment within 3 months of the variation commencing to ensure their conclusion and actions are working effectively.

The operator has removed all diesel generators off-site and the activities will be fully powered by mains electricity.

Response received from UKHSA

Brief summary of issues raised:

- The main emissions of potential concern are fugitive dust emissions/particulate matter.
- Risk of fire due to large volumes of combustible wastes on site.

Summary of actions taken: The operator has submitted a fire prevention plan as part of their application. This includes provision for both fire detection and fire control measures within each storage tent on site. No waste can be stored outside.

With regard to dust the site is fully concreted and all waste storage and treatment activities must be carried out inside a building/tent. The permit also places a 5mg/l emission limit on dust emissions from the 2 point sources to reduce the amount of dust being emitted into the atmosphere.

## **Representations from individual members of the public**

No responses received.