

Permitting Decisions- Variation

We have decided to grant the variation for Halifax Battery Treatment Plant operated by WasteCare Limited.

The variation number is EPR/VP3737QB/V002.

The permit was issued on 29/11/2024.

The variation is for an increase in storage capacity of both hazardous and non-hazardous batteries.

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

Storage arrangements and duration

The list of wastes permitted to be accepted at this facility include both hazardous and non-hazardous wastes streams, with site storage capacity increasing from 650 tonnes to 1,430 tonnes to provide sufficient storage capacity with total storage duration of wastes limited to 6 months. Accumulation of waste, has been noted to be an issue at the facility and additionally, changes to the storage arrangements at the facility, were proposed as part of the application due to a recent fire causing significant damage in Unit 6.

With a substantial increase in permitted waste storage and changes to storage infrastructure at the facility, information was requested regarding evidence to the general storage methods, adequate capacity and appropriate storage duration times at the facility.

Following the response to a schedule 5 notice issued 23/08/2024, the operator provided evidence of appropriate measures, for the storage arrangements, handling and capacity. All legacy stock has been removed with overall stock reduced and the proposed increase of storage also reduced. All storage will have set clear maximum storage times and quantities, adhering to a First in First Out policy (FIFO) with processing inbound stock within 48 hrs of arrival and a strict maximum storage time of 6 months, in line with the relevant technical standards and the operating techniques.

We are satisfied that the operator has appropriate site management procedures and infrastructure to accept the increase in waste storage at the installation, subject to an Improvement condition (See IC1 in Table S3.1 in the permit) requiring the operator to assess stock management processes to ensure robust stock monitoring of all inbound and outbound wastes, to prevent stockpiling and accumulation of waste. We took this decision in line with our sector guidance.

Fire Prevention Plan

The wastes accepted and stored at the installation are batteries and small WEEE (both hazardous and non-hazardous) all of which are covered by the FPP guidance. Lithium batteries and mixed batteries containing Lithium are highly combustible, and although not covered by the FPP guidance are a well-known fire hazard and therefore are considered in the Fire Prevention Plan.

The operational procedures to reduce the severity of a fire and the suppression methods to deal with a battery fire are critical factors in our decision-making process. CCTV is in operation using both visible and infrared cameras and will cover all waste storage areas, both internally and externally. Smoke and heat detectors linked to the fire alarm are installed where waste is stored and treated. Additionally, Unit 3 has an automated `Very Early Smoke Detection Apparatus (VESDA)` system. The design and installation of the system is covered by a UKAS accredited scheme. Active manual fire suppression and firefighting techniques form part of the incident and emergency response procedures at the facility.

Following the response to a schedule 5 notice issued 23/08/2024, the operator has demonstrated appropriate measures for; minimising fire incidents and fire spreading, proportionate fire detection and fire suppression for both, batteries that apply to the FPP guidance and batteries that apply to the sector guidance and appropriate measures to reduce fire incidents by way of a site-specific incident and emergency procedure, appropriate stock management, storage times, designated storage locations and correct packaging of batteries by chemistry type.

Fire detection is by stringent daily visual inspections, 24 hours CCTV visible cameras covering all waste storage and treatment areas with an out of hours monitoring contractor- 4Site, infrared thermometer monitoring checks, smoke and heat detectors linked directly to the fire alarms and an automated UKAS accredited early smoke detection system for Unit 3 where waste is sorted and repacked.

Fire suppression is by dry sand, fire extinguisher balls and active firefighting with appropriate fire extinguishers (best practice for battery waste fire suppression) - all strategically located across the installation. Waste Batteries are stored in relatively small quantities in operational areas, with larger volume of waste batteries stored in areas protected by A1 fire rated concrete wall bunkers with no activities carried out in close proximity. Further preventive and contingency measures for fire spreading are supported by site-specific incident and emergency procedures, with adequate water supplies and sufficient containment capacity demonstrated.

The operator has incorporated learnings from past fire incidents and that the incident and emergency response procedures, which have been tried and tested, are reviewed regularly, comprehensive and robust, for swift action.

We are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance

Decision considerations

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 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:

- Local Authority – Environmental Protection Department
- UK Health and Security agency (UKHSA)
- Health and Safety executive

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

The site

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility.

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 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.

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 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.

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

Raw materials

We have specified limits and controls on the use of raw materials and fuels.

Improvement programme

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

Improvement conditions:

Improvement condition IC1 - Stock Management Tracking Issues

We have set condition IC1 in the permit to address evidence of improvements to this aspect to ensure appropriate general stock management, tracking and inventory for all waste stored and treated at the installation.

Improvement condition 2 – Installation Surfacing improvements

We have set condition IC2 in the permit to ensure all operational areas have impermeable surfaces, in accordance with our technical standards and risk assessment methodology detailed within CIRIA C736 or equivalent approved standard.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation. As part of this variation, there will be no change to site activities, other than an increase in storage capacity for permitted waste streams.

Reporting

We have specified reporting in the permit. We made these decisions in accordance with Waste Treatment BAT Conclusions. Please refer to S4.1 of the permit for further details

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.

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 UK Health & Security Agency

Brief summary of issues raised: Concerns regarding public health protection in relation to a fire incident involving large quantities of batteries. A recommendation, that the applicant considers all relevant actions to prevent and respond to a fire incident.

Summary of actions taken: The application includes an Amenity and Accident Risk Assessment, a Fire Prevention Plan (FPP) and an Incident and Emergency Procedures document, which describe prevention measures and actions in the event of incidents, such as fires. The storage methods, storage duration and total capacity are key factors in preventing the accumulation of wastes and the self-combusting of materials. We are satisfied that the facility has appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.

No further responses were received.