

# Permitting Decisions- Environment Agency Initiated Variation

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We have issued an Environment Agency initiated variation for Waterbeach Materials Recycling facility operated by Thalia WB ODC Limited following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/GB3531RE/V004

We consider in reaching this 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.

## Permit Review

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2016 (EPR), regulation 34(1), to periodically review permits.

We have reviewed the permit for this activity and varied the notice to make a number of changes to reflect relevant standards and current best practice. These changes principally relate to the implementation of our technical guidance [Non-hazardous and inert waste: appropriate measures for permitted facilities](#)

In this decision document, we set out the reasoning for the variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the operator against our technical guidance.

As well as considering the review of the operating techniques used by the operator, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue.

## Purpose of this document

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

- explains how the Environment Agency initiated variation has been determined;

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

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

### Environment Agency led variation – permit review

We have carried out an Environment Agency initiated variation to the permit following a permit review as required by legislation to ensure that permit conditions deliver compliance with relevant legislative requirements and appropriate standards to protect the environment and human health.

On 12 July 2021, technical guidance: [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) was published on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to treat or transfer non-hazardous and inert wastes, providing relevant standards (appropriate measures) for those sites.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 14/03/2024. requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards in the relevant Appropriate Measures guidance.

The notice required the operator to:

1. Provide a brief non-technical description of the regulated facility, including
  - all listed activities, waste operations and registered waste exemptions (if any)
  - a list of wastes handled at the site, the key stages in the “process” and the relevant disposal and recovery operations.
  - the scale of the operation i.e., the waste storage and daily treatment capacity of the process.
  - a brief description of the principal releases to air, land and water including noise, dust and odour, along with a description of any abatement techniques and site plan.
  - description of the site location including 6 figure grid reference and any key sensitive receptors.

2. Identify the Appropriate Measures which apply to the facility's operations. [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) and where other activities are carried out the other technical guidance which relates to those activities. [Technical guidance for regulated industry sectors: environmental permitting - GOV.UK \(www.gov.uk\)](#)
3. Confirm whether or not the operations comply with the requirements.
4. Where operations are not currently complying, the operator was required to provide:
  - details of how the relevant standards and requirements will be met.
  - justification as to why an alternative technique is appropriate and will achieve an equivalent level of environmental protection to the standards in the appropriate measures guidance.
  - details of why specific standards and requirements do not apply.
  - details on any activities they intend to cease operating.
5. Confirm whether they operate a medium combustion plant or specified generator (as per Schedule 25A or 25B of EPR 2016)

The operators were notified about the non-hazardous and inert waste: appropriate measures for permitted facilities guidance and were advised to consider them in their submissions.

The standards described in our technical guidance are split into chapters:

- General management appropriate measures
- Waste pre-acceptance, acceptance and tracking appropriate measures
- Waste storage, segregation and handling appropriate measures
- Waste treatment appropriate measures
- Emissions control appropriate measures
- Emissions monitoring and limits appropriate measures

### **Extent of this review**

We have reviewed the operations that relate to the Waste activities in this permit against the relevant requirements of Non-hazardous and inert waste appropriate measures for permitted facilities guidance.

As part of this review and to clearly define all of the regulated activities, we have amended the description of some of the waste operation activities. This is to make them distinctive.

We have applied appropriate restrictions to these activities to ensure that they meet the requirements of the Environmental Permitting (England and Wales) Regulations 2016.

We have updated (in consultation with the operator) the list of wastes that the operator is allowed to accept under each of the activities.

Our assessment of the responses received from the operator are summarised in Table 1.

The Regulation 61 Notice required the operator to confirm whether they could comply with the standards described in each of these chapters. Table 1 below provides a summary of the response received and our assessment of it. The overall status of compliance with the standards (appropriate measures) is indicated in the table as:

- NA – Not Applicable
- CC – Currently Compliant
- FC – Compliant in the future (through improvement conditions set in permit)
- NC/IC – Not Compliant; Improvement/New Condition included

### **Regulation 61 Response**

The Regulation 61 notice response from the Operator was received on 19/06/2024.

We considered that the response did not contain sufficient information for us to commence determination of the permit review and we needed further information to complete the permit review assessment.

We sent a request for further information (RFI) by email to the operator on the 16/09/2024 and received their response on the 18/09/2024. We received further information on the 20/09/2024, 01/10/2024, 10/10/2024 and 24/10/2024.

A pre-operational condition has been included for EWC code 20 01 08, as the site does not currently accept this EWC code but would like to retain this EWC code in the permit.

Therefore, prior to accepting Waste Code - EWC code 20 01 08 biodegradable kitchen and canteen waste, the Operator must seek approval in writing from the Environment Agency.

**Table 1 – Summary of our assessment of the operator’s Reg 61 response**

<b>Appropriate measures</b>	<b>Compliance status</b>	<b>Assessment of compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator</b>
<b>General management appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section.
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. Pre-acceptance and acceptance procedures were provided.
<b>Waste storage, segregation and handling appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. Waste is stored in line with the sites FPP.
<b>Waste treatment appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section.
<b>Emissions control appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section.
<b>Emissions monitoring and limits appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section.
<b>Process efficiency appropriate measures</b>	N/A	This section is not relevant to waste operations.
<b>Summary of other changes made to the permit as a result of our assessment of the Reg. 61 response</b>		
<b>Change</b>	<b>Reason for change</b>	
N/A	N/A	

## **Decision Considerations**

### **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.

### **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'.

### **The site**

The operator has confirmed the plan we have included in the permit to be satisfactory.

This shows the extent of the site of the facility.

The plan is included in the 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.

### **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 made these decisions with respect to waste types in accordance with guidance on the classification and assessment of waste (1st Edition v1.2 GB) Technical Guidance WM3.

## **Emission limits**

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

## **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 100 of that Act in deciding whether to grant the variation of this permit.

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.