

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Unit E operated by ES FACILITIES MANAGEMENT LIMITED following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016 (EPR), regulation 34(1).

The variation number is EPR/FB3905FE/V003.

Permit Review

This Environment Agency has a duty, under the EPR, regulation 34(1), to periodically review permits. Paragraph 7 of schedule 7 EPR also requires us to review permits in accordance with Article 21 of the Industrial Emissions Directive (IED) to ensure that they deliver compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

We have reviewed the permit for this regulated facility and varied the permit to make a number of changes to reflect relevant standards and best practice. These changes principally relate to the implementation of our technical guidance for WEEE treatment and transfer including the relevant requirements of the [BAT Conclusions for Waste Treatment](#) which have been incorporated into our guidance. Whilst undertaking the permit review we may as part of the Environment Agency initiated variation to give effect to the review include any minor operational changes that do not require an assessment of potential changes in environmental risk. Any other changes identified during the review or required by the operator need to be subject to a variation application made through the usual process.

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 in the operation and control of the plant and activities of the installation (operating techniques) against our technical guidance.

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

this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

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.

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.

The Industrial Emissions Directive (IED) came into force on 7 January 2014 with the requirement to implement all relevant Best Available Techniques (BAT) Conclusions as described in the Commission Implementing Decision. It is incorporated into domestic legislation by the EPR. The EPR requires us, in accordance with Article 21(3) of the IED, to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication of updated decisions on Best Available Techniques (BAT) Conclusions.

The BAT Conclusions for Waste Treatment (the BREF) was published on 17 August 2018 following a European Union wide review of BAT, implementing decision (EU) 2018/1147 of 10 August 2018. Relevant existing facilities were expected to be in compliance with the BAT Conclusions within 4 years (i.e. by August 2022).

On 13th July 2022 our WEEE (waste electrical and electronic equipment) appropriate measures guidance was published on gov.uk. This guidance includes

additional appropriate measures for WTEE (waste temperature exchange equipment).

This technical guidance explains the standards (appropriate measures) that are relevant to regulated facilities with an environmental permit to treat or transfer WEEE (including WTEE) and incorporates the relevant requirements of the BAT Conclusions.

On 20th October 2021 our Treating metal waste in shredders appropriate measures guidance was published on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to mechanically treat metal waste in shredders and incorporates the relevant requirements of the BAT Conclusions.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 20/04/2022 requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards (appropriate measures) described in our technical guidance.

The notice required that where the revised standards are not currently met, the operator should provide information that:

- Describes the techniques that will be implemented to ensure operations meet the relevant standards and by when, or
- Explains why they are not applicable to the facility in question, or
- Justifies why an alternative technique is appropriate and will achieve an equivalent level of environmental protection to the standards described in our guidance

The standards described in our technical guidance are split into 7 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
- Process efficiency appropriate measures

The WTEE appropriate measures guidance, which supplements the WEEE technical guidance, includes an additional chapter on Process monitoring.

We have set emission limit values (ELVs) and monitoring requirements for relevant substances in line with our technical guidance and the BAT Conclusions for Waste Treatment, unless a tighter, i.e. more stringent, limit was previously imposed and these limits have been carried forward.

The Regulation 61 notice required the operator to confirm whether they could comply 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 – Not Compliant

In accordance with Article 22(2) of the Industrial Emissions Directive, the Regulation 61 notice asked the operator to provide a soil and groundwater risk assessment, along with a baseline report or summary report confirming the current state of soil and groundwater contamination, where listed activities are undertaken that involve the use, production or release of relevant hazardous substances.

The Regulation 61 notice also asked the operator to confirm whether they operate a medium combustion plant or specified generator (as per Schedule 25A or 25B of EPR 2016) and whether they had considered how their operations could be affected by climate changes (e.g. through a climate change adaptation plan).

Our assessment of the responses received from the operator regarding soil and groundwater risk assessment, medium combustion plant and specified generators, and consideration of climate change are also summarised in Table 1.

The Regulation 61 notice response from the Operator was received on 19/08/2022, with an updated response provided on 14/04/2023.

Although we were able to consider the Regulation 61 notice response generally satisfactory at receipt, we needed more information in order to complete our permit review assessment. In summary the key additional information was:

14/12/2023 - operator confirmation that site generator is <1MWT_h and therefore not MCP, operator confirmation that mechanical treatment of compact fluorescent tubes containing mercury never commenced at site was never installed and is not required in the future, operator confirmation pyrolysis unit on site decommissioned in 2016.

26/01/2024 and 08/02/2024 – Operator provided evidence that new fridge treatment plant was being installed at the site which included conveyors, Stage 2 shredding unit to be connected to the existing abatement system, and post-shredding materials separation equipment with additional dust emissions point. The new equipment will include abatement of air emissions through the same carbon filter system as the existing equipment. During these communications the

operator provided confirmation that the plant would be replacement plant for the existing Stage 2 shredding and materials separation system, and that following commissioning of the new plant the old fridge treatment line would not be operated and taken out of service.

08/02/2024 – Operator response clarifying wastes other than WTEE treated in the shredder, operator response outlining process for the liberation of blowing agent from foam insulation, operator clarification on dust abatement from post-shredding process, operator confirmation that south yard is blind drainage system and north yard drains to surface water drains.

11/04/2024 – operator response stating they no longer intended to take the existing Stage 2 shredding and materials separation system out of service once the new equipment is operational. Confirmation of EWC codes not required to be listed within the permit waste table S2.5 Permitted waste types and quantities for waste storage and transfer, agreeing the removal of the following waste codes from that table:

03 01 wastes from wood processing and the production of panels and furniture

03 01 04* sawdust, shavings, cuttings, wood, particle board and veneer containing hazardous substances

03 01 05 sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04

16 03 off-specification batches and unused products

16 03 04 inorganic wastes other than those mentioned in 16 03 03

16 03 06 organic wastes other than those mentioned in 16 03 05

16 10 aqueous liquid wastes destined for off-site treatment

16 10 02 aqueous liquid wastes other than those mentioned in 16 10 01

16 10 04 aqueous concentrates other than those mentioned in 16 10 03

20 01 separately collected fractions (except 15 01)

20 01 08 biodegradable kitchen and canteen waste

We made a copy of this information available on our public register

New Shredding and materials separation plant

As communicated by the operator on the 26/01/2024 and 08/02/2024 the operator was during the delivery of the permit review installing new WTEE Stage 2 shredding and materials separation plant. On the operator's initial communication it was stated that the new plant was replacement plant of similar design and that the old plant would be taken out of service. As such, and in line with the approach to the permit review, we were minded to accept this as a minor change of like for like, which did not change the environmental risk, would not require much technical assessment and which could be included within the permit review.

However, through subsequent communication from the operator, it became clear that the operator was installing and intending to operate an additional second treatment line, which could operate in parallel alongside the existing plant. We understand that the operator considers that the additional equipment is authorised under the scope of the permit, which only has an explicit 29,000 tpa total annual limit for all activities under the permit and lacks a clear definition of the equipment that can be operated under the permit to reach this limit. We consider the activities authorised only relate to a single line. The permit does not authorise the operation of a second line.

Regulation 12 of the EPR provides that a person must not except under and to the extent authorised by an environmental permit operate a regulated facility.

Condition 2.3.1 of the permit requires the activities to be operated using the techniques and in the manner described in the documentation specified in schedule 1 table S1.2 unless otherwise agreed in writing.

The documents incorporated into the table include a site plan showing a single line. This is considered to be part of the description of how the site will be operated. Various other incorporated documents refer to there only being a single line. No documents or plans refer to a second line. So we consider that the extent of the activities authorised is limited to the existing single line.

In any event, the application for the current permit did not specify a second line, the impact of having 2 lines was not therefore assessed and there has not been a second line on site. Adding a second line would be a change in the nature or functioning or an extension of the activities which may have consequences for the environment. As such it would require notification under condition 4.3.7 which implements paragraph 5 of schedule 7 EPR and Article 20(1) IED. This is to allow the permit to be updated if appropriate. If a proposed change meets the definition of a substantial change a variation is mandatory (paragraph 5 and Article 20(2)).

Any change which itself meets the 10 tonnes per day capacity under Section 5.3A(1) in part 2 of Schedule 1 EPR is deemed to be substantial (Article 20(3)). So installing a second line which itself can allow the site to treat an additional 10 tonnes per day of hazardous waste would be substantial and require a variation.

Even if there was any discretion as to whether a variation was required we would consider a variation was appropriate.

If the intention was for both lines to be able to run at the same time we would want to assess the impacts of this. Even if the intention was not to run the lines concurrently, we would still need to assess whether there is any change in risk due to the different location of the new line and if so whether that is acceptable. We would also want to assess the operator's proposals for ensuring both lines

could not run concurrently. In either case, this would require a variation application to provide the necessary information. We would also want information on, and to assess, whether there will be any increase in emissions or the impact from them – for example noise and dust. Issues such as how waste will be stored and managed on site taking account of a second line will need to be considered as there have been concerns about this with just the one line. Management plans such as the Fire Prevention Plan would also need updating. For changes in storage and management of process inputs and outputs, a DSEAR (Dangerous Substances and Explosive Atmosphere Regulations 2002) assessment may also be required due to additional or changes to VOC extraction and treatment from the WTEE treatment. Whilst we could request the necessary information and vary the permit on our own initiative this offers no benefits to the operator in either cost or time and is likely to be slower and more expensive as the operator is best placed to propose how the new plant will be operated. In addition we need to be consistent with our approach to other permits included in the review. So, as this is a change the operator wishes to make and is unrelated to our statutory review of the permitted plant and activities it is not appropriate for us to request this information and to process the proposed change as part of that. A second line may be acceptable but needs to be justified and assessed. It is an operator's responsibility to ensure they have the correct permit for the activities they wish to undertake.

Paragraph 7 of schedule 7 EPR requires us to review permits in accordance with Article 21 IED. In addition to reviewing permits within 4 years of the publication of any BAT Conclusions this article also requires us to periodically review permits taking account of monitoring data and information resulting from inspections. The installation of a new process line was noted in a site inspection on 12/06/2024 (advice having previously been given in October 2023 that any new plant should not be commissioned or operated until authorised by a permit variation). So the review takes account of this information that a substantial change is planned and needs authorising.

In terms of the permit review we have clarified what we consider the existing permit authorises i.e. a single line. We have also included a daily total tonnage for the s 5.3 activity to reflect what has been possible up to now and what was implicitly and now explicitly allowed. The review also ensures the environment is protected, and paragraph 5 and Article 20 are complied with by preventing the operation of any new plant until its impacts have been assessed and any necessary measures put in place through a permit variation.

Within the permit review responses the operator has also provided evidence indicating potential hazardous waste storage in excess of the existing permit limit, currently limited to <50 tonnes at any one time. The operator will also need to vary the permit to add a Section 5.6A(1) Installation activity if they wish to store more than 50 tonnes of hazardous waste at any one time.

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

Appropriate measures	Compliance status	Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
General management appropriate measures	CC	<p><i>The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2, by adding reference to the relevant Appropriate Measures for the site operations:</i></p> <ul style="list-style-type: none"> - <i>Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities</i> - <i>Waste temperature exchange equipment: appropriate measures for permitted facilities</i> <p><i>There is an approved Fire Prevention Plan (FPP) for the site reference 0.1 (Version received 04/11/2015), however an Improvement Condition (IC8) has been introduced to the permit for the operator to provide a revised FPP which updates the old plan to the requirements of the relevant appropriate measures and Fire Prevention guidance, see Improvement Programme section of this document.</i></p>
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	<p><i>The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2, by adding reference to the relevant Appropriate Measures for the site operations:</i></p> <ul style="list-style-type: none"> - <i>Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities</i> - <i>Waste temperature exchange equipment: appropriate measures for permitted facilities</i>
Waste storage, segregation and handling appropriate measures	CC	<p><i>The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2, by adding reference to the relevant Appropriate Measures for the site operations:</i></p>

		<p>incorporated into the varied permit through the updated operating techniques listed in Table S1.2, by adding reference to the relevant Appropriate Measures for the site operations:</p> <ul style="list-style-type: none"> - Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities - Waste temperature exchange equipment: appropriate measures for permitted facilities <p>This will also be subject to and assessed by the annual performance testing required within the permit, as defined by the WTEE Appropriate Measures introduced through the permit review.</p>
Process monitoring appropriate measures (for WTEE)	CC	<p>The operator confirmed that they currently meet the requirements of all appropriate measures in this section. Compliance with the appropriate measures in this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2 ie the WTEE Appropriate Measures.</p> <p>This will also be subject to and assessed by the annual performance testing required within the permit, as defined by the WTEE Appropriate Measures introduced through the permit review.</p>
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	The operator has chosen not to submit any baseline data under the permit review but has an existing Site Condition Report.	
Medium combustion plant and specified generators	The operator declared that there is a generator on site which provides electrical power to the WTEE treatment plant but confirmed that the capacity of the plant is <1MWth and therefore is below the MCP threshold. The generator has been added to the permit within table S1.1 as Directly Associated Activity.	
Climate change	The operator has not entered into a climate change agreement with the Government. The permit was initially issued after 1 st April 2023 and therefore climate change adaption plan is not currently required as part of the site EMS.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		

<p>Removal of permit activity for treatment of compact fluorescent tubes</p>	<p><i>Prior to this variation the permit also authorised the following activity:</i></p> <ul style="list-style-type: none"> • <i>Crushing of compact fluorescent tubes containing mercury, in specifically designed plant (schedule 5.3 Part A (1) a) (ii)), Activity A2 in table S1.1 within permit version EPR/CB3404TN issued 06/01/2016.</i> <p><i>The operator has confirmed that this activity never commenced, the equipment was never installed to undertake the activity and there is no intention to undertake the activity in the future. As such this activity was removed from the permit under this variation.</i></p>
<p>Removal of EWC waste codes from table S2.5 Permitted waste types and quantities for waste storage and transfer</p>	<p><i>Operator agreed the removal of the following waste codes from table S2.5, on the basis that they were not relevant to the site operations:</i></p> <p><i>03 01 wastes from wood processing and the production of panels and furniture</i></p> <p><i>03 01 04* sawdust, shavings, cuttings, wood, particle board and veneer containing hazardous substances</i></p> <p><i>03 01 05 sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04</i></p> <p><i>16 03 off-specification batches and unused products</i></p> <p><i>16 03 04 inorganic wastes other than those mentioned in 16 03 03</i></p> <p><i>16 03 06 organic wastes other than those mentioned in 16 03 05</i></p> <p><i>16 10 aqueous liquid wastes destined for off-site treatment</i></p> <p><i>16 10 02 aqueous liquid wastes other than those mentioned in 16 10 01</i></p> <p><i>16 10 04 aqueous concentrates other than those mentioned in 16 10 03</i></p> <p><i>20 01 separately collected fractions (except 15 01)</i></p> <p><i>20 01 08 biodegradable kitchen and canteen waste</i></p>

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 Regulation 61 notice response 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', Appendix 2 of RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.

Prior to this variation the permit also authorised the following activity:

- Crushing of compact fluorescent tubes containing mercury, in specifically designed plant (schedule 5.3 Part A (1) a) (ii)), Activity A2 in table S1.1 within permit version EPR/CB3404TN issued 06/01/2016.

The operator has confirmed that this activity never commenced, the equipment was never installed to undertake the activity and there is no intention to undertake the activity in the future. As such this activity was removed from the permit under this variation.

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 a plan with the initial Regulation 61 response (19/08/2022) which we consider to be satisfactory, although we have added point source emissions to air (A1 and A2) which are associated with the existing WTEE treatment plant for clarity.

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

The plan is included in the permit.

The operator provided further Site Plans on subsequent communications which have not been included in the permit as they included the additional WTEE treatment plant and emission point associated with that plant, which is not being included under the scope of the permit review (see Key Issues section).

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 S1.2 in the environmental permit.

Changes to the permit conditions

We have varied the permit as stated in the variation notice.

Fire Prevention plan

We have assessed the fire prevention plan under a previous variation of the permit and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance. However, the version of the Fire Prevention Plan last approved by the Environment Agency was from 2015, and some site operations have been modified since that date and the operator is currently installing replacement WTEE treatment equipment. Therefore, an Improvement Condition has been set requiring the operator to provide an updated Fire Prevention Plan within 6 months of the permit issue date which reflects any changes in operations and legislation such as the introduction of the relevant appropriate measures.

Improvement programme

We have included an improvement programme requiring the operator to:

- Undertake and submit an assessment of the existing WTEE treatment line point source emissions to air (IC6), which also requires the operator to submit an H1 environmental risk assessment based on the results of the assessment and propose and implement mitigation if required.
- Undertake and submit an assessment of the WTEE treatment line fugitive emissions to air (IC7) and inform the Environment Agency if fugitive emissions are detected.
- Revise and update the Fire Prevention Plan for submission and approval by the Environment Agency (IC8).

Changes to EWC codes

The operator agreed to the removal from the permit of the following waste codes, which were deemed to not be relevant to the site operations.

03 01 wastes from wood processing and the production of panels and furniture

03 01 04* sawdust, shavings, cuttings, wood, particle board and veneer containing hazardous substances

03 01 05 sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04

16 03 off-specification batches and unused products

16 03 04 inorganic wastes other than those mentioned in 16 03 03

16 03 06 organic wastes other than those mentioned in 16 03 05

16 10 aqueous liquid wastes destined for off-site treatment

16 10 02 aqueous liquid wastes other than those mentioned in 16 10 01

16 10 04 aqueous concentrates other than those mentioned in 16 10 03

20 01 separately collected fractions (except 15 01)

20 01 08 biodegradable kitchen and canteen waste

Emission limits

Emission Limit Values (ELV's) based on Best Available Techniques – Achievable Emission Levels (BAT-AELS) for Waste Treatment have been added or amended for the following substances:

The following parameters and associated emission limits have been added or amended to the point source referenced 'A1' within the permit, which the operator confirmed serves the existing WTEE Stage 2 and pre-shredding processes for the existing plant:

- Dust – amended to 5mg/m³
- CFCs – 10 mg/m³
- Air flow – no limit set
- Brominated flame retardants – no limit set
- Dioxin-like polychlorinated biphenyls (PCBs) – no limit set
- Metals (As, Cd, Co, Cr, Cu, Mn, Ni, Pb, Sb, Se, Tl, V) – no limit set
- Dioxins and furans (PCDD/F) – no limit set

The following parameters and associated emission limits have been amended to the point source referenced 'A2' Dust control system exhaust for existing WTEE plant:

- Dust – 5mg/m³

These limits were derived from:

- The BAT Conclusions for waste treatment, August 2018 under Directive 2010/75/EU
- Environment Agency guidance 'Waste electrical and electronic equipment (WEEE): appropriate measures'
- Environment Agency guidance 'Waste temperature exchange equipment: appropriate measures'

Monitoring

We have decided that monitoring should be added out for the following parameters, using the methods detailed and to the frequencies specified:

Process monitoring (table S3.4):

- Stage 1 degassing: Refrigerant recovery, based upon mass balance calculation
- Stage 2 destruction: Blowing agent recovered as a percentage of the theoretical content of the waste treated
- All mechanical treatment of WEEE: Mass balance

These monitoring requirements have been included in order to ensure that the abatement is operating correctly and ensure that the monitoring is in line with our guidance.

We made these decisions in accordance with:

- Environment Agency guidance 'Waste electrical and electronic equipment (WEEE): appropriate measures'
- Environment Agency guidance 'Waste temperature exchange equipment: appropriate measures'

We made these decisions in accordance with Best Available Techniques for Waste Treatment.

Reporting

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

Emissions to air:

- Dust
- Brominated flame retardants
- Dioxin-like polychlorinated biphenyls (PCBs)
- Metals (As, Cd, Co, Cr, Cu, Mn, Ni, Pb, Sb, Se, Tl, V)
- Dioxins and furans (PCDD/F)
- CFCs
- Total VOCs
- Total VOCs (concentration)
- Total VOCs (mass emission)
- Air flow

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. If an Operator wishes to change how they operate they are still required to make the appropriate applications under the EPR.

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.