

## Permitting Decisions- Variation

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We have decided to grant the variation for Newcastle Waste Management Centre operated by Veolia ES (UK) Limited.

The variation number is EPR/DP3304BQ/V004.

The permit was issued on 17/02/2025.

The application is for a waste transfer station which will accept hazardous and non-hazardous waste for storage and repackaging. The scheduled activities for the installation are S5.3 A(1)(a)(iv) and S5.6 A(1)(a). Waste operations include repackaging and storage of non-hazardous waste.

The maximum waste annual throughput will be 25,000 tonnes.

There are no point source emissions to air from this facility.

Clean/uncontaminated roof water and yard water will be discharged into the surface water drainage systems.

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
- explains why we have also made an Environment Agency initiated variation
- summarises the engagement carried out because this is a site of high public interest
- 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

## Appropriate Measures Assessment

The operator provided an appropriate measures assessment based on the Waste Treatment BAT conclusions, “Chemical waste: appropriate measures for permitted facilities” and Healthcare waste: appropriate measures for permitted facilities” guidance, in their application summary. The facility will be operated in line with the following:

- Chemical waste: appropriate measures for permitted facilities- all parts of the appropriate measures shall apply aside from those parts which are not applicable or where alternative measures have been agreed. The waste treatment measures are not applicable. The following alternative measures have been agreed:
  - Waste storage, segregation and handling appropriate measures, measures 9 and 24.

Measure 9 requires wastes (such as rags and filter materials contaminated with metal swarf, low boiling point oils or low flash point solvents) to be stored in sealed metal containers under cover if they have the potential for self-heating or self-reactivity. The operator has confirmed that material packaging will be assessed based on pre-acceptance information. However, the blanket approach of using metal containers is not compatible with existing disposal options. Spontaneously combustible wastes will be stored in a sealed metal wastesafe container when stored on site. Other wastes such as low flash point solvents and contaminated solids (e.g. rags contaminated with swarf) will be technically assessed and stored in the appropriate approved containers which may include sealed plastic clip top drums, composite IBCs, etc. This approach is considered sufficient. The operator is carrying out a risk assessment to determine if the waste is at risk of self-combustion.

Measure 24 requires bags and boxes of wastes to be stacked no more than 1m high on a pallet and pallets to be stacked no more than 2 high. The operator has confirmed that the pallets will be no more than 2 high but alternative measures have been proposed for stacked bags and boxes. Securing measures such as shrink-wrap and banding can be used to secure bags and boxes of waste if deemed appropriate. A dynamic risk assessment will be used by chemists and operatives on site to determine if securing measures are required. The alternative measures are considered acceptable.

- Non-hazardous and inert waste: appropriate measures for permitted facilities- all parts of the appropriate measures shall apply other than those which are not applicable. The waste treatment appropriate measures are not applicable.
- Healthcare waste: appropriate measures for permitted facilities- all parts of the appropriate measures shall apply other than those which are not applicable. The waste treatment appropriate measures are not applicable..

### Improvement Conditions

There is 1 improvement condition to provide an approved plan to outside surface water and drainage at the site

### Pre-operational Conditions

There is 1 pre-operational condition in the permit to include an approved Fire Prevention Plan prior to the acceptance of combustible and/or flammable waste on the site.

## **Decision considerations**

### **Confidential information**

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

We consider that the inclusion of the relevant information on the public register would not prejudice the applicant's interests to an unreasonable degree.

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:

Local Authority – Environmental Protection Department

Fire & Rescue

Health & Safety Executive

No responses were received.

## **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'

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.

When the permit application was first made this was for the storage and repackaging of hazardous and non-hazardous wastes including healthcare wastes within a building. A Fire Prevention Plan (FPP) was submitted that detailed a UK certificated integrated suppression system for the building on site. Waste handling externally was limited, and all supporting documents were submitted based on the storage and repackaging happening in the building. This included the Environmental Risk Assessment (ERA), which itself assesses other potential risks and determines whether additional management plans may be needed. This also included the Best Available Techniques (BAT) and relevant Appropriate Measures (AM) for the site.

These were the details that were assessed and were internally and externally consulted on.

During the determination of the permit changes were proposed which meant the fire suppression system was no longer being proposed and as such storage was being proposed outside the building.

Additional plans were not amended to reflect this proposed change, despite some of the plans being re-submitted. The storage of wastes external to the site building was not addressed in terms of BAT or AM. The ERA outcomes were originally based on the storage and repackaging activities occurring inside the site building. This was not re-assessed or re-submitted. In addition the risks therein would determine whether other amenity issues needed to be reconsidered such as dust or odour. There are a significant amount of potentially odorous wastes proposed to be accepted at the site, and it was not clear if odour could become an environmental risk if storage outside was considered.

Without these details we have not been able to determine a potential risk or risks from the proposed change. We have held a meeting with the operator to discuss

the ways we can progress and agreement was made to consider the original application with storage and repackaging inside in order to not have to re-address and re-submit ERA and potentially other amenity plans, as well as BAT & AM alternative measures in accordance with pollution prevention afforded by these measures. In addition this removed the requirement to re-consult on the proposed change.

An added challenge at the site is a proposed emissions point. An emissions plan was submitted during determination with an H1 water assessment. It was unclear where the drainage from one of the emissions points was leaving the site and where it was going to, and an Improvement Condition in place on the current permit to supply us with details for this emission point, due to have been discharged in 2022 has not yet been discharged. We have no details on where this emission runs to and as such cannot adequately assess this emission. Therefore, any external storage could result in contamination to the yard surface water and then out to the environment via this point. An H1 assessment based on emissions from a different site indicated potential contaminants, indicating an assumption was made by the operator that contamination was expected to have the potential to be found in the run-off. Therefore, a decision was made to retain this Improvement Condition whilst only allowing uncontaminated yard run-off from the site. This emission point has therefore not been included in the assessment for this variation notice.

At a meeting with the operator it was agreed to issue the permit as it was originally applied for with the storage inside the building and with ICs to ensure that could happen.

## **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 for the purpose of surrender, which is not relevant to the application so has not been considered further.

## **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.

## **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.

## **Fire prevention plan**

We have set pre-operational conditions to allow the operator time in which to implement their fire prevention plan before commencing the activities authorised.

## **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.

## **Pre-operational conditions**

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

See key issues for further detail.

## **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 all previously set conditions that are relevant to the site are retained for further consideration. There are no new conditions being set.

## **Emission limits**

We have decided that emission limits are not required in the permit.

There are no point source emissions to air. The operator is permitted to discharge uncontaminated surface water only.

## **Monitoring**

Monitoring has not changed as a result of this variation.

## **Technical competence**

Technical competence is required for activities permitted.

The operator is a member of the ESA/EU skills 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.

## **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**

We received no responses to the consultation.