

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Clydesdale Place Transfer Station operated by Mulberry Waste 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/BU5526IS/V012.

Date issued: 04/03/2025

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. Article 21(3) of the Industrial Emissions Directive (IED) also requires the Environment Agency to review conditions in permits 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 <https://www.gov.uk/guidance/chemical-waste-appropriate-measures-for-permitted-facilities> and the relevant requirements of the [BAT Conclusions for Waste Treatment](#) which have been incorporated into our guidance.

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. Article 21(3) of the IED requires the Environment Agency 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 18 November 2020, Chemical Waste: appropriate measures for permitted facilities guidance 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 chemical waste, providing relevant standards (appropriate measures) for those sites and incorporating the relevant requirements of the BAT Conclusions.

The following Appropriate Measures guidance is also applicable to the permitted activities being varied under this permit review and has been included in the operating techniques table.

- Healthcare waste: appropriate measures for permitted facilities - published 13 July 2020.
- Non-hazardous and inert waste: appropriate measures for permitted facilities - published 12 July 2021.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 15/11/2021 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

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 change (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 05/04/2022.

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. We requested this by email and the operator provided further information on waste throughput and storage limits for various activities on 13/02/2025. We made a copy of this information available on our public register.

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>The Operator's Regulation 61 response states:</p> <ul style="list-style-type: none"> • We operate an audited management system that are certified to ISO 9001, 14001 & 45001 standards. • Staff are trained and are only allowed to operate when they are deemed competent. There are multiple COTC holders working on site as well as multiple qualified chemists (Degree/ HND) • We have a register of Health, Safety, Environmental, and Business risk assessments. • We have accident/ incident management plans and prevention measures documented. • We will have contingency plans and procedures and decommissioning plans written by the end of 2022. <p>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.</p>
Waste pre-acceptance, acceptance and tracking appropriate measures	FC	<p>The Operator's Regulation 61 response states:</p> <ul style="list-style-type: none"> • Pre acceptance and acceptance documents have been reviewed and revised to meet the current appropriate measures guidance. • We are currently looking for new waste handling computer software to assist us in meeting this section of the guidance.

		<p>The Operator's response indicates that they meet the appropriate measures with the exception of waste tracking, we have therefore included an improvement condition, IC6, in the permit that requires them to demonstrate that the following appropriate measure of the guidance will be met:</p> <ul style="list-style-type: none"> • Section 3.3 – Waste tracking
Waste storage, segregation and handling appropriate measures	CC	<p>The Operator confirmed that they meet the appropriate measures and state the following:</p> <ul style="list-style-type: none"> • Storage has been arranged in accordance with HSG 51 & 71 • The site plan shows storage locations, waste types and capacities. • The site is bunded and tertiary containment has been assessed. • Undercover storage is in place for the majority of wastes. <p>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.</p>
Waste treatment appropriate measures	CC	<p>The Operator has stated the following in their Regulation 61 response:</p> <ul style="list-style-type: none"> • The treatment plant is currently not in use. When the plant is brought back into service we will ensure all of the appropriate measures are met. <p>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.</p>

Emissions control appropriate measures	CC/FC	<p>The Operator has stated the following in their Regulation 61 response:</p> <ul style="list-style-type: none"> • Point source emissions to water comply with the appropriate measures • Point source emissions to air are currently linked to the treatment plan which is not in use. We will meet the appropriate measures when the plant is brought back into service. <p>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.</p>
Emissions monitoring and limits appropriate measures	FC	<p>The Operator has stated the following in their Regulation 61 response:</p> <ul style="list-style-type: none"> • We monitor our discharge in line with the guidance and the requirements set by United Utilities discharge consent. • Air emissions are not currently monitored as the treatment plan is not in use. <p>We have set monitoring requirements and limits in accordance with the Appropriate Measures and BAT conclusions for waste treatment in the varied permit.</p>
Process efficiency appropriate measures	CC	<p>The Operator confirmed that they meet the appropriate measures and state the following in their Regulation 61 response:</p> <ul style="list-style-type: none"> • We record all necessary process related performance indicators. <p>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.</p>

Reg 61 requirement	Assessment of response received
Healthcare waste appropriate measures	<p>The Operator has stated the following in their Regulation 61 response:</p> <ul style="list-style-type: none"> • We are permitted to accept healthcare wastes except those that are infectious. We act as a transfer station only, we don't process the wastes in any way. • The storage requirements for transfer are being met. <p>Compliance with the appropriate measures in the following sections of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p> <ul style="list-style-type: none"> • Waste pre-acceptance, acceptance and waste tracking appropriate measures. • Waste storage, segregation and handling appropriate measures.
Non-hazardous waste appropriate measures	<p>The Operator has stated the following in their Regulation 61 response:</p> <ul style="list-style-type: none"> • We don't believe these appropriate measures apply to this facility as the Chemical Waste appropriate measures (which are applicable) encompass all appropriate measures. <p>It is our view that the Non-hazardous appropriate measures do apply to this operation and for this reason compliance with the appropriate measures guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Soil and groundwater risk assessment	<p>The Operator has submitted a risk assessment that considers the risk to groundwater as low. The site has an existing site condition report that was submitted with the original permit application in 2005. We have included an improvement condition (IC13) requiring the operator to submit a review of their site condition report to ensure Article 22 of the Industrial Emissions Directive is complied with</p>

Medium combustion plant and specified generators	<p>The Operator has stated the following in their Regulation 61 response:</p> <ul style="list-style-type: none"> • There is a 275KVA generator to provide supplementary power for the shredder. It runs off diesel. Operational hours are 800h per year. • The generator has been on site since 2010 • Emissions are carbon dioxide and nitrogen oxides (NO_x) <p>The combustion plant is less than 1MW_{th} so MCP conditions, limits and monitoring requirements do not apply. The plant has been listed as a point source emission and as a DAA in the permit.</p>
Climate change	<p>The Operator has stated the following in their Regulation 61 response:</p> <p>Climate change is considered in the Environmental Risk Assessment attached.</p> <p>We are satisfied potential impacts from climate change have been considered.</p>
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response and review of the permitted activities.	
Change	Reason for change
Updated template conditions	<p>We have updated the standard permit conditions in line with our standard permit template for this sector.</p>
Review of waste codes for all activities.	<p>We have removed all the waste codes ending in 99 from the permit. The 99 codes cover waste that are not described under other codes and are therefore have the potential to cover a range of unspecified waste types. This is considered a risk, and we therefore require the Operator to provide a description of wastes that will be accepted under the 99 codes. We asked the Operator to provide justification for retaining the 99 codes in the permit, they did not provide justification and did not object to the removal of the codes.</p>

	<p>The waste code list for the drum/container washing activity (AR19) has been significantly reduced down to 3 waste codes. The reason for this is that if the Operator is accepting containers with waste in them, they should be coded as usual - they will then need properly emptying before washing so wouldn't go straight to drum washing. Therefore the 3 waste codes (150102, 150104 & 150110*) are the only ones appropriate for waste going directly to the existing drum/container washing activity.</p> <p>Waste code 16 08 06* (Spent Liquids used as catalysts) has been removed from the waste list for the shredding of hazardous waste activity as it is not appropriate to shred liquids.</p>
<p>Inclusion of a new haz-waste treatment activity for battery sorting.</p>	<p>The manual sorting of batteries (hazardous and non-hazardous) was carried out under a waste activity in the existing permit. Following the permit review we now consider sorting of hazardous waste batteries to be a Section 5.3 Part A (1)(a)(iv) waste treatment activity. This activity has now been added to permit (AR10 in table S1.1). Also note that the Operator informed us that they have been carrying out automated sorting of batteries for the past 4 years, we have therefore added automated sorting to the activity description.</p>
<p>Inclusion of throughput limits and storage capacities for treated wastes.</p>	<p>As part of the permit review we have set throughput limits and storage limits on treated waste for applicable activities carried out on site. We have used information provided by the Operator in their Reg 61 response to set appropriate limits. We have given the Operator the opportunity to review the limits we have set and advised them that if they did not agree with our proposed limits, to propose alternative limits and explain how they have been calculated.</p> <p>The operator proposed a throughput limit for the hazardous and non-hazardous waste shredding activities (AR3, AR9, AR20); containers/drum washing activity (AR19) and manual/automated battery sorting (AR10 & AR22).</p> <p>For the shredding activity the Operator proposed an aggregate throughput limit of 332te/day. We have checked that the shredder described in the original application can process this throughput. The shredder is described as an M&J 1000s (M&J 1000S Stationary Shredder) and has a capacity of 8 – 50tonnes/hour depending on the waste type, therefore the proposed throughput is considered</p>

	<p>appropriate.</p> <p>The Operator proposed a maximum storage capacity of washed containers/drums of 332 tonnes based on available site storage capacity. The site storage plan indicates that it is possible to store the proposed volume of washed drums/containers.</p> <p>The Operator proposed a 42 tonne per day aggregate throughput limit on activities AR10 and AR22, based on the maximum amount of batteries they can sort in one day. They also proposed a limit on battery storage capacity of 308te based on available site storage capacity. The site storage plan indicates that it is possible to store the proposed volume of batteries and the updated permit now contains a number of storage requirements for batteries that are in line with appropriate measures guidance so the Operator will be required to comply with the storage requirements at all times.</p> <p>An improvement condition has been included in the permit (IC14) requiring the Operator to update the site storage plan to show the location of various treatment and storage activities. These locations are referenced in table S1.1 and the Operator will be restricted to carrying out the treatment and storage activities to these areas of site.</p>
<p>Emission Limit values and monitoring set for discharge to water & sewer; and emissions to air.</p>	<p>Emission Limit Values (ELV's) and monitoring for emissions to air from point A5 based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment, have been added for the following substances:</p> <ul style="list-style-type: none"> • Hydrogen Chloride (HCl) • Total Volatile Organic Compounds (TVOCs) • Ammonia (NH₃) <p>Emissions limits and monitoring have been added for indirect emissions to sewer as a result of this variation based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment. The limits and monitoring are based on the site treating water-based liquid waste.</p>

	For rainfall runoff from non-process areas of waste storage/treatment (e.g. roofs and car parks) we have included a descriptive limit on visible oil and grease.
Abatement on Tanks	The bulk tanks used on site do not currently have suitable abatement on breathing vents to minimise the fugitive emission of VOCs. Some of the waste codes permitted to be stored in the tanks have the potential to produce VOCs. In line with the Appropriate Measures guidance the breathing vents on these tanks should have appropriate abatement to minimise the release of VOCs to atmosphere. The Operator has informed us that abatement will be fitted to the tanks, we have therefore included improvement conditions IC15a/b requiring this.

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 site

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

The plan is included in the permit.

Operating techniques

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.

Improvement programme

We have included 12 new improvement conditions in the permit.

IC6 requires the Operator to review and update their waste acceptance/tracking procedures to ensure they meet the requirements of the Environment Agency's appropriate measures guidance.

IC7 requires the submission of a Fire Prevention Plan. This is required as the site accepts non-hazardous waste and therefore falls within the scope of the guidance.

IC8a/8b requires an updated emissions inventory and H1 (air and water). A review to characterise point releases to air and water is required as part of our

review of the operations, no updated H1 assessment or emission inventory was provided as part of the Regulation 61 response.

IC9 requires the operator to review and update their procedures for using the treatment plant equipment on site to ensure appropriate cleaning measures are in place between batch treatment. This is required as hazardous waste and non-hazardous is treated in the same tanks. Deliberate mixing, dilution or cross contamination of incompatible wastes or hazardous and non-hazardous wastes for offsite transfer for disposal or recovery is not permitted.

IC10 requires the Operator to review and resubmit their site drainage plan. This is required to ensure that adequate segregation of clean and dirty water control measures, impermeable surfacing and a sealed drainage system are in place for external areas of the site where waste is stored or handled.

IC11 requires the Operator to review the design, method of construction and integrity of the site's secondary containment surrounding the bulk storage vessels and reaction tanks.

IC12 requires the Operator to submit a written 'primary containment plan' to ensure that the site's storage tanks and reaction tanks are in appropriate condition and appropriately maintained and inspected.

IC13 requires the operator to undertake a review of the Site Condition Report (as provided in Table S1.2) to ensure Article 22 of the Industrial Emissions Directive is complied with.

IC14 requires the Operator to update the site storage plan to show the location of various treatment and storage activities. These locations are referenced in table S1.1.

IC15a/15b requires the Operator to submit a plan for installing abatement on breathing vents to minimise VOC emissions from bulk storage tanks that can store wastes containing oils and solvents.

Emission limits and monitoring

See table 1 above for details.

Reporting

We have amended reporting in the permit to include annual reporting of the following:

- Hazardous waste treated – Recovery
- Hazardous waste treated – Disposal
- Non-hazardous waste treated – Recovery
- Non-hazardous waste treated – Disposal
- Total raw material used

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

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.