

Permitting Decisions- Variation

We have decided to grant the variation for EMR Oldbury operated by European Metal Recycling Limited.

The variation number is EPR/TP3938ZN/V004.

The permit was issued on 29/05/2025.

The variation is for the addition of Schedule 1 activities Section 5.3 Part A(1) (a) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities - Physico-chemical treatment and Section 5.6 Part A(1) (a) Underground storage of hazardous waste with a total capacity exceeding 50 tonnes. These activities are being added due to a reclassification of waste codes.

This variation also formalises the inclusion of emission points on site. These are existing emission points that were previously part of a pre-operation condition that has been removed from the permit.

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

The addition of new Schedule 1 activities has been necessitated by a reclassification of waste codes from non-hazardous to hazardous; 19 10 04 is changing to 19 10 03* fluff-light fraction and dust containing hazardous substances and 19 10 06 is changing to 19 10 05* other fractions containing hazardous substances. Although there are no changes to any of the processes on site or the imported waste materials themselves new hazardous activities need adding to accommodate the re-classification.

Seven air emission points are being added to the permit for completeness. These emission points have been monitored previously for dust (in 2015) and the Agency reviewed the results as being acceptable. Therefore, as there are no changes to the operations in this application, further air emission assessment is not required since the 2015 results showed dust emissions were well below the current Best Available Techniques (BAT) Associated Emission Level (AEL).

In order to be in line with BAT monitoring, BAT-AELs are being added in this variation.

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.

We consulted the Sandwell local authority.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Director of Public Health (DPH)/UK Health Security Agency (UKHSA)
- Health and Safety Executive (HSE)

No response was received from the HSE or the general public. The comments from the local authority and UKHSA and our responses are summarised in the [consultation responses](#) section.

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' and 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.

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 emission 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.

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 not 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.

As there are no changes to any of the processes on site and the site already accepts the waste that has been re-classified, we consider that there will be no increased risk.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

General operating techniques

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous 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.

Emission limits

Emission Limit Values (ELVs) or equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added for the following substances:

FT101, FT102, FT103, FT301, FT401, FT701 & FT702 - Total particulates at 5 mg/m³

We have made these decision in accordance with [BAT-associated emission level](#)

[\(BAT-AEL\) for channelled dust emissions to air from the mechanical treatment of waste](#) and [Chemical waste: appropriate measures for permitted facilities](#).

Monitoring

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

Total particulates in accordance with BS EN 13284-1

We have made these decision in accordance with [BAT-associated emission level \(BAT-AEL\) for channelled dust emissions to air from the mechanical treatment of waste](#) and [Chemical waste: appropriate measures for permitted facilities](#).

Reporting

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

Total particulates

We have made these decision in accordance with [BAT-associated emission level \(BAT-AEL\) for channelled dust emissions to air from the mechanical treatment of waste](#) and [Chemical waste: appropriate measures for permitted facilities](#).

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.

Technical competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme.

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, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from Sandwell Local Authority:

Brief summary of issues raised: No concerns raised as waste re-classification will not have an impact on noise or amenity issues.

Summary of actions taken: No action required.

Response received from UKHSA

Brief summary of issues raised: concern over emissions points as they were under commissioning. It was noted that there were no changes to operations and that the Agency should be satisfied that this included the emissions and that BAT will be met.

Summary of actions taken: the emission points on site were part of a pre-operation condition for which the operator submitted reports detailing the location and emissions from these points. The results were assessed in 2015 and the Agency determined that was not required at that time.

Emission limits and monitoring requirements have now been added to the permit in line with BAT based on the type of dust mitigation used on site (bag filters).