

## Permitting Decisions- Variation

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We have decided to grant the variation for Clayton Hall MRF operated by Quercia Limited.

The variation number is [EPR/AP3897CJ/V009](#).

The permit was issued on 14/08/2025.

This variation permits the addition of Installation activities for both disposal and recovery of hazardous waste under S5.3 Part A(1)(a) and the listed activity S5.6A(1)(a) for the temporary storage of hazardous waste, allowing the acceptance and treatment of wastes 19 10 03\* and 19 10 05\* and changing the existing facility from a waste operation to an Installation.

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

## H1 Assessment

The operator carried out an emission to air assessment using our H1 risk assessment tool and guidance - [Air emissions risk assessment for your environmental permit - GOV.UK](#). The emissions were screened as 'insignificant'.

The data used for the H1 assessment were assumed based on the BAT-AEL limits for the substances, we have therefore added improvement conditions (ICs) in the permit to verify the actual site data when collected.

## Abatement System

The facility operates in an enclosed building with a localised extraction system which currently does not meet the requirements of Chemical Waste; Appropriate Measures Guidance. We have added an improvement condition to require an upgrade of the system in accordance with this guidance and to MCERTS standards.

## Waste Storage and Annual throughput

The operator proposed to add an annual throughput of 150,000 tonnes for the hazardous wastes in addition to the existing 150,000 tonnes per annum under the non-hazardous waste stream. After reviewing the capacity of the facility, we concluded that the site cannot manage a combined capacity of 300,000 tonnes per annum. Therefore, to provide flexibility in waste acceptance and storage, we have maintained the existing limit of 150,000 tonnes per annum for all the waste activities on site. We have also added an improvement condition IC5 - IC7 to review the waste storage conditions.

# 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.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local Authority – Environmental Protection Department
- Fire Rescue
- Health and Safety Executive

No responses were received from the following organisations:

- Fire & Rescue
- Health and Safety Executive

The comments from the Chorley Council and our responses are summarised in the [consultation responses](#) section.

## The regulated facility

We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation' 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 a plan which we consider to be satisfactory.

The plan is included in the permit.

## Site condition report

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

## **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.

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.

## **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.

## **Operating techniques for emissions that screen out as insignificant**

Emissions of TVOC, NH<sub>3</sub> and Particulates (PM<sub>2.5</sub> & PM<sub>10</sub>) have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the Best Available Techniques (BAT) for the sector.

## **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.

## **Odour management**

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques S1.2.

## **Fire prevention plan**

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.

We have approved the fire prevention plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The plan has been incorporated into the operating techniques S1.2.

## **Dust management**

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit.

We have included improvement programme IC2 to verify the assumptions made on the localised extraction system and abatement for dust emissions.

The plan has been incorporated into the operating techniques S1.2.

## **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 permits.

## **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 the Waste Framework Directive

## **Improvement programme**

Based on the information on the application, we consider that we need to include an improvement programme.

### **Improvement condition 1 – Localised extraction system**

We have set condition IC1 in the permit to submit a report for approval detailing the required upgrade of the localised extraction system.

### **Improvement condition 2 – Commissioning of the upgraded extraction system**

We have set condition IC2 in the permit to validate the successful installation and commissioning of IC1.

### Improvement condition 3 – Assess point source emissions A1, A2 & A3

We have set condition IC3 in the permit to submit proposals to gather actual site data to assess the facility's point source emissions and validate the results of the H1 assessment completed as part of the application submission.

### Improvement condition 4 – Review the actual emission limits

We have set condition IC4 in the permit to review the monitoring data carried out under IC and re run the H1 assessment to determine the significance of the impact. It also requires the Operator to present mitigation measures and /or revised emission limits if the impact of the emission may be significant or exceed and Environment Standard.

### Improvement condition (5 – 7) – Installation storage and surfacing and drainage improvements

We have set conditions (IC5- IC7) in the permit to review the waste storage area and assess site's impermeable surfaces in accordance with our technical standards and risk assessment methodology detailed within CIRIA C736 or equivalent approved standard.

### Improvement condition (8 – 10) – To establish an inventory of surface water collected in the sump

We have set conditions (IC8 – IC10) in the permit to establish the characteristics and limits of the substances in the surface water pumped into the Landfill's Leachate treatment plant (LTP) to be discharged to sewer.

## **Emission limits**

Emission Limit Values (ELVs) based on Best Available Techniques (BAT-AELs) have been added for the following substances on emission points A1, A2 & A3:

- Dust – 5 mg/m<sup>3</sup>
- TVOCs – 30 mg/m<sup>3</sup>

## **Monitoring**

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

Dust, TVOC and NH<sub>3</sub> – Every 6 months

These monitoring requirements have been included for the operator to demonstrate compliance with the BAT- AELs specified in the permit.

We made these decisions in accordance with the Best Available Techniques (BAT for waste treatment) and the Waste Directive Framework

Based on the information in the application we are not fully satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate which is why we have set an improvement condition, IC4 to obtain this information.

## **Reporting**

We have added reporting in the permit for the emission points A1, A2 and A3

We made these decisions in accordance with Best Available Techniques (BAT for waste treatment) and the Waste Directive Framework.

## **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 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.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

## **Financial competence**

There is no known reason to consider that the operator will not be financially able to 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**

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 Chorley Council received on 08/11/2024

Brief summary of issues raised: Inadequate Fire Prevention Plan (FPP)

Summary of actions taken: Requested for the missing information and the applicant provided an updated FPP. The Fire prevention plan was assessed in accordance with the measures and objectives set out in our Fire Prevention Plan guidance.