

Permitting Decisions- Variation

We have decided to grant the variation for Albion Yard operated by City Batteries Limited.

The variation is to increase the maximum quantity of hazardous waste stored on site at any one time from 150 tonnes to 200 tonnes; and an increase in the annual throughput limit from 12,000 tonnes to 17,000 tonnes.

There are no channelled emissions to air, land, water or sewer from the site.

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.

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:

- UK Health Security Agency – Response received.
- Local Authority Environmental Health/Protection Department – No response received.
- Local Authority Planning Department – No response received
- Health and Safety Executive – No response received.
- Local Fire Service – No response received.
- Natural England – No response received.

The comments 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', 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.

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.

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 operator has submitted a full BAT Conclusions Assessment. We have reviewed the operator's assessment against the European Commission, establishing Best Available Techniques (BAT) Conclusions (Batch) for Waste Treatment, as detailed in document reference C (2018) 5070. We have reviewed the operator's application against the Chemical waste: appropriate measures for permitted facilities dated 18/11/2020.

The operator has also confirmed full compliance with the requirements. Furthermore, the operator was given the opportunity to comment on the draft

permit as part of the permit application. The operator has not raised any objections to the BAT requirements and permit conditions, nor stated that these cannot be met.

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

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 (FPP) guidance. We are satisfied that appropriate temporary measures are in place while the Improvement Condition is being implemented. However, before approval can be granted, the FPP will need to undergo a re-assessment.

We have set Improvement conditions to allow the operator time to implement their proposed new infrastructure, mentioned within the Fire Prevention Plan after the fire in June 2025. This includes the installation and maintenance of a new automatic fire suppression system and an automatic detection system, both of which must be installed and maintained by a contractor accredited under a recognised third-party certification scheme, such as UKAS or an equivalent. The fire suppression and detection system must be designed, installed, and maintained within the waste processing and storage buildings.

This also includes the provision of two bunded storage tanks for water. The drainage system shall be designed to collect both surface water and roof run-off for firefighting purposes, with all collected water directed into two 10,000-litre bunded storage tanks. These tanks will also function as containment for firewater run-off in the event of a fire. The tanks must be constructed in accordance with CIRIA Report C736 specifications, as they may be required to store hazardous firewater.

The FPP, along with all associated infrastructure and technological measures, must be implemented and included in the resubmission no later than six months from the permit issue date as detailed in IC2 on the permit unless otherwise agreed with the environment agency.

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.

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.

Raw materials

We have specified limits and controls on the use of raw materials and fuels.

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 the operator's proposals for the installation of the new infrastructure and technological measures are completed within a reasonable timeframe. The specific requirements relating to this improvement condition are detailed within the FPP section above.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

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

1. Oil
2. Grease

These monitoring requirements have been included in order to ensure the continued efficiency of operational processes and to prevent the release of oil emissions that will contaminate the water contained within the operator's two bunded tanks.

We made these decisions in accordance with Chemical waste: appropriate measures for permitted facilities and Commission Implementing Decision (EU) 2018/1147 of 10 August 2018 establishing best available techniques (BAT)

conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council.

Reporting

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

Table S4.1 Reporting of monitoring data			
Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Process monitoring Parameters as required by condition 3.5.1	As agreed in writing by the Environment Agency.	Annually or as agreed in writing by the Environment Agency.	1 January

Table S4.2 Annual production/treatment	
Parameter	Units
Metal treated	tonnes
Plastic treated	tonnes
Ferrous metal recovered	tonnes
Non-ferrous metal recovered	tonnes
Other fractions recovered	tonnes

We have specified reporting requirements in the permit to meet the reporting requirements set out in the IED, and to ensure data is reported to enable timely review by the Environment Agency to ensure compliance with permit conditions.

We made these decisions in accordance with the Chemical waste: appropriate measures for permitted facilities published 18/11/2020.

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

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.

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, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from: UK Health Security Agency

Brief summary of issues raised:

The primary emissions of concern are fugitive dust and particulate matter released during the treatment process of plastic shredding.

A review of the Fire Prevention Plan (FPP) is recommended, taking into account the findings of the fire investigation and assessing whether the site's current condition affects the proposed control and mitigation measures for off-site impacts.

Summary of actions taken:

In response to the Schedule 5 Notice, the operator was required to submit a revised FPP.

In relation to dust management, the waste treatment activities (the repackaging, piercing, draining, dismantling of batteries and the shredding of plastics) remains unchanged under this variation.

The operator has confirmed that all treatment and storage operations are conducted within an enclosed building. Furthermore, the operator has updated the FPP to incorporate a housekeeping policy. This policy includes routine cleaning and daily inspections of operational areas to ensure they remain free from dust, waste residues, and similar materials that may pose a fire or environmental risk.

The FPP outlines measures designed to:

minimise the likelihood of a fire occurring; ensuring that any fire is extinguished within four hours; and to limit the spread of fire both within the site and to neighbouring premises.

We have implemented an improvement condition, as referenced above, to ensure the operator installs new technology and infrastructure to enhance fire detection and suppression and site safety. We have also required the operator to secure the site appropriately to prevent unauthorised access which is detailed within the FPP.