

## Permitting Decisions- Environment Agency Initiated Variation

---

We have decided to issue an Environment Agency initiated variation for South West Waste Recovery Facility operated by Future Industrial Services 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/YP3835DZ/V006.

The permit variation was issued on 08/12/2025.

We consider in reaching this 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.

### 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.
- [Waste electrical and electronic equipment \(WEEE\): appropriate measures for permitted facilities - Guidance - GOV.UK](#) and the relevant requirements of the [BAT Conclusions for Waste Treatment](#) which have been incorporated into our guidance.
- [Healthcare waste: appropriate measures for permitted facilities - Guidance - GOV.UK](#) and the relevant requirements of the [BAT Conclusions for Waste Treatment](#) which have been incorporated into our guidance.

- Waste temperature exchange equipment: appropriate measures for permitted facilities - Guidance - GOV.UK and the relevant requirements of the BAT Conclusions for Waste Treatment which have been incorporated into our guidance.
- Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK 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.
- Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities – published July 2022.
- Waste temperature exchange equipment: appropriate measures for permitted facilities – published July 2022.

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
- Confirms if they intend to cease operating any activity which would be in breach of the relevant new BAT Conclusion (BATC) after the compliance date, and the date by which they intend to cease operation;
- Confirms where there is a BAT-Associated Emission Level (BAT-AEL) specified in the BAT conclusion, with which they will not comply with by the compliance date and they wish to continue operating, they should request a derogation.

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

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 changes (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.

### **Regulation 61 Response**

The Regulation 61 notice response from the Operator was received on 28/02/2025.

We considered that the response did contain sufficient information for us to commence determination of the permit review.

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 11/07/2025 and 09/09/2025. We made a copy of this information available on our public register.

### **Summary of our assessment of the operator's Reg 61 response and our actions - Temporary cessation of activities, and pre-operational/improvement conditions.**

The activities AR2, AR3, and AR4 which are subject to the Chemical Waste Appropriate Measures are non-operational. We consider this to be "temporary cessation." Activities AR2, AR3 and AR4 in the permit cannot take place since we have not been given the information to show that they will meet the required technical standards. We have therefore added pre-operational condition PO6 into the permit regarding the recommencement of activities AR2, AR3 and AR4 listed in Table S1.1. The condition requires that, prior to recommencement of these activities, the operator must provide supporting documents in accordance with the requirements of the Waste Treatment BAT conclusions and Chemical Wastes: appropriate measures for permitted sites (and other appropriate measures guidance as applicable) to demonstrate compliance with this guidance. Completion of the pre-operational condition by provision of the evidence above does not preclude the need for the permit to be varied prior to the restart of any activity such as to insert statutory emission limits or review emission limits if there are concerns about environmental impacts.

Pre-operational condition PO6 supersedes and replaces conditions PO4 and PO5 in table S1.5B below. Pre-operational conditions PO1 to PO3 have been satisfied and have therefore been removed from the permit. Improvement conditions IC1 to IC5 have also been removed having been completed previously.

Table S1.5B Pre-operational measures for future development		
Reference	Operation	Pre-operational measures
PO4	Operation of hazardous sludge dewatering process referred to in AR4	<p>Prior to accepting waste specified in Table 2.5 for treatment under activities AR4 in Table S1.1, the operator shall submit the following revised documents to the Environment Agency for written approval:</p> <ul style="list-style-type: none"> <li>• A report demonstrating that the infrastructure improvements that will ensure appropriate measures are in place for the waste treatment, as specified Sector Guidance: Chemical waste: appropriate measures for permitted facilities;</li> <li>• A justification for the waste types and quantity of waste that will be accepted the operation.</li> <li>• A justification demonstrating that the dewatering of hazardous sludge can be viewed as a recovery operation.</li> <li>• The submission must include emissions information, including emissions to sewer and an assessment of impact on the environment in line with Agency Horizontal Guidance Notes.</li> <li>• Revised Operating Techniques to include the new operation;</li> </ul> <p>No wastes, as defined in Table S2.5, shall be accepted for treatment at the facility unless the Environment Agency has given prior written approval under this condition.</p>
PO5	Operation of non-hazardous sludge dewatering process referred to in AR5	<p>Prior to accepting waste specified in Table 2.6 for treatment under activities AR5 in Table S1.1, the operator shall submit the following revised documents to the Environment Agency for written approval:</p> <ul style="list-style-type: none"> <li>• A report demonstrating that the infrastructure improvements that will ensure appropriate measures are in place for the waste treatment, as specified Sector Guidance Chemical waste: appropriate measures for permitted facilities;</li> <li>• A justification for the waste types and quantity of waste that will be accepted the operation.</li> <li>• A justification demonstrating that the dewatering of non-hazardous sludge can be viewed as a recovery operation.</li> <li>• The submission must include emissions information, including emissions to sewer and an assessment of impact on the environment in line with Agency Horizontal Guidance Notes.</li> <li>• Revised Operating Techniques to include the new operation;</li> </ul> <p>No wastes, as defined in Table S2.6, shall be accepted for treatment at the facility unless the Environment Agency has given prior written approval under this condition.</p>

**Table 1 – Summary of our assessment of the operator’s Reg 61 response**

<b>Appropriate measures</b>	<b>Compliance status</b>	<b>Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator</b>
<b>General management appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. 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.
<b>Waste pre-acceptance, acceptance and tracking appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. 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.
<b>Waste storage, segregation and handling appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. 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.
<b>Waste treatment appropriate measures</b>	CC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. 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.
<b>Emissions control appropriate measures</b>	CC	<p>The operator confirmed that they currently meet the requirements of all appropriate measures in this section for the waste treatments they currently undertake. The operator has confirmed that activities AR2, AR3 and AR4 are currently non-operational. The operator will need to demonstrate that these activities comply with the requirements of the guidance prior to recommencing as per pre-operational condition PO6.</p> <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>

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
Emissions monitoring and limits appropriate measures	CC	<p>The operator confirmed that they currently meet the requirements of all appropriate measures in this section for the waste treatments they currently undertake. The operational activities at the site do not include activities which are associated with BAT-AELs. Emissions to air arise as a result of bulking of wastes and storage of waste oils. Emissions to waster/sewer are of uncontaminated site water run-off. The operator provided an emissions inventory and H1 risk assessment as part of their Reg61 response. We have not assessed the H1 assessment in accordance with the scope of the permit review.</p> <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>
Process efficiency appropriate measures	CC	The Operator has confirmed that they are able to comply with all appropriate items in the Appropriate Measures for process efficiency.
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	The operator has not included a site condition report in their submission. This was not required as part of the application as it was out of the scope of the permit review. The operator is required to submit 5 and 10 yearly monitoring of groundwater and soil contamination as per the conditions in the permit.	
Climate change	Submission of climate change risk assessment is no longer application requirement. It now forms a part of the operator's EMS and will be reviewed within compliance assessment.	
Compliance with other Appropriate Measures guidance:		
Appropriate measures guidance	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
Healthcare Waste: Appropriate measures for permitted facilities.	CC	The operator has confirmed they comply with the relevant parts of Healthcare Waste: Appropriate measures for permitted facilities guidance. They do not treat healthcare waste.

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
<b>Non-hazardous and inert waste: Appropriate measures for permitted facilities.</b>	CC	The operator has confirmed they comply with the relevant parts of Non-hazardous and inert waste: Appropriate measures for permitted facilities guidance.
<b>Waste Electrical and Electronic Equipment (WEEE): Appropriate measures for permitted facilities.</b>	CC	<p>The operator has confirmed they comply with the relevant parts of Waste Electrical and Electronic Equipment (WEEE): Appropriate measures for permitted facilities guidance. Treatment of WEEE is limited to manual sorting, dismantling, repair and refurbishment.</p> <p>Table S1.3 in the previous permit and WEEE storage and treatment conditions are superseded by the inclusion of the appropriate measures guidance in the operating techniques table and have therefore been removed.</p>
<b>Waste Temperature Exchange Equipment: Appropriate measures for permitted facilities.</b>	CC	The operator has confirmed they comply with the relevant parts of Waste Temperature Exchange Equipment: Appropriate measures for permitted facilities guidance. Treatment of WTEE is limited to manual sorting, dismantling, repair and refurbishment.
<b>Summary of other changes made to the permit as a result of our assessment of the Reg 61 response</b>		
Other changes made to the permit as a result of our assessment of the Reg 61 response include changes to the permitted activities (Table S1.1), waste tables (Tables S2.2 to S2.8) and monitoring (Table S3.3) as explained below. We have limited the amount of waste that can be stored on site at any one time in accordance with the operator's emissions inventory (dated 28/02/2022)		

# **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 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 facilities is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

We have included additional waste operations in the permit for the washing of containers which contained non-hazardous waste and the crushing of cleaned containers (AR8). These activities are not directly associated with an installation activity so cannot be considered 'DAAs'. Storage of hazardous WEEE has been amalgamated with the Section 5.6 Part A(1)(a) activity for storage of hazardous wastes.

## **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.

## **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 S1.2 in the environmental 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.

## **Changes to the permit conditions**

We have varied the permit as stated in the variation notice and as stated in Table 1 to address superseded WEEE storage conditions.

## **Management plans**

We did not review any management plan under the scope of the permit review. Under the conditions of the permit, where we consider that activities are giving rise to pollution in the form of fugitive emissions, we will ask for the submission and implementation of a suitable management plan.

## **Changes to EWC codes**

We have removed EWC codes 13 01 01\*, 13 03 01\*, 16 01 09\*, 16 02 09\* and 16 02 10\* which describe waste containing PCBs from the list of wastes that can be repackaged (Table S2.2) and we have removed EWC code 02 02 99 from the permit with the operator's agreement (response to request for information received on 11/07/2025).

## **Emission limits**

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

Statutory emission limits (The BAT-AELs as stipulated in the Waste Treatment BAT Conclusions) do not apply to the activities currently taking place across the waste treatment facilities (repackaging, bulking and storage). We are unable to assess whether emission limits apply to the activities subject to PO6 as these are currently non-operational.

## **Monitoring**

We have decided that daily monitoring should be added for emissions of visible oil and grease to foul sewer via emission point S1 to ensure that the operator does not discharge effluent contaminated with these parameters to foul sewer.

## **Reporting**

Reporting conditions have not been added, amended or deleted as a result of this variation.

## **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.