

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Whisby Way Site operated by LWOL 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/VP3434VA/V002.

The permit variation was issued on 18/02/2026.

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:

- [Chemical 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.
- [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.
- [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.

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.

- 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.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 17/12/2024 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 31/03/2025.

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 10/09/2025, 21/10/2025, 03/12/2025 and 22/01/2026. 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	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.
Waste pre-acceptance, acceptance and tracking appropriate measures	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.
Waste storage, segregation and handling appropriate measures	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.
Waste treatment appropriate measures	CC	<p>The operator stated in their Regulation 61 response:</p> <ul style="list-style-type: none"> • No waste treatment is taking place as part of the permitted activity. <p>During the determination, we identified the repackaging as a treatment activity. We considered this section of the appropriate measures to apply to this waste operation. For this reason, 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	FC	<p>During the determination of the permit, we identified that the emission control measures on site did not meet the appropriate standards. Specifically, the operation was not compliant with Appropriate Measure 6.1.1, which states: <i>"You must contain storage tanks, silos, and waste treatment plant (including shredders) to ensure that all process emissions are collected, extracted, and directed to an appropriate abatement system for treatment before release."</i></p> <p>The operator has not provided sufficient evidence to demonstrate that an emissions control measure—or an equivalent technique—is not required for their storage activity, based on the risks posed.</p> <p>As a result, we have included Improvement Condition IC1a and IC1b, which requires the operator to</p>

		control the diffuse emissions to air from Emission Points A1 and A2, associated with oil storage tank vents on site. This condition mandates the enclosure, extraction, collection, installation, maintenance, and operation of an abatement system to reduce volatile organic compounds (VOCs) emitted from the oil storage tanks.
Emissions monitoring and limits appropriate measures	CC	<p>Emissions to Air</p> <p>In their Regulation 61 Notice response, the operator stated that the monitoring requirement does not apply to storage tanks containing cold lubricating oil stored under ambient conditions, as the emission flows are unsuitable for accurate monitoring.</p> <p>We have reviewed the operator's justification regarding the storage of waste oil and are satisfied that monitoring is not required, provided that the vents are suitably abated, based on the risks posed by the storage of oils within the tanks.</p>
Process efficiency appropriate measures	NA	<p>The operator has stated that all items listed under the Appropriate Measures for process efficiency are not applicable to their site.</p> <p>In their Regulation 61 Notice response, the operator provided further detail, stating that the site does not consume raw materials. Energy use is limited to pumps, lighting, and consumer items. Water consumption is restricted to domestic use, such as toilets and kitchen facilities.</p>
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.	
Medium combustion plant and specified generators	No existing medium combustion plant or specified generators are present at this facility.	
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.	

Summary of other changes made to the permit as a result of our assessment of the Reg 61 response

Change	Reason for change
Incorporation of waste exemption into permit	<p>The site previously held a waste exemption (S2 Exemption WEX371012) for storing non-hazardous waste onsite. During the determination process, the operator requested that the waste codes covered by this exemption be added to the permit. These codes have now been incorporated into the permit as a waste operation, authorising the storage of non-hazardous waste up to 2,500 tonnes per year.</p> <p>This inclusion does not increase the amount of waste stored onsite at any one time. It enables the operator to deregister the exemption.</p>
Addition of repackaging activity	<p>Within the scope of the permit review, the activities listed on the permit have been assessed in accordance with RGN 2 Understanding the Meaning of Regulated Facility, Appendix 1 of RGN 2 Interpretation of Schedule 1, and the Waste Framework Directive. The operator advised that certain treatment activities, including repackaging, had previously been carried out on site and were understood to fall within the scope of the existing permitted activities.</p> <p>The activities currently undertaken on site have been examined. It is considered appropriate to include a repackaging activity within the permit. The operator has confirmed that the throughput for this activity remains below 10 tonnes per day, and it is therefore added as a waste operation.</p> <p>Repackaging was not a defined activity within the Environmental Permitting Regulations at the timetable S1.1 was last updated. The evidence provided indicates that this activity formed part of the facility's operations prior to the review, and its inclusion in the revised permit is appropriate.</p>
Improvement conditions	<p>Improvement conditions reference IC1a, and IC1b have been added to the permit to ensure that the permit meets the requirements of the Environment Agency's guidance, Chemical waste: appropriate measures for permitted facilities.</p>
Addition of EWC codes	<p>Inclusion of two additional hazardous EWC codes into the permit to allow the facility to accept similar wastes already permitted. Waste codes 08 01 11* (waste paint and varnish), 20 01 27* (paint, inks and resins) and 14 06 01* (chlorofluorocarbons, HCFC, HFC) have been added to Schedule 2, Table S2.2.</p> <p>The inclusion of these wastes will not change the accepted annual throughput of wastes at the facility, or the amount of</p>

	waste stored on site at any one time.
Process monitoring requirements.	Process monitoring requirements, Table S3.2 has been amended in the permit to facility monitoring and efficiency assessments of abatement filters.
Site plan.	Site plan. The site infrastructure plan has been updated in Schedule 7.

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 facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The site

The operator has provided a plan 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.

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.

Improvement programme

We have included an improvement programme to ensure that the permit meets the requirements of the Environment Agency's guidance, Chemical waste: appropriate measures for permitted facilities.

Those Improvement Conditions added are referenced in Table 1 of this Decision Document. They have been included in the permit to address potential issues of non-compliance with the Chemical Waste Appropriate Measures

Changes to EWC codes

The following hazardous waste codes have been added to the permit at the request of the operator:

14 06 01*	chlorofluorocarbons, HCFC, HFC
08 01 11*	waste paint and varnish containing organic solvents or other hazardous substances
20 01 27*	paint, inks, adhesives and resins containing hazardous substances

The following non-hazardous waste codes have been added to the permit at the request of the operator to enable them to de-register S2 exemption:

02 01 04	waste plastics (except packaging)
05 01 10	sludges from on-site effluent treatment other than those mentioned in 05 01 09
07 01 12	sludges from on-site effluent treatment other than those mentioned in 07 01 11
07 02 12	sludges from on-site effluent treatment other than those mentioned in 07 02 11
07 02 13	waste plastic
07 03 12	sludges from on-site effluent treatment other than those mentioned in 07 03 11
07 04 12	sludges from on-site effluent treatment other than those mentioned in 07 04 11
07 05 12	sludges from on-site effluent treatment other than those mentioned in 07 05 11

07 06 12	sludges from on-site effluent treatment other than those mentioned in 07 06 11
07 07 12	sludges from on-site effluent treatment other than those mentioned in 07 07 11
08 01 12	waste paint and varnish other than those mentioned in 08 01 11
10 01 21	sludges from on-site effluent treatment other than those mentioned in 10 01 20
10 01 23	aqueous sludges from boiler cleansing other than those mentioned in 10 01 22
10 02 12	wastes from cooling-water treatment other than those mentioned in 10 02 11
10 03 28	wastes from cooling-water treatment other than those mentioned in 10 03 27
10 04 10	wastes from cooling-water treatment other than those mentioned in 10 04 09
10 05 09	wastes from cooling-water treatment other than those mentioned in 10 05 08
10 06 10	wastes from cooling-water treatment other than those mentioned in 10 06 09
10 07 08	wastes from cooling-water treatment other than those mentioned in 10 07 07
10 08 20	wastes from cooling-water treatment other than those mentioned in 10 08 19
11 01 12	aqueous rinsing liquids other than those mentioned in 11 01 11
11 01 14	degreasing wastes other than those mentioned in 11 01 13
12 01 15	machining sludges other than those mentioned in 12 01 14
12 01 21	spent grinding bodies and grinding materials other than those mentioned in 12 01 20
15 01 01	paper and cardboard packaging
15 01 02	plastic packaging
15 01 03	wooden packaging
15 01 04	metallic packaging
15 01 05	composite packaging
15 01 06	mixed packaging
15 01 07	glass packaging
15 02 03	absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 15 02 02
16 01 12	brake pads other than those mentioned in 16 01 11
16 01 15	antifreeze fluids other than those mentioned in 16 01 14
16 01 17	ferrous metal
16 01 18	non-ferrous metal
16 01 19	plastic
16 01 20	glass

16 03 06	organic wastes other than those mentioned in 16 03 05
16 05 05	gases in pressure containers other than those mentioned in 16 05 04
16 06 04	alkaline batteries (except 16 06 03)
16 06 05	other batteries and accumulators
16 10 02	aqueous liquid wastes other than those mentioned in 16 10 01
16 10 04	aqueous concentrates other than those mentioned in 16 10 03
19 08 09	grease and oil mixture from oil/water separation containing only edible oil and fats
19 08 12	sludges from biological treatment of industrial waste water other than those mentioned in 19 08 11
19 08 14	sludges from other treatment of industrial waste water other than those mentioned in 19 08 13
19 11 06	sludges from on-site effluent treatment other than those mentioned in 19 11 05
19 12 01	paper and cardboard
19 13 04	sludges from soil remediation other than those mentioned in 19 13 03
19 13 06	sludges from groundwater remediation other than those mentioned in 19 13 05
19 13 08	aqueous liquid wastes and aqueous concentrates from groundwater remediation other than those mentioned in 19 13 07
20 01 01	paper and cardboard
20 01 02	glass
20 01 25	edible oil and fat
20 01 28	paint, inks, adhesives and resins other than those mentioned in 20 01 27
20 01 34	batteries and accumulators other than those mentioned in 20 01 33
20 01 39	plastics
20 01 40	metals

Emission limits

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

Monitoring

We have decided that process monitoring should be implemented for the abatement system to be installed on the vents of the storage tanks, following the completion of Improvement Condition IC1a and IC1b. Monitoring must be carried out using the methods detailed and at the frequencies specified in the permit, once the abatement system is operational.

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities

Reporting

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

- process monitoring, annually.

We made these decisions in accordance with Waste Treatment BAT Conclusions, Chemical Waste: Appropriate Measures for Permitted Facilities

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.