

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Thanckes Oil Fuel Depot operated by The Oil and Pipelines Agency following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/KP3935ZQ/V003.

The permit variation was issued on 18/03/2026.

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:

- <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.

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.

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 20/03/2025.

We considered that the response did not contain sufficient information for us to commence determination of the permit review. We therefore issued a further information request to the operator. Suitable further information was provided by the operator on 21/10/2025, 04/11/2025 and through area officer on 18/12/2025. 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	<p>The operator confirmed that they currently meet the requirements of all appropriate measures in this section.</p> <p>Compliance with the other 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>
Waste pre-acceptance, acceptance and tracking appropriate measures	FC	<p>The operator response confirmed that they do not currently meet the requirements of the appropriate measures in this section specifically stating that no pre-acceptance is currently completed for the waste fuel received the site. Improvement condition IC8 has been included in the varied permit to address this.</p> <p>Compliance with the rest of the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Waste storage, segregation and handling appropriate measures	FC	<p>The operator stated in their Regulation 61 Notice that they are compliant with Section 4 of the Appropriate Measures, however, emissions from the bulk storage tanks used to store waste oils are not abated as per appropriate measure 4.43 and 6.1.1. We have included IC9 in the permit to ensure that the operator vent bulk storage tanks and silos through suitable abatement.</p> <p>Compliance with the rest of the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the</p>

		varied permit through the updated operating techniques listed in Table S1.2.
Waste treatment appropriate measures	NA	The operator confirmed through the Area officer that no treatment activity is currently carried out on site. This section of the appropriate measures does not apply.
Emissions control appropriate measures	FC	<p>The operator stated that they that they currently meet the requirements of the appropriate measures, however we had the following exceptions after our review:</p> <p>The operator has not assessed the fate and impact of their emissions to air upon the receiving environment in line with section 6.1 of the 'Chemical waste: appropriate measures for permitted facilities'. We have therefore included IC9, IC10a and IC10b in the permit to ensure that the operator submits an assessment report of the impact of their point source emissions to air and provides abatement as necessary.</p> <p>Compliance with the rest of the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Emissions monitoring and limits appropriate measures	FC	<p>The operator stated they were compliant with the requirements of this section of the appropriate measures; however, they did not confirm they have an emissions monitoring in place for point source emissions to air in line with section 7.1 and 7.2 of the 'Chemical waste: appropriate measures for permitted facilities. Treatment and storage tanks used at the site to store waste oils vent to atmosphere may contain VOCs. The operator must therefore investigate the contents of the emission from the tank to determine what the emissions are and how they should be abated in line with section 6 of the 'Chemical waste: appropriate measures for permitted facilities.</p> <p>We have included IC10a in the permit to ensure that the operator carry out an assessment of the options available to prevent or, where that is not practicable, to</p>

		<p>minimise diffuse emissions to air from their waste storage tank vents and review them against the requirements detailed in Chemical waste: appropriate measures for permitted facilities.</p> <p>Compliance with the rest of the appropriate measures in this section of the guidance to which the improvement programme does not apply has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.</p>
Process efficiency appropriate measures	CC	<p>The operator has stated in their Regulation 61 Notice that they are compliant with Section 4 of the Appropriate Measures.</p> <p>Compliance with the other 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>
Reg 61 requirement	Assessment of response received	
Soil and groundwater risk assessment	<p>The operator has not included a site condition report in their submission. This was not assessed 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.</p>	
Medium combustion plant and specified generators	<p>No Medium combustion plant and specified generators are permitted on site</p>	
Climate change	<p>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.</p>	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		

Change to Activities Table S1.1	<p>The Activity present in Table S1.1 of the permit has been updated to reflect the requirements of the Appropriate Measures and to a level of detail required to ensure adequate management of risk the Activity pose from the Installation operation. As a result of the review.</p> <ul style="list-style-type: none"> • Additional detail in the limits of activity to in the storage vessels, their capacities and where appropriate their composition. • Waste quantities and limits to the storage Activity have been added where possible to reflect procedures and capacities at the Installation.
Change to Operating Techniques Table S1.2	The Operating Techniques for the site have been amended in line with the Installation activities confirming compliance with the Chemical waste: appropriate measures for permitted facilities Version published 18 November 2020.
Addition of Table S1.3	New Improvement Conditions has been added to the permit. See summary of assessment of the installation's compliance
Changes to Table S4.2 from previous permit	The monitoring frequency for emissions to water has been changed to daily in line with the requirements of BAT and the Appropriate Measures.
Addition of Table S3.3	Table S3.2 Process monitoring requirements has now been added to the permit, requiring a demonstration of abatement process efficiency in line with the requirements of BAT and the Appropriate Measures.
Changes to Table S4.1 formerly Table S5.1	Table S4.1 Reporting of monitoring data for air has now been changed to reporting of process monitoring data for the proposed abatement in line with the requirements of BAT and the Appropriate Measures.
Changes to Table S4.4 formerly Table S5.4	Reporting forms Table S4.4 has been included for emissions to water and land, water usage, energy usage and other performance indicators in line with the requirements of BAT and the Appropriate Measures.

Schedule 7	Added new site layout plan with an improvement condition that requires the operator to submit and updated site plan with emission point locations outlined upon completion of all other improvement conditions.
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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' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The site

The operator has provided a plan which we consider not satisfactory.

This does not show the extent of the site of the facility including the discharge points.

An improvement condition has been added to the permit requiring the operator to submit an updated site plan to show the extent of the site of the facility including the discharge points.

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 permits.

Changes to the permit conditions

We have varied the permit as stated in the variation notice.

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 complies with the appropriate technical guidance for this facility, Chemical waste: appropriate measures for permitted facilities. See Table 1

Changes to EWC codes

No EWC code have been added, amended or deleted as a result of this variation.

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 for the following parameters, using the methods detailed and to the frequencies specified.

Table S3.3 abatement efficiency assessment.

The monitoring frequency for emissions to water has been changed to daily

These monitoring requirements have been included in order to comply with Chemical waste: appropriate measures for permitted facilities.

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 parameters:

- process monitoring specified in table S3.2.

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.