

Permitting Decisions - Variation

We have decided to grant the variation for Ferrybridge IBA Recycling Facility operated by Blue Phoenix Limited.

The variation number is EPR/QP3034JW/V006.

The permit was issued on 26/03/2026.

The variation is for the increase in the processing capacity of the facility from 320,000 tonnes to 420,000 tonnes per year, extension of the processing building, and relocation of the water storage tanks and some of the IBA processing storage bays to accommodate for the building extension.

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

The key issue identified was the fugitive emissions of dust from the storage and processing of IBA on site. There is the potential for the proposed increased capacity and extension of the processing building to result in additional dust emissions. There is a SSSI, Local Nature Reserve, and several Local Wildlife Sites within screening distance of the site.

The issue of dust was raised during consultation as part of the determination. Following the consideration of the representations received during the determination, we asked the operator to provide an updated Dust Management Plan.

The Dust Management Plan (referenced Dust & Particulate Emissions Management Plan dated 29/01/2026) provides substantial detail on how the site as a whole will prevent the spread of dust across and beyond the site, and mitigate adverse impacts on the surroundings.

As part of compliance regulation, we identified that the storage of IBA was overtopping the retaining wall and accumulating between the base of the retaining wall and boundary fence, resulting in the deposition of dust emissions outside the installation boundary. We asked the operator via a schedule 5 notice dated 19/12/2026 to provide a justification for not requiring a 0.5m freeboard space between the height of the stockpiles and retaining wall and bay walls, and a detailed procedure for adequate dust suppression and maintenance of the IBA crust to ensure the prevention of the spread of dust around and off-site.

The operator reported that a 0.5m freeboard space would not be operationally feasible, due to the location and shape of the IBAA stockpile, consequently visibility along the entire length of the wall would not be possible. The operator proposes an alternative measure which is to install continuous Turnkey iPM Particle Monitors, which have built-in particle spectrometers, along the site boundary. The alarms will alert the site team if the trigger threshold for dust is breached and would therefore indicate if there is a dust issue at the boundary. In the event of an alert, tipping activities will be halted, the area inspected to determine why there is breach and suitable measures implemented, such as, changing tipping location, or deploying additional dust suppression, to bring the site back into compliance.

We have therefore included improvement condition 4 (IC4) which requires the operator to provide a monitoring proposal (including monitoring locations) clearly stating how they will obtain representative PM₁₀ and PM_{2.5} monitoring data from the permitted activities on the site, for approval by the Environment Agency. Once approved, the operator is required to undertake the monitoring as approved. Improvement condition 5 will ensure the consistency and efficiency of the proposed monitoring, and review alternative measures if it fails to meet the criteria.

The decision to permit the variation to operate under the conditions specified in the permit was made based on the provision of a Dust Management Plan and the inclusion of improvement conditions IC4 and IC5 in the permit to ensure the prevention of an adverse impact on the surrounding environment relating to dust.

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.

We consulted the following organisations:

- Local Authority.
- Health and Safety Executive.
- UK Health Security Agency.
- Local Authority - Planning.

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

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 water discharge point to Fryston Beck.

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.

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.

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.

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.

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.

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

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme. See the 'Key issues' section of the decision document.

Emission limits

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

The emissions limits were addressed in the Environment Agency led variation EPR/QP3034JW/V004.

Monitoring

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

- Ambient air monitoring. Particulate matter less than 10 micrometres in diameter (PM₁₀) at a continuous monitoring frequency to a monitoring standard and method to be agreed in writing by the Environment Agency, subject to the completion of IC4.

These monitoring requirements have been included in response to the permit breach identified in CAR form QP3034JW/0570638 dated 24/09/2025 relating to dust spread across the site boundary onto the LWS Fryston Park adjacent to the northern boundary of the site. The observations indicate that further measures are required to mitigate the spread of dust offsite. As an alternative measure, the operator proposes to install continuous Turnkey iPM Particle Monitors, which have

built-in particle spectrometers, along the site boundary. Please see 'Key issues' section of decision document.

We made these decisions in accordance with the following guidance:

- [Monitoring ambient air: particulate matter - GOV.UK](#)
- [Particulate matter \(PM10/PM2.5\) - GOV.UK](#)
- [LIT 55590 Monitoring particulate matter, PM10 and PM2.5](#)

Based on the information in the application, we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

Reporting

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

- Ambient air monitoring. Particulate matter less than 10 micrometres in diameter (PM₁₀) at a continuous monitoring frequency to a monitoring standard and method as agreed in writing by the Environment Agency.

Reporting requirements will be as approved by the Environment Agency following completion of IC4.

We made these decisions in accordance with:

- [Monitoring ambient air: particulate matter - GOV.UK](#)
- [Particulate matter \(PM10/PM2.5\) - GOV.UK](#)
- [LIT 55590 Monitoring particulate matter, PM10 and PM2.5](#)

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.

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 UK Health Security Agency.

Brief summary of issues raised: The main emissions of potential concern in the IBA facility are fugitive emissions of dust and particulate matter.

Summary of actions taken: The operator provided an updated Dust Management Plan which we have approved.