

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Barrowby Waste Storage and Recycling Site, operated by Lincolnshire County Council, following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/SP3092NB/V004.

The permit variation was issued on 29/06/2026.

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.
- [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

Key issues

The existing permit (V003) was for a single waste activity (R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)) and did not, therefore, properly authorise the actual activities taking place on site with regard to the treatment of asphalt waste containing coal tar (AWCCT), a hazardous waste. As a result of this review, the permit now includes three listed activities as follows:

- Treatment of the AWCCT for export off-site for recovery: AR1, Section 5.3 Part A (1)(a)(vi));
- Treatment of the AWCCT including on-site coating for recovery in a cold mix plant: AR2, Section 5.3 Part A (1)(a)(vi)); and
- Storage of AWCCT: AR3, Section 5.6 Part A(1)(a)).

There are also Directly Associated Activities (DAAs) to these activities and waste operations for the treatment and storage of non-hazardous waste.

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.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 30/04/2025 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 06/08/2025.

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 27/11/2025 and 30/01/2026. 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 – addition of listed activities

Prior to review, this permit authorised a single waste operation only (R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)). This activity did not cover the actual operations taking place at the site (specifically the acceptance, storage and treatment of hazardous waste AWCCT), and thus we have concluded that the original permit was incorrect for the activities actually undertaken.

To address this issue, we have varied the permit to include the following listed activities:

- AR1: Section 5.3 Part A (1)(a)(vi) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving recycling or reclamation of inorganic materials other than metals or metal compounds.
- AR2: Section 5.3 Part A (1)(a)(vi) Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving recycling or reclamation of inorganic materials other than metals or metal compounds.
- AR3: Section 5.6 Part A(1)(a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes.

There are also DAAs associated with these listed activities:

- AR4: Electrical power supply from 3 x <1MWth diesel generators.

- AR5: Raw material handling and storage.
- AR6: Surface water collection and storage and reuse.
- AR7: Abatement system for cement storage silo.

The permit has also been amended to include the following waste operations:

- AR8: R5 Recycling/reclamation of other inorganic materials.
- AR9: R13 Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced) and D15 Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where the waste is produced).

		<p>The operator confirmed that AWCCT is currently stored on hardstanding and, in response to our RFI dated 6 November 2025, proposed to install a PTFE liner and carry out regular surface water monitoring.</p> <p>We have set improvement condition IC2 as described in the improvement programme section below to ensure future compliance with measures 4.6 and 4.7 and specified process monitoring requirements in Table S3.2 to ensure the integrity of the liner is maintained. The site operates over a clay layer which reduces the risk of groundwater contamination should the liner rupture. In addition, the operator has proposed measures to reduce the risk of accidental rupture. We are therefore satisfied that the proposed measures will provide the required level of environmental protection upon completion of IC2.</p> <p>With regard to 4.10, 4.18 and 4.19, we have agreed alternative measures with the Operator. The Operator was able to demonstrate to our satisfaction that the storage of the AWCCT under cover was impracticable for the installation. The storage of AWCCT under a purpose-built structure is not considered to be a feasible option for the Operator (the Highways Authority), due to the cost and also the impact construction would have on current recycling operations within the County of Lincolnshire. We agreed with this assessment and asked the Operator to consider the use of other options for covering the waste using removable coverings (e.g. tarpaulins). The Operator highlighted concerns about the need for operatives to walk on the stockpile to place and remove any tarpaulins and the safety concerns of managing such coverings in windy conditions next to the A1, which runs along the Western edge of the site. The stockpiles can be of significant size, and we agreed that the management and manoeuvring of tarpaulins in such circumstances is not feasible and that the proposed alternative measure of containing collected potentially contaminated surface waters within the impermeably lined area of the site is acceptable.</p> <p>We are satisfied that the measures to be provided for 4.10, 4.18 and 4.19 will provide the same level of environmental protection.</p>
Waste treatment 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.
Emissions control appropriate measures	FC	During determination of the permit, we identified that emissions control measures did not meet appropriate measures. Specifically, the operation was not compliant with appropriate measure 6.2.1 (dust and emissions management plan). Our guidance Control and monitor emissions for your environmental permit - GOV.UK requires waste management activities which have the potential to produce dust pollution to have an approved dust and emissions management plans in place where

		there are sensitive receptors within the 500m of the site. We have set improvement conditions as described in the improvement programme below to ensure future compliance with these measures.
Emissions monitoring and limits 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.
Process efficiency 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.
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.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Change		
<ul style="list-style-type: none"> • Addition of condition 3.1.3 • Changes to Table S1.1 • Changes to Table S1.2 • Addition of Table S1.3 • Amendments to 	<ul style="list-style-type: none"> • The condition has been added in line with our modern permit template. • As detailed above, Table S1.1 has been varied to include listed activities (and related DAAs) and additional waste operations. • The table has been amended to remove out-of-date operating techniques and include current operating techniques. • Three improvement conditions have been added. • The waste types authorised under the permit have been split into two tables (S2.1 and S2.2) to link the waste 	

<p>Schedule 2</p> <ul style="list-style-type: none"> • Addition of monitoring requirements to Schedule 3 • Addition of reporting requirements to Schedule 4 	<p>types to specific activities within Table S1.1. In addition, the total quantity to be accepted at the site has been increased to 100,000 tonnes per year as part of addressing the errors within the original permit.</p> <ul style="list-style-type: none"> • Tables S3.1 (Point source emissions to air – emission limits and monitoring requirements), S3.2 (Process monitoring requirements), S3.3 (Ambient air monitoring requirements) and S1.4 (Surface water and/or groundwater monitoring requirements) have been added to the permit. • Tables S4.1 (Reporting of monitoring data), S4.2 (Annual production/treatment), S4.3 (Performance parameters) and S4.4 (Reporting forms) have been added to the permit.
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Decision Considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

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'.

As detailed above, the permit as reviewed authorised a single waste operation only (R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)). This activity did not cover that actual operations taking place at the site (specifically the acceptance, storage and treatment of hazardous waste AWCCT), and thus we have concluded that the original permit was incorrect for the activities actually undertaken.

To address this issue, we have varied the permitted activities as summarised in the key issued section.

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 Table 1 of this document.

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.

IC1 requires the Operator to confirm that the impermeable surface and sealed drainage system proposed by the Operator in order to comply with appropriate measures has been installed.

IC2 requires the Operator to submit a dust emissions management plan to the Environment Agency for approval, as required by appropriate measures.

IC3 requires the Operator to review and update their procedures for using the treatment plant equipment on site to ensure appropriate cleaning measures are in place between batch treatment of specific hazardous waste and non-hazardous waste loads to ensure there is no deliberate mixing, dilution or cross contamination of incompatible wastes or hazardous and non-hazardous wastes.

Emission limits

Emission Limit Values (ELV's) or equivalent parameters or technical measures, based on Best Available Techniques – Associated Emission Levels (BAT-AELS) for Waste Treatment, have been added for the following substances:

- Dust

Monitoring

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

Point source emissions to air

- Dust

Ambient air monitoring

- Dust

These monitoring requirements have been included in order to ensure that point source emissions to air from the cement silo dust filter are monitored and ambient air monitoring for dust is undertaken (if required following completion of IC2).

Surface water monitoring

- As
- Cd
- Cr
- Cu
- Pb
- Hg
- Ni
- Zn
- Benzo(a)pyrene and/or other polycyclic aromatic hydrocarbons

These monitoring requirements have been included as we wish to ensure that the collected potentially contaminated surface waters are monitored for contamination from the AWCCT stockpiled on site, and the monitoring we have included is that proposed by the Operator, which we agree with.

We made these decisions in accordance with Best Available Techniques for Waste Treatment

Reporting

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

- Reporting of monitoring data
- Annual production/treatment
- Performance parameters

We made these decisions in accordance with Best Available Techniques for Waste Treatment.

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.