

Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Newhaven Asphalt Plant plots 6 & 7 operated by F M CONWAY LIMITED.

The permit number is EPR/BP3923LR/A001.

The permit was granted on 28/07/2026

The application is for a recycling facility processes non-hazardous asphalt road plannings (EWC code 17 03 02), and Type 4 Unbound Mixture (Type 4) which is a non-waste, by mechanical crushing and screening to produce Recycled Asphalt Pavement (RAP). The RAP is subsequently used in the adjacent asphalt manufacturing process, also operated by the Operator. RAP may also be transported to other FM Conway asphalt plants and depots for use in asphalt manufacturing, storage, or sold to third-party customers on a commercial basis. Road planings containing coal tar (EWC code 17 03 01*) are segregated and temporarily stored before being transported off site for recovery or disposal only. The coal tar bound road planings are stored in a covered storage bay.

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:

- 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
- 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.

Decision considerations

Storage of hazardous asphalt waste containing coal tar

The application includes the temporary storage of hazardous asphalt waste containing coal tar (EWC 17 03 01*). The storage of hazardous waste in quantities greater than 50 tonnes constitutes a Section 5.6 Part A(1)(a) installation activity.

The Environment Agency assessed the arrangements proposed for the receipt, storage and removal of hazardous road planings. The Operator has demonstrated that hazardous and non-hazardous wastes will be segregated upon receipt and stored separately. Hazardous wastes will be stored in dedicated covered bays on impermeable surfacing and all water which comes into contact with hazardous waste will be contained.

We are satisfied that the proposed storage arrangements represent appropriate measures for the containment of asphalt waste containing coal tar and will minimise the risk of pollution to land and water. Permit conditions have been included requiring storage under cover, containment of contaminated water, segregation of hazardous wastes and limiting storage durations.

Therefore, we are satisfied that the Operator has demonstrated appropriate measures for the storage of hazardous asphalt waste.

Surface water management and emissions to controlled waters

The site is located adjacent to the River Ouse and discharges surface water via the Denton surface water drainage system. The Environment Agency considered whether emissions from site runoff could adversely affect controlled waters.

The Operator has proposed a system of surface water collection, containment and management, including the use of interceptors and the reuse of collected surface water for dust suppression. During determination, further information was requested regarding the management of surface water and wastewater.

Whilst the Environment Agency is satisfied that the proposed management measures are sufficient to permit the activity, there remains uncertainty regarding the full characteristics of the discharge and the potential environmental impact of all relevant pollutants.

Improvement Conditions IC1 and IC2 have therefore been included requiring the Operator to undertake an emissions inventory, complete emissions monitoring and assessment, and carry out an environmental risk assessment of the

discharge. The results will be used to determine whether further emission limits, monitoring requirements or mitigation measures are necessary.

We are satisfied that the inclusion of the improvement conditions provides an appropriate mechanism to ensure that emissions to water are fully characterised and controlled.

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 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.

The comments and our responses are summarised in the consultation responses section.

We consulted the following organisations:

- Local Authority – Environmental Protection Department
- Director of PH/UKHSA
- Health and Safety Executive

The comments and our responses are summarised in the consultation responses section.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.

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', guidance on waste recovery plans and permits.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

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 point.

The plan is included in the permit.

Site condition report

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.

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, 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, 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 BAT Reference document and we consider them to represent appropriate techniques for the facility.

The Operator provided a BAT assessment in support of the application. We have assessed the information provided against the relevant Waste Treatment BAT Conclusions and the Non-hazardous and inert waste: appropriate measures for permitted facilities guidance. We are satisfied that the Operator has demonstrated that the proposed operating techniques represent appropriate measures for the facility. The key controls include segregation of hazardous and non-hazardous waste, covered storage of asphalt waste containing coal tar, containment of water which comes into contact with hazardous waste, dust suppression, housekeeping procedures and surface water management. We have included improvement conditions IC1 and IC2 to require further assessment of the discharge to surface water and to confirm whether additional emission limits, monitoring requirements or mitigation measures are needed. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

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Raw materials

We have specified limits and controls on the use of raw materials and fuels.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

- 17 03 01* bituminous mixtures containing coal tar
- 17 03 02 bituminous mixtures other than those mentioned in 17 03 01

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that emissions to surface water from the Denton surface water drainage outfall are fully characterised and assessed. The Operator must complete an emissions inventory, monitoring and environmental assessment to confirm whether additional emission limits, monitoring requirements or mitigation measures are required.

We are satisfied that the improvement programme provides an appropriate mechanism to ensure that emissions to water are properly assessed and controlled following permit issue.

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been included in order to confirm that emissions to surface water are controlled and do not cause pollution. Surface water from non-process areas is discharged via an interceptor to the Denton surface water drainage outfall, and weekly visual monitoring for oil and grease has been specified at emission point W1. We have also included improvement conditions requiring further monitoring, an emissions inventory and an environmental assessment of the discharge. This will allow us to confirm whether additional parameters, emission limits, monitoring frequencies or mitigation measures are required. We consider these monitoring requirements to be proportionate to the activities and necessary to ensure emissions to water are appropriately assessed and controlled.

We made these decisions in accordance with relevant technical guidance.

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 specified reporting in the permit.

We made these decisions in accordance with relevant technical guidance.

Considerations of foul sewer

We agree with the operator's justification for not connecting to foul sewer.

The facility is in a location where it is not reasonable to connect to the foul sewer.

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.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

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.

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, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from Director of PH/UKHSA

Brief summary of issues raised: The main potential concerns are emissions of dust/particulate matter, and emissions to surface and ground water. However, based on the information contained in the application supplied to us, UKHSA has no significant concerns regarding the risk to the health of the local population from the installation.

Summary of actions taken: no action required

Representations from individual members of the public

Brief summary of issues raised: Permit application consultation has been subject of 23 responses, 4 of which are deemed relevant to the application. All 4 raise concerns and risks that would be dealt with by the permit. The remaining consultation responses raise issues from Part B process which is a neighbouring site next to the installation which is the object of this application.

Summary of actions taken:

Relevant responses considered under this permit application were received under Unique IDs 207759580, 601510430, 590103250 and 258841798.

Brief summary of issues raised:

The relevant responses raised concerns regarding the storage and treatment of asphalt road planings, including coal tar containing materials, potential dust emissions, impacts to human health, risks to surface water and the River Ouse from runoff, drainage discharges and leachate, flood risk, environmental monitoring requirements and the adequacy of pollution prevention measures. Respondents also requested additional permit controls, including enhanced monitoring, stricter emission controls and further protection of the River Ouse.

Summary of actions taken:

The Environment Agency considered these issues during determination and assessed the proposed storage, treatment and drainage arrangements together with the environmental risk assessments submitted in support of the application. Additional information relating to surface water management, wastewater management and environmental risk was requested and reviewed during the determination process.

The permit includes controls on waste acceptance, waste storage, drainage management, emissions and monitoring. Hazardous coal tar containing road planings must be segregated and stored in covered storage bays, storage quantities and storage durations are restricted, and the site must operate in accordance with approved operating techniques and the Dust Emissions Management Plan.

Potential impacts to surface water and the River Ouse have been addressed through monitoring requirements and Improvement Condition IC1. This condition requires the operator to undertake further emissions inventory work, water quality monitoring and environmental risk assessment of emissions to surface water, and to propose any additional mitigation measures or emission limits identified as necessary.

The Environment Agency is satisfied that, subject to compliance with the permit conditions, the permitted activities will be operated using appropriate measures and will not give rise to unacceptable pollution of the environment or harm to human health.

Requests for specific abatement technologies, enforcement actions, legislative changes or matters relating to separately regulated activities were outside the scope of this permit determination and have not been included as permit requirements.