

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Plot 2 Warne Road, Weston Super Mare, BS23 3UU operated by Towns of Weston Ltd following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/EB3636RB/V004.

The permit variation was issued on 27/08/2026.

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

The 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.

We have also taken the opportunity to update the reference to the standard rules permit which is consolidated under the permit notice. SR2022 No1: treatment of waste to produce soil, soil substitutes and aggregates replaced SR2010 number 12. The operator confirmed they can comply with the requirements of the new standard rule set on 17/04/2026.

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

Covering of stockpiles of asphalt waste containing coal tar (AWCCT)

The operator does not currently store their stockpiles of AWCCT under cover as per the requirements of our guidance Chemical waste: appropriate measures for permitted facilities section 4 for example:

- Measure 4.10 – ‘Wherever practicable you should store all other wastes under cover’.
- Measure 4.34 – ‘You should store loose bulk hazardous waste under cover’.

The operator has indicated to us in response to our requests for information and follow up email dated 17/03/2026 that they consider the current measures in place a suitable alternative to the requirements to cover their stockpiles. The operator explained that their dust management systems minimise fugitive emissions of dust, and that surface water run-off is treated in a settlement tank prior to discharge to remove contamination.

We consider that dust management techniques are a sufficient alternative to covering of AWCCT stockpiles with regards to minimising emissions to air based on the environmental risk of storage of this material. We have also set improvement condition IC11 in the permit to ensure that the operator reviews and updates their dust management plan in accordance with our guidance [Control and monitor emissions for your environmental permit - GOV.UK](#) which will further ensure that the techniques in place provide an equivalent level of environmental protection.

Surface water run-off from areas where AWCCT is stored or treated could contain polycyclic aromatic hydrocarbons (PAHs) such as benzo(a)pyrene. Benzo(a)pyrene is toxic to aquatic life and is not fully treated by common wastewater treatment systems. Covering of waste piles reduces the potential for contamination of surface water run-off.

We have included improvement condition IC8 in the permit which requires the operator to assess the risk from their emission to sewer including from benzo(a)pyrene. We have included improvement condition IC9 in the permit to ensure that the operator reviews their measures for storing and handling wastes after the risk assessment is completed and submits these to us so we can determine if the proposed measures represent suitable alternatives to covering of stockpiles.

Emissions to sewer

Waste treatment activities, including 'physico-chemical treatment of solid and/or pasty waste' which we consider the installation activities on this site fall under, are required to comply with the BAT Conclusions for waste treatment.

The BAT Conclusions were published in 2018, the implementation dates for BAT AEL compliance for existing sites has now passed (4 years after issue publication of BAT Conclusions).

Our regulatory approach to indirect discharges to water is not specific to the waste treatment sector; we follow this approach when permitting any type of installation that indirectly releases polluting substances into water, following the guidance 'UK Cross-Cutting Interpretation Guidance and Permitting Advice on the Best Available Techniques (BAT) Conclusions published under the Industrial Emissions Directive (IED) Version 2 – July 2024'.

On this basis the Environment Agency is required to insert the BAT AELs set out in the BAT Conclusions into a permit where it is determined they are appropriate. This is in line with the requirements set out in Defra's guidance 'Industrial emissions Directive EPR Guidance on Part A installations' and specifically 'Setting ELVs where Article 15(3) applies'. The BAT AELs apply on issue of a permit as the timescale of existing site compliance has passed.

We have therefore included the BAT AELs for indirect discharge of physico-chemical treatment of solid and/or pasty waste into the permit in Table S3.2 which apply on issue of this permit. Monitoring requirements have also been updated to meet the requirements of the Waste Treatment BAT Conclusions for physico-chemical treatment of solid and/or pasty waste.

We have also added a requirement for monitoring and an emission limit (subject to the outcome of the risk assessment under improvement condition IC8) into Table S3.2 for benzo(a)pyrene. Benzo(a)pyrene could leach from waste piles containing coal tar into the surface water run-off, and the monitoring requirement and limit will prevent exceedance of an Environmental Quality Standard in the receiving water course as a result of the discharge. We have chosen benzo(a)pyrene specifically as it is used as a biomarker for other PAHs in the assessment of emissions to receiving waters (see EQSs for inland freshwaters referenced in our guidance [Surface water pollution risk assessment for your environmental permit - GOV.UK](#)).

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 18/11/2021 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 with 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

In accordance with Article 22(2) of the Industrial Emissions Directive, the Regulation 61 notice asked the operator to provide a soil and groundwater risk assessment, along with a baseline report or summary report confirming the current state of soil and groundwater contamination, where listed activities are undertaken that involve the use, production or release of relevant hazardous substances.

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 28/02/2022.

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. This included information relating to the permitted activities, tonnages and capacities for the waste treatment/storage activities, controls upon fugitive emissions and an updated site layout plan. We requested this by email and the operator provided further information on 17/04/2026, 14/07/2026 and 03/08/2026. 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	FC	Whilst we do not have any specific concerns, the operator stated in their Reg61 response that their environmental management system needed updating to come into compliance. This was not achieved by the proposed date of 17 th August 2022. We have therefore added improvement condition IC4 to ensure compliance with this section of the measures going forward.
Waste pre-acceptance, acceptance and tracking appropriate measures	FC	Whilst we do not have any specific concerns, the operator stated in their Reg61 response that their waste pre-acceptance, acceptance and tracking measures needed updating to come into compliance. This was not achieved by the proposed date of 17 th August 2022. We have therefore added improvement condition IC5 to ensure compliance with this section of the measures going forward.
Waste storage, segregation and handling appropriate measures	FC	The operator stated they were compliant with this section of the appropriate measures guidance. However, when challenged, the operator explained that they do not cover their AWCCT stockpiles and use alternative measures from the guidance. We assessed this and have included improvement condition IC9 as stated in the Key Issues section above. Compliance with the appropriate measures in the rest of 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	FC	The operator stated in their Reg61 response that their written method statement needed updating to come into compliance. This was not achieved by the proposed date of 17th August 2022. We have therefore added improvement condition IC6 to ensure compliance with this section of the measures going forward. We have also added improvement condition IC10 in relation to batch cleaning. Where the operator treats both hazardous and non-hazardous wastes through the same equipment and in the same processing areas, the equipment and areas should be de-contaminated to prevent hazardous waste from contaminating non-hazardous waste processes. This ensures compliance with e.g. measure 5.1.1 '...The treated output material must meet your expectations and be suitable for its intended disposal or recovery route...'. Compliance with the appropriate measures in the rest of 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	The operator stated in their Reg61 response that there are no emissions to air (fugitive or point source) from the installation and the only emission was their discharge to sewer. There are emissions to air from the cement silo vent (which is abated) and fugitive emissions from storing and treating AWCCT which are controlled using dust suppression equipment. Whilst the operator has previously assessed the risk from their emission to sewer, their assessment did not include key parameters such as PAHs (including benzo(a)pyrene) or metals/other parameters required by the Waste Treatment BAT Conclusions. We have therefore set improvement condition IC8 in the permit to ensure compliance with measures such as 6.4.1 'You must identify the main chemical constituents of the site's point source emissions to water and sewer as part of the site's inventory of emissions.' Measure 6.2.1 also states 'You must use appropriate measures to prevent emissions of <u>dust, mud and litter</u> and <u>odour</u>.' Whilst the operator has dust management equipment and procedures in place, these have not been formally assessed by us. This is a requirement of our guidance <u>Control and monitor emissions for your environmental permit - GOV.UK</u> referenced in measure 6.2.1 for this type of site and also helps the operator demonstrate the suitability of their alternative measures used instead of covering the AWCCT stockpiles. We have therefore included improvement condition IC11 to ensure the operator updates their dust management procedures and sends these to us for assessment. Compliance with the appropriate measures in the rest of this section of the guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Emissions monitoring and limits appropriate measures	FC	As stated in the section above, the operator does not currently have an up-to-date assessment and emissions inventory for the emission to sewer for their site. This is not compliant with measure 7.2.1 for example which states 'Your facility's emissions inventory must include information about the relevant characteristics of point source emissions to water or sewer...'. We have included improvement condition IC8 to ensure compliance with the relevant measures in this section.
Process efficiency appropriate measures	FC	The operator stated in their Reg61 response that the site would implement an energy efficiency plan and a water saving plan on the 17th August 2022 to come into compliance. This was not achieved by the proposed date. We have therefore included improvement condition IC7 to ensure compliance with the measures in this section.

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		Not applicable – there is no combustion plant on site.	
Climate change		Submission of climate change risk assessment is no longer an 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	
Schedule 1: Operations			
S1.1 – Activities table		Activities A1 and A3 were removed after confirmation by the operator on 17/04/2026 that these activities are no longer required. D15 was removed from the Section 5.6 – temporary storage of hazardous waste activity as due to the removal of the bioremediation activities, there was no longer any need for the site to store waste pending disposal. Activity A8 was removed as this activity is permitted by standard rules SR2022 No 1 referenced in the permit notice. Having reviewed the environmental risk, we have agreed a 12-month limit in the permit upon storage of AWCCT.	
S1.2 – Operating techniques		VOC monitoring techniques were removed from this table as they related to the removed activities.	
S1.3 – Improvement conditions		Improvement conditions 1 to 3 have been completed. Improvement conditions were added for the reasons explained above in the rest of Table 1.	
S1.4 – Pre-operational conditions		The pre-operational condition was completed and the table removed from the permit.	
Schedule 2: Waste types, raw materials and fuels		We have removed waste code tables relating to the bioremediation activities and the standard rules permit. We have added Table S2.1 concerning raw materials and fuels.	

Schedule 3: Emissions and monitoring and Schedule 4: Reporting	We have removed ambient air monitoring of VOCs (which was related to the now removed bioremediation activities) and added emission limits, monitoring and reporting in accordance with the Waste Treatment BAT Conclusions as described in the Key Issues and Decision Considerations sections of this document.
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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 site

The operator has provided a plan which we consider to be satisfactory.

This shows the extent of the site including emission and discharge points.

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.

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.

EWC codes

We have removed EWC code 10 13 11 '*non-hazardous wastes from cement-based composite materials (other than those specified under codes 10 13 09 and 10 13 10)*' from the permit after confirmation from the operator that the waste code was not required. We would not normally consider this code suitable for the treatment of AWCCT as the output of waste treatment when using this code is unlikely to be compliant with regulatory position statement RPS 157.

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 (improvement conditions IC4 to IC11) to ensure that the permit complies with the appropriate technical guidance for this facility. This is explained in Table 1 and the Key Issues section of this document.

Emission limits

Emission Limit Values (ELVs) have been added to the permit for the following substances: arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc and benzo(a)pyrene, in accordance with the Waste Treatment BAT Conclusions and our guidance, 'Chemical waste: appropriate measures for permitted facilities', and as explained in the Key Issues section above.

Monitoring

We have decided that monitoring should be added for the parameters specified above and perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) in accordance with the Waste Treatment BAT Conclusions and our guidance, 'Chemical waste: appropriate measures for permitted facilities', and as explained in the Key Issues Section above.

We have added monitoring requirements for visual checks on dust emissions from the cement silo in accordance with section 6 (emission control) of our guidance, 'Chemical waste: appropriate measures for permitted facilities'. We have set process monitoring requirements to ensure the dust filter is maintained in accordance with measure 6.1.6 'Your procedures must make sure you correctly install, operate, monitor and maintain abatement equipment'.

We have added ambient air monitoring requirements in accordance with our guidance 'Chemical waste: appropriate measures for permitted facilities' where these are required upon completion of improvement condition IC11 and the subsequent assessment of the dust and emissions management plan. We have

removed the requirement to monitor VOCs as this was imposed due to the bioremediation activities removed by this variation.

Reporting

We have added reporting in the permit for emissions to air and emissions to sewer in accordance with the Waste Treatment BAT Conclusions and our guidance, '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.