

Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Heathrow Depot, North Hyde Gardens, Hayes, Middlesex, UB3 4Q operated by F M Conway Limited following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/VP3630WE/V003.

The permit variation was issued on 20/10/2026.

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.
- [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

Temporary cessation

“Scheduled Activity” AR1 and “Directly Associated Activity” AR5 - which are subject to the Chemical Waste Appropriate Measures - are currently non-operational.

We consider this to be a “temporary cessation” of these activities.

Activity AR1 and AR5 in the permit cannot take place since we have not been given the information to show that they will meet the required technical standards.

We have added preoperational condition PO1 into the permit regarding the recommencement of activity/activities AR1 and AR5 listed in Table S1.1.

The condition requires that, prior to recommencement of these activities, the operator must notify the EA of the intention to recommence and provide supporting documents in accordance with the requirements of the Waste

Treatment BAT conclusions and Chemical Wastes: appropriate measures for permitted sites (and other appropriate measures guidance as applicable).

This documentation will need to demonstrate (through the submission of an updated emissions inventory and H1 assessment) that any discharges to land / water associated with the recommencement of activities AR1 and AR5 shall not result in any increased environmental risk.

Emissions to water

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 "Best Available Techniques (BAT) Conclusions for waste treatment".

The BAT Conclusions were published in 2018.

The implementation dates for BAT Associated Emission Levels (AEL) compliance for existing sites has now passed (4 years after issue publication of BAT Conclusions).

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.

Our regulatory approach to direct discharges to water of this type is not specific to the waste treatment sector; we follow this approach when permitting any type of installation that directly release 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'.

We have therefore included the BAT AELs for direct discharge of physico-chemical treatment of solid and/or pasty waste into the permit in Table S3.2.

These BAT AELs will apply when Scheduled Activities AR1 and AR5 recommence – and following the completion of pre-operational condition PO1 (as detailed in the above section).

The Operator will be required to assess the risk from their emission to water as part of condition PO1. We have included benzo(a)pyrene in this condition (for the reasons stated in the “monitoring” section below).

Monitoring

Monitoring requirements for the 3 point source emissions to water (MWC1, MWC2 and MWC3) in relation to total PAH (“*Table S3.2 - Point Source emissions to water other than sewer and land – emission limits and monitoring requirements*”) have been retained in this varied permit. This monitoring is still required, to ensure the flushing of historical ground contamination does not result in a significant impact on the receiving watercourse.

Other monitoring requirements have been updated - to meet the requirements of the Waste Treatment BAT Conclusions for physico-chemical treatment of solid and/or pasty waste – as below:

- we have also added monitoring of the 3 emissions points identified above into “*Table 3.3 Process monitoring requirements*” – because effective treatment of contaminated surface waters is dependent on the efficacy of the carbon in the carbon treatment chambers. Exceedance of the total PAH trigger target level (as specified in the previously agreed monitoring plan) will trigger the replacement of the carbon within the chambers.
- we have added a requirement for monitoring and an emission limit (upon completion of PO1) 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 - 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.

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 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 18/11/2025.

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 the operational status of the permitted activities, and the types of surfacing upon which waste is stored and treated - on 21/07/2026 and 28/08/2026 respectively. 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.

Please see the key issues section of this document in relation to:

- Temporary cessation of Scheduled Activity AR1 and Directly Associated Activity AR5
- Emissions to water – and associated monitoring

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	The operator confirmed that they currently meet the requirements of all appropriate measures in this section – but that their documentation “requires improvement” to ensure their internal management systems are aligned with the requirements of the appropriate measures. We do not have any immediate or specific concerns – but, as the operator has highlighted that their documentation requires improvement, we have inserted improvement condition IC1 into the permit to require them to review and update their written management system to ensure they meet the requirements of the appropriate measures. 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, and securing compliance with IC1.
Waste pre-acceptance, acceptance and tracking appropriate measures	FC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section – but that their “working plan” needs to be updated to align with the requirements of the appropriate measures. We do not have any immediate or specific concerns – but, as the operator highlighted that their “working plan” needs to be updated, we have inserted improvement condition IC2 into the permit - to require them to review and update their waste pre-acceptance and/or waste acceptance procedures and/or tracking procedures to ensure they meet the requirements of the appropriate measures. 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, and securing compliance with IC2.
Waste storage, segregation and handling appropriate measures	FC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section. However, during our review of the permit we identified that whilst AWCCT is stored on an impermeable

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
		surface - it does not have sealed drainage. Appropriate measure 6.5.2 states: - <i>you must have these in all operational areas of the facility:</i> - o <i>an impermeable surface</i> - o <i>spill containment kerbs</i> - o <i>sealed construction joints</i> - o <i>a sealed drainage system</i> We have therefore inserted improvement condition IC5 and IC6 – requiring the operator to submit proposals for providing external areas of the site with impermeable surfacing and sealed drainage - and to implement those proposals once approved by the EA. 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, and securing compliance with IC5 and IC6.
Waste treatment appropriate measures	FC	The operator confirmed that they currently meet the requirements of all appropriate measures in this section in relation to the treatment of hazardous and non-hazardous waste – but that their “working plan” needs to be updated to align with the requirements of the appropriate measures in relation to the treatment of non-hazardous waste. During our review of the permit, we identified that the site is not currently treating hazardous waste – as mentioned earlier in this decision document – which we consider to be a temporary cessation of activities AR1 and AR5. We have therefore inserted the following conditions into the permit: - pre-operational condition PO1 – to require the operator to notify the EA (prior to recommencement of activities AR1 and AR5) of the intention to recommence - and provide supporting documents in accordance with the requirements of the applicable appropriate measures

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
		- improvement condition IC3, to require the operator to review and update their non-hazardous waste treatment procedures 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 and securing compliance with PO1 and IC3.
Emissions control appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of the appropriate measures in this section - and confirmed their intention to update their "working plan" to align with the requirements of the appropriate measures. <u>Emissions inventory / emissions to water</u> Appropriate measure 6.2 states <i>"you must create and maintain an emissions inventory of point source emissions to air and water (including emissions to sewer) for your facility."</i> Appropriate measures 6.4.1 and 6.4.2 state, respectively: - <i>"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"</i> and - <i>"you must assess the fate and impact of the substances emitted to water and sewer, following the Environment Agency's risk assessment guidance."</i> The operator confirmed that they do not currently meet the requirements of the appropriate measures in relation to this section – but confirmed their intention to develop and assess a full emissions inventory. The operator confirmed that AWCCT is currently stored under cover and on an impermeable surface – and has provided details of the measures currently in place to prevent contaminated surface water being discharged into the watercourse.

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
		We consider these arrangements to be acceptable at the current time – and have decided that an updated emissions inventory will only be required upon the recommencement of the AWCCT treatment (activities (AR1 and AR5). This is included in PO1, as discussed in the earlier section of this decision document. <u>Dust</u> Appropriate measure 6.2.1 states “<i>you must use appropriate measures to prevent emissions of dust, mud and litter and odour</i>”. Whilst the operator does have dust suppression in place, their management systems in relation to dust control have not been formally assessed - which is a requirement of our guidance “Control and monitor emissions for your environmental permit - GOV.UK”. The operator confirmed their intention to prepare a “dust, mud and litter” management plan, and we have therefore inserted improvement condition IC7 into the permit - requiring the operator to submit a dust emissions management plan for EA approval. Compliance with the appropriate measures in this section of the guidance has therefore been incorporated into the varied permit through the updated operating techniques listed in Table S1.2, and securing compliance with IC4, IC7 and PO1.
Emissions monitoring and limits appropriate measures	FC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. However, as part of our review, we determined that the emissions monitoring currently undertaken does not comply with this section of the appropriate measures. <u>Emissions to air</u>

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
		Upon completion of PO1, we consider the dust filter on the silo used to store cement (or similarly dusty materials) will be a point source emission to air and have therefore added "<i>Table S3.1 - Point source emissions to air – emission limits and monitoring requirements</i>" into the permit. <u>Emissions to water</u> Appropriate measure 7.2.2 states: - <i>"for relevant emissions to water or sewer identified by the emissions inventory, you must monitor key process parameters (for example, waste water flow, pH, temperature, conductivity, or BOD) at key locations. For example, these could either be at the:</i> ○ <i>inlet or outlet (or both) of the pre-treatment</i> ○ <i>inlet to the final treatment</i> ○ <i>point where the emission leaves the facility boundary"</i> The identification and subsequent monitoring of relevant emissions / parameters will be informed by the full emissions inventory and assessment required by PO1 upon recommencement of activities AR1 and AR5 – as discussed in the above section of this table. This will also include benzo(a)pyrene – for the reasons outlined in the key issues section of this decision document. <i>"Table S3.2 - Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements"</i> therefore includes parameters which will need to be monitored - dependent on the outcome of the full emissions inventory and associated assessment. 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, the monitoring requirements in Table S3.1 and Table S3.2 – and securing compliance with PO1. It should be noted that monitoring of some of the parameters included in Tables S3.1 and S3.2 will only be required upon the recommencement of Activities AR1 and AR5. This is made clear in the footnotes for the tables.

Appropriate measures	Compliance status	Assessment of the installation’s compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
Process efficiency appropriate measures	FC	The operator confirmed that they do not currently meet the requirements of the appropriate measures in this section. Appropriate measure 8.1 states “<i>For your facility, you must monitor and review the annual quantity of water, energy and raw materials used, residues and waste water produced. You must do this at least once a year.</i>” We consider this measure not to be currently applicable – because none of the parameters mentioned are relevant to the storage of AWCCT. This appropriate measure will apply, however, upon the recommencement of Activities AR1 and AR5. Compliance with the appropriate measures in this section of the guidance has therefore been incorporated into the varied permit through securing compliance with PO1.
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.	
Other Appropriate		
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Renaming of all permitted	Within the scope of the permit review and following discussion with the Operator, we have reviewed the activities on the permit in accordance with “RGN 2 - Understanding The Meaning of Regulated Facility” and the “Waste Framework	

Appropriate measures	Compliance status	Assessment of the installation's compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
activities	<i>Directive".</i> We have decided to make the following changes in relation to how the permitted activities are defined in the varied permit: - Activity A1 has been re-named AR1. This activity is temporarily ceased - as requested by the Operator and in agreement with the Local Regulatory Officer. If AR1 is re-commenced (upon completion of pre-operational condition PO1) it will include the activities which were permitted as Activity A4 in the previous permit - Activity A2 has been re-named AR2 – temporary storage of hazardous waste (AWCCT) pending treatment under Activity AR1 and/or transfer off site) - Activity A3 has been re-named AR3 – a Directly Associated Activity for the storage of fuel (for on site vehicles) - Activity A5 has been re-named AR4 – a Directly Associated Activity for the management of surface water - Activity AR5 has been added to the permit – a Directly Associated Activity for raw material handling and storage - Activity 6 has been separated into 2 separate Activities - AR6 and AR7 - to provide greater clarity about the specific activities undertaken and the associated European Waste Catalogue Codes which relate to each activity AR6 is the treatment of non-hazardous waste, and AR7 is the storage of non-hazardous waste – both of which are permitted as waste operations. Activity A7 on the previous permit, relating to gully waste - has been removed - as the Operator confirmed that these activities are no longer undertaken	

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.

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.

The justification for each of the improvement conditions included within the improvement programme is provided in Table 1 above.

Changes to EWC codes

The Regulation 61 response from the operator stated the waste types which are currently stored and treated on site.

The following wastes – which were included in the permit - have therefore been removed in the varied permit as a result of the review:

Waste code	Description
01	Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
10	Wastes from thermal processes
10 01	wastes from power stations and other combustion plants (except 19)
10 01 01	bottom ash, slag and boiler dust (excluding boiler dust mentioned in 10 01 04)
10 01 02	coal fly ash
10 01 03	fly ash from peat and untreated wood
10 12	wastes from manufacture of ceramic goods, bricks, tiles and construction products
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)
10 13	wastes from manufacture of cement, lime and plaster and articles and products made from them
10 13 14	waste concrete and concrete sludge
17	Construction and demolition wastes (including excavated soil from contaminated sites)
17 01	concrete, bricks, tiles and ceramics
17 01 02	bricks
17 01 03	tiles and ceramics
17 02	wood, glass and plastic
17 02 02	glass

Waste code	Description
17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil
17 05 04	soil and stones other than those mentioned in 17 05 03
17 05 06	dredging spoil other than those mentioned in 17 05 05
17 05 08	track ballast other than those mentioned in 17 05 07
17 08	gypsum-based construction material
17 08 02	gypsum-based construction materials other than those mentioned in 17 08 01
19	Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 09	minerals (for example sand, stones)
19 12 12	other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11
20	Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions
20 02	garden and park wastes (including cemetery waste)
20 02 02	soil and stones
20 03	other municipal wastes
20 02 03	street-cleaning residues

Emission limits

Emission Limit Values (ELVs) have been added to the varied permit for emissions to water for the following substances (in accordance with our guidance 'Chemical waste: appropriate measures for permitted facilities', the Waste Treatment BAT Conclusions - and as explained further in the key issues section and Table 1 of this decision document):

- Arsenic
- Cadmium
- Chromium
- Copper
- Lead
- Mercury
- Nickel
- Perfluorooctanoic Acid (PFOA)
- Perfluorooctane Sulfonic Acid (PFOS)
- Total Organic Carbon or Chemical Oxygen Demand
- Total Suspended Solids
- Zinc
- Benzo(a)pyrene

Monitoring

The following monitoring requirements have been added to the varied permit (in accordance with our guidance 'Chemical waste: appropriate measures for permitted facilities', the Waste Treatment BAT Conclusions - and as explained further in the key issues section and Table 1 of this decision document):

- point source emission to air - relating to the silo used for storing cement (or similarly dusty materials), upon completion of pre-operational condition PO1
- point source emissions to water - for the substances identified in the "Emission limits" section of this decision document
- process monitoring - in relation to:
 - o dust filters on the silo used for storing cement (or similarly dusty materials) - upon completion of pre-operational condition PO1
 - o carbon in the carbon treatment chambers which treat contaminated surface water
- ambient air monitoring - upon completion of improvement condition IC7 and the subsequent approval of the dust and emissions management plan

Reporting

We have added reporting requirements in the varied permit for emissions to air, emissions to water, process monitoring and ambient air monitoring - 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.