Permitting Decisions- Environment Agency Initiated Variation

We have issued an Environment Agency initiated variation for Meece Highways Depot operated by Amey Highways 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/RP3835RD/V003

The permit variation was issued on 29/10/2026

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

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

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 stated in their emails dated 27/07/2926, 05/08/2026 and 12/08/2026 that they had concerns regarding the safety implications of enclosing waste inside a building. They also suggested that covering the material is impractical. As they advised that plans are underway to extend the storage area by another 30 metres in length to ensure adequate space is available under the permitted maximum storage level of 10,000 tonnes. When the pad has been extended the

total area will be 3,150 square metres. This is an exceptionally large area on which to construct a building. The building would be of an unacceptable height to stock raw and processed material and have machines working with adequate headroom. Also if the gases given off from the material were confined to a building this could be unsafe.

The operator considers the current measures they use to be a suitable alternative to the requirement to cover their stockpiles as demonstrated by their email dated 05/08/2026.

These measures include:

- Dust suppression, capturing site surface water and re-using on site
- Dust Emissions Management Plan.

We agree that these measures represent appropriate alternative measures to covering of stockpiles for this site based on the impracticality of covering the stockpiles compared with the environmental benefit from covering the wastes. We have permitted the use of these alternative measures in Table S1.2 which lists the operating techniques the operator must use.

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 IC4 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 to covering of stockpiles.

Storage of waste

Having reviewed the environmental risk, we have imposed a 12 month limit in the permit upon storage of AWCCT. This is longer than the limit of 6 months specified in our guidance “Chemical Waste: Appropriate Measures for Permitted Facilities” as stated in measure 4.15. The longer limit has been agreed based upon feedback from operators that highway repairs often occur on a campaign basis throughout the year and enables operators to prepare for these events whilst maintaining the requirement not to accumulate 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 and 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 31/07/2025. 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 25/06/2026,17/07/2026,23/07/2026,13/08/2026 and 24/09/2026 (summary below). We made a copy of this information available on our public register.

Summary of additional information received

- Confirmation that a mobile cement silo is used on site when the tar bound encapsulation process takes place.

- Confirmation that uncontaminated site surface water run off goes to ground in the permeable sections of the site and also drains into the adjacent landfill.

- Confirmation of correct site address, postcode and National Grid Reference (NGR).

- Confirmation that the existing Improvement Condition (IC1) has only been partly completed.

- Reasons (as outlined by the operator) why the covering of AWCCT waste is not practical and would be a major financial undertaking to implement.

- Confirmation of amounts of hazardous and non-hazardous stored at the site and amount received annually. Also a request to increase the daily limit for hazardous waste treatment to 1500 tonnes from the previously agreed limit.

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	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.
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	The operator confirmed 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.
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, we have concerns that the sub-surface tank which collects contaminated surface water run-off from the impermeable surface is not suitably maintained and is not fitted with an alarm system. We have therefore set improvement condition IC2 in table S1.3 to ensure future compliance with measures 4.47, 6.5.3 and 6.5.17. 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.
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	The operator confirmed that they currently meet the requirements of all appropriate measures in this section.

		However, we have concerns that the whole of the area where AWCCT is stored and treated is not fitted with an impermeable surface and sealed drainage. We have included improvement conditions IC3a and IC3b in table S1.3 to ensure the operator complies with measures 6.5.2 and 6.5.18 and uses suitable materials to provide the surfacing and containment. We also have concerns that the sub-surface tank which collects contaminated surface water run-off from the impermeable surface is not suitably maintained and is not fitted with an alarm system. We have therefore set improvement condition IC2 in table S1.3 to ensure future compliance with measures 4.47, 6.5.3 and 6.5.17. We also identified that the following appropriate measure is not being met: - *6.2.12 - where a dust management plan is required, you must develop and implement it following our guidance.* In line with our guidance (Control and monitor emissions for your environmental permit - GOV.UK), we have decided that the operator should send us a dust emissions management plan for our assessment to ensure dust emissions are adequately controlled. This will also help the operator to demonstrate the suitability of their alternative measures to covering stockpiles (see key issues section). We have set an improvement condition IC4 in table S1.3 to ensure future compliance with this measure. 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 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.
Other appropriate measures	**Assessment of response received**
Non-hazardous and inert wastes: appropriate measures for permitted facilities – published 12 July 2021	The operator confirmed they currently meet the requirements of the appropriate measures in this guidance. However, we have concerns that gully waste (EWC code 20 03 03) is not stored on an impermeable surface with sealed drainage. We have included improvement conditions IC3a and IC3b in table S1.3 to ensure the operator complies with measures 4.1 and 6.5.2. The operator should also review their procedures for surfacing and drainage in the areas of the site where inert waste is stored to ensure that the run-off does not cause a nuisance by flooding the lane or the adjacent premises. We also identified that the following appropriate measure is not being met: - *6.3.6 - If your activities are likely to produce dust and particulates, mud or litter that could cause pollution at sensitive receptors, or if such pollution has been substantiated, you must implement and regularly review a dust, mud and litter management plan.* In line with our guidance (Control and monitor emissions for your environmental permit - GOV.UK), we have decided that the operator should send us a dust emissions management plan for our assessment to ensure dust emissions are adequately controlled. This will also help the operator to demonstrate the suitability of their alternative measures to covering stockpiles (see key issues section). We have set an improvement condition IC4 in table S1.3 to ensure future compliance with this measure. Compliance with the rest of the appropriate measures in this guidance has been incorporated into the varied permit through the updated operating techniques listed in Table S1.2.
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response	

Schedule 1 Operations **Table S1.1**	AR1 and AR2 - We have added limits for storage and treatment for hazardous waste as there weren't any in the existing permit. Similarly we have added limits on storage duration. We have separated the waste operations (previously A4 – waste transfer station) into two separate activities (now AR6 and AR7) for the storage and treatment of waste as per our modern template. We have also added some limits for storage of waste at any one time.
Directly Associated Activities	We have added raw materials (cement) and process water collection and storage to the DAA table as these are activities linked to Activity AR1.
Table S1.3 Improvement conditions	We have added 4 new improvement conditions to the permit (IC2, IC3a, IC3b and IC4) – see improvement programme section.
Schedule 2	We have created a separate waste table S2.4 for waste code 20 03 03 - street cleaning residues as this waste needs to be stored on an impermeable surface with sealed drainage. The annual throughputs for hazardous waste and non-hazardous waste have been amended - 20,000 for hazardous waste and 20,000 for non-hazardous waste.
Schedule 3	During our review of the permit, we identified that: - The point source emission to air from the mobile cement silo was missing. We have added an emissions monitoring table S3.1 as this will be required to monitor dust emissions generated on site from the mobile cement silo. We have added process monitoring requirements to ensure that any liner fitted in response to IC3a and IC3b is maintained and replaced in accordance with our guidance. We have also added ambient air monitoring to the permit linked to improvement condition IC4 to capture any emission monitoring requirements needed as a result of the updated dust management plan as mentioned earlier in section "Emissions control appropriate measures".
Schedule 4 Reporting	We have added to table S4.1 (Reporting of monitoring data), Table S4.4 (Reporting Forms) and all relevant reporting forms have been updated to reflect all of the above changes.
Schedule 6 Interpretation	In line with the requirements of the Appropriate Measures and BAT, additional terms have been added.

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 facilities at the site in accordance with RGN2 ‘Understanding the meaning of regulated facility’ and Appendix 2 of RGN2 ‘Defining the scope of the installation.’

The site

The operator has provided a plan which we consider to be satisfactory. During the permit review the operator provided a corrected postcode for the site and a more accurate National Grid Reference (NGR).

The plan shows the extent of the site including the discharge points. The plan shows the location of the part of the installation to which this permit applies on that site. 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 table 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.

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 is an existing condition that has not been completed and requires the operator to provide a report on the baseline conditions of soil and groundwater at the Installation.

IC2 requires the operator to review and update their procedures in relation to their sub-surface tank to ensure they comply with our guidance as explained in table 1.

IC3a and IC3b require the operator to provide an impermeable surface and sealed drainage system where hazardous or non-inert waste is stored or handled in accordance with the appropriate measures.

IC4 requires the operator to submit a dust emissions management plan to the Environment Agency for approval, as required by the appropriate measures.

Emission limits

Emission Limit Values (ELV's) or equivalent parameters, based on the chemical waste: appropriate measures for permitted facilities has 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:

- Dust

We have added process monitoring to ensure the liner on the earthen bund is maintained and replaced in accordance with the manufacturer’s recommendations.

We have also added ambient air monitoring requirements in accordance with our guidance ‘Chemical waste: appropriate measures for permitted facilities’.

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 standard.