HPI Decision Document

Determination of an Application for an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016

Consultation on our draft decision document recording the decision-making process of the decision we are minded to make.

The Permit Number is: EPR/DP3393LV

The Applicant / Operator is: North West Recycling Limited

The site is located at: North West Recycling Ltd, Unit A, Site 6, Rockcliffe Estate, Carlisle, CA6 4RW.

Consultation commences on: XX/05/2026.

Consultation ends on: XX/06/2026.

What this document is about

This is a draft decision document, which accompanies a draft Permit.

It explains how we have considered the Application, and why we have included the specific conditions in the draft Permit we are proposing to issue to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our decision. Unless the document explains otherwise, we have accepted the Applicant's proposals.

The document is in draft at this stage because we have yet to make a final decision. Before we make this decision, we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully considering any relevant matter raised in the responses we receive. Our mind remains open at this stage. Although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any further information that may be provided that is relevant to the issues we have to consider. However, unless we receive information that leads us to alter the conditions in the draft Permit, or to reject the Application altogether, we will issue the Permit in its current form.

In this document we frequently say, “we have decided”. That gives the impression that our mind is already made up; but as we have explained above, we have not yet done so. The language we use enables this document to become the final decision document in due course with no more re-drafting than is absolutely necessary

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future. A lot of technical terms and acronyms are inevitable in a document of this nature: we provide a glossary of acronyms for ease of reference, this can be found in Annex 1 at the end of the document.

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Preliminary information and use of terms

We gave the application the reference number EPR/DP3393LV/V009. We refer to the application as “the **Application**” in this document.

The number we have given to the Permit is EPR/DP3393LV. We refer to the proposed Permit as “the Permit” in this document.

The Application was duly made on 09/04/2025.

The applicant is North West Recycling Limited. We refer to North West Recycling Limited as “the **Applicant**” in this document. Where we are talking about what would happen after the Permit is granted (if that is our final decision), we call North West Recycling Limited “the **Operator**”.

North West Recycling Limited‘s proposed facility is located at North West Recycling Ltd. We refer to this as “the regulated facility” in this document.

Links to guidance documents

The list below provides links to the key guidance documents referred to in this document. The links were correct at the time of producing this document.

- Waste Treatment BAT Reference document (BREF)
- Waste Treatment BAT Conclusions (WT BATC)
- Non-hazardous and inert waste: appropriate measures for permitted facilities guidance notes
- Control and monitor emissions for your environmental permit and
- Fire prevention plans.

1 · Our proposed decision

We are minded to grant the Permit to the Applicant. This will allow it to operate the regulated facility, subject to the conditions in the Permit.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the Permit will ensure that a high level of protection is provided for the environment and human health.

The draft Permit contains conditions, including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations (EPR) and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Permit, we have considered the Application and accepted that the details provided are sufficient and satisfactory to make use of the standard condition acceptable and appropriate.

2 · How we reached our draft decision

2.1 Receipt of Application

The Application was duly made on 09/04/2025. This means we considered it was in the correct form and contained sufficient information for us to begin our determination but not that it necessarily contained all the information we require to determine the Application: see section 2.6 Requests for Further Information.

2.2 Confidential information

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

2.3 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.

2.4 Consultation on the Application

We carried out consultation on the Application in accordance with the EPR, our statutory Public Participation Statement (PPS) and our own internal guidance RGN 6 for Determinations involving Sites of High Public Interest. RGN 6 was withdrawn as external guidance, but it is still relevant as Environment Agency internal guidance.

We consider that this process satisfies and frequently goes beyond the requirements of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, which are directly incorporated into the Industrial Emissions Directive (IED), which applies to the regulated facility and the Application. We have also taken into account our obligations under the Local Democracy, Economic Development and Construction Act 2009 (particularly Section 23). This requires us, where we consider it appropriate, to take such steps as we consider appropriate to secure the involvement of representatives of interested persons in the exercise of our functions, by providing them with information, consulting them or involving them in any other way. In this case, we consider that our consultation already satisfies the requirements of the 2009 Act.

2.5 Engagement

We made the Application available online via our Citizen Space page where the public were able to provide comments. This contained all the information required by the IED, including telling people where and when they could see a copy of the Application.

The Application and all other documents relevant to our determination are available to view on our Public Register. Anyone wishing to see these documents could do so and arrange for copies to be made.

We sent copies of the Application to the following bodies, which includes those with whom we have “Working Together Agreements”:

- Local Authority – Environmental Health/Environmental Protection department
- Health and Safety Executive
- UK Health Security Agency
- Food Standards Agency
- Local Authority – Planning

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly. Note, under our Working Together Agreement with Natural England, we only inform Natural England of the results of our assessment of the impact of the regulated facility on designated Habitats sites.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Section 10. We have taken all relevant representations into consideration in reaching our draft determination.

2.6 Requests for Further Information

Although we were able to consider the Application duly made, we needed more information in order to determine it and issued information notices on 12/09/2025, 30/10/2025, 02/12/2025, 24/02/2026. A copy of each information notice was placed on our public register.

In addition to our information notices, we received additional information during the determination from North West Recycling Limited, containing:

- Noise Impact Assessment (NIA) report, received on the 23/09/2025.
- A standalone Noise Management Plan and 15-minute periods weather data in support of the NIA, received on the 05/11/2025.
- Response to the questions 1 to 40 of the Schedule 5 Notice dated 02/12/2025, containing further information on Fire Prevention Plan (FPP), Best Available Techniques (BAT), Environmental Management System (EMS), Dust Management Plan (DMP) etc., (received on the 30/01/2026).
- Email containing updated management plans and supporting response documents provided in response to the outstanding issues highlighted in the EA’s assessment of the Schedule 5 Notice dated 02/12/2025, (received on the 20/03/2026).
- Further information on the wood shredding activity, received on the 27/03/2026 and 30/03/2026.

We made a copy of this information available to the public in the same way as the responses to our information notices.

Having carefully considered the Application and all other relevant information, we are now putting our draft decision before the public and other interested parties in the form of a draft Permit, together with this explanatory document. As a result of this stage in the process, the public has been provided with all the information that is relevant to our determination, including the original Application and additional information obtained subsequently, and we have given the public two separate opportunities (including this one) to comment on the Application and its determination. Once again, we will consider all relevant representations we receive in response to this final consultation and will amend this explanatory document as appropriate to explain how we have done this, when we publish our final decision.

3 · The legal framework

The variation will be issued, if appropriate, under Regulation 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an installation as described by the Industrial Emissions Directive (IED)
- an operation covered by the Waste Framework Directive (WFD)
- subject to aspects of other relevant legislation which also must be addressed.

We address some of the major legal requirements directly where relevant in the body of this document. Other requirements are covered in Section 9 towards the end of this document.

We consider that, if we grant the varied Permit, it will ensure that the operation of the regulated facility complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

4 · Key Issues in the Determination

The key issues arising during determination of the Application were:

The application proposal is for installation activity and associated changes to the waste operation activity to be undertaken in two phases:

Phase 1: The Applicant proposes one SRF production line in Unit B, with an SRF throughput of up to 174,175 tonnes/year. Non-installation waste operations in Unit A, Unit K and Unit D would increase from 150,300 to 225,825 tonnes/year, giving a total Phase 1 expansion throughput of 400,000 tonnes/year.

Phase 2: The Applicant proposes a second SRF feed line in Unit B, increasing SRF capacity from 174,175 to 374,175 tonnes/year. Waste operation throughput would remain at 225,825 tonnes/year, giving a total site treatment capacity of 600,000 tonnes/year.

Phase 1 and Phase 2 Capacity Increase Restrictions

The Applicant has agreed that the wood shredding activity will be enclosed within a new building in Unit K. Wood shredding storage and treatment capacity will not increase until the Unit K building, impermeable surfacing and sealed drainage are completed. The Unit B SRF installation activity will not commence until building repair works are complete.

It was agreed with the Applicant that no increase in site capacity under Phase 2 would be permitted until all identified infrastructural improvements had been fully completed and demonstrated to be operationally effective. This approach was considered necessary to ensure that the site is adequately engineered and environmentally protected prior to accommodating the increased throughput associated with Phase 2 of the development.

The required infrastructural improvements are intended to address existing site deficiencies and to provide appropriate pollution prevention and control measures commensurate with installation-level activities. These improvements include, but are not limited to:

- upgrading of the existing impermeable surfaces and installation of new impermeable surfacing, sealed drainage and containment systems in all operational areas where wastes are handled, stored and/or treated in accordance with the Non-hazardous and inert waste: appropriate measures for permitted facilities guidance, Chemical waste: appropriate measures for permitted facilities, Control and monitor emissions for your environmental permit guidance and CIRIA Report C736. This is to prevent the infiltration of contaminated liquids into underlying ground and to ensure the controlled collection and management of surface water and potentially contaminated runoff;

- completion of a new enclosed building within the Unit K area to appropriately contain wood processing activities and reduce the potential for fugitive emissions to air - noise and dust emissions in accordance with the Non-hazardous and inert waste: appropriate measures for permitted facilities guidance, Chemical waste: appropriate measures for permitted facilities, Control and monitor emissions for your environmental permit guidance; and

- full enclosure of the Unit A and Unit B building, including the installation of fast-acting doors and a sealed roof structure to improve containment of waste handling activities and enhance the effectiveness of air extraction and abatement systems.

Completion of the above works is a pre-requisite to any approval of increased treatment capacity under Phase 1 and Phase 2 of the proposed development. Once the Environment Agency is satisfied that all required infrastructural improvements have been completed to an acceptable standard, the permit would be reissued to allow the Phase 1 and Phase 2 capacity increase, with no additional charge to the operator.

We will describe how we determined these issues in greater detail in the body of this document.

5 · 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', Appendix 2 of RGN2 'Defining the scope of the installation', and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

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

5.1 Management

The Applicant is the sole Operator of the regulated facility.

We are satisfied that the Applicant is the person who will have control over the operation of the regulated facility after the issuing of the variation; and that the Applicant will be able to operate the Installation so as to comply with the conditions included in the Permit.

5.2 The permitted activities

The Installation is subject to the EPR 2016 (as amended) because it carries out an activity listed in Part 1 of Schedule 1 to the EPR:

- Section 5.4 Part A1(b)(ii) - recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving pre-treatment of waste for incineration or co-incineration for the production of refuse derived fuels (RDF) and solid recovered fuels (SRF)

An installation may also comprise "directly associated activities (DAAs)", which at this Installation include,

- Storage of waste prior to treatment;
- Bulking of recyclable wastes;

- Storage of SRF pending removal from the site;
- Storage of raw materials, including lubrication oil and diesel;
- Surface water collection, storage and discharge; and
- Extraction and treatment of channelled emissions to air.

These activities comprise one installation, because these activities are successive steps in an integrated activity.

The following waste operation activities are also carried out on the regulated facility:

- Hazardous and non-hazardous wastes treatment, including recycling of household, commercial, and industrial wastes.

5.3 The site's location

The operator has provided plans which we consider to be satisfactory.

These show the extent of the site of the facility.

The plan is included in the permit.

The site boundary has been extended to include all areas where regulated waste installation and waste operation activities are undertaken, including Unit D Area, which was previously used for exempt waste activities.

5.3.1 Proposed site design: potentially polluting substances and prevention measures

Under Article 22(2) of the IED, the Applicant is required to provide a baseline report containing at least the information set out in paragraphs (a) and (b) of the Article before starting operation.

The operator did not provide baseline data for the Unit D area and in the absence of baseline condition data, the operator has been advised that they must demonstrate at surrender that no pollution has occurred and will be liable for any contamination identified in that area.

The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the Permit and at cessation of activities at the site. The permit requires the operator to carry out periodic soil and groundwater monitoring throughout its duration.

5.4 Operation of the regulated facility

5.4.1 Processes carried out

The operator currently holds an Environmental Permit for a waste recycling operation that involves receipt and recycling of household, commercial, and industrial wastes. The existing operation includes the separation of non-recyclable wastes with significant calorific value, which are then shredded and processed into Solid Recovered Fuel (SRF) prior to dispatch to a suitably licensed energy recovery facility.

This variation allows North West Recycling Limited to operate the following installation and directly associated activities (DAA):

- Section 5.4 Part A1(b)(ii) - recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving pre-treatment of waste for incineration or co-incineration for the production of refuse derived fuels (RDF) and solid recovered fuels (SRF);
- Storage of waste prior to treatment;
- Bulking of recyclable wastes;
- Storage of SRF pending removal from the site;
- Storage of raw materials, including lubrication oil and diesel;
- Surface water collection, storage and discharge; and
- Extraction and treatment of channelled emissions to air.

In addition to the installation activities, the site is also permitted to carry out the following waste operation activity:

- Hazardous and non-hazardous wastes treatment, including recycling of household, commercial, and industrial wastes.

This variation allows the operator to increase the permitted throughput of waste that is shredded and processed as SRF to over 75 tonnes per day, meaning that this aspect of the existing site operation will become an installation and will be regulated as a pre-treatment of waste prior to incineration or co-incineration activity.

The operator will retain the capacity to store, treat and recycle wastes such as wood, aggregate, tyres, WEEE, etc., under the waste operation activity. The annual throughput of the waste operation activity will be increased 150,300 tonnes/year to 225,825 tonnes/year.

The installation activity will be undertaken within the Unit B building. The installation activity and associated changes to the waste operation will be undertaken in two phases subject to the restrictions detailed in this variation:

Phase 1:

The operator will construct one SRF production line within Unit B building and accept up to 174,175 tonnes/year of waste under the SRF production activity. In addition, throughput for non-installation waste operation activities undertaken within Unit A, the wood processing areas (Unit K), and the exempt waste activity area (Unit D) will be increase from 150,300 tonnes/year to 225,825 tonnes/year. This means that the overall throughput of the site during Phase 1 will be 400,000 tonnes/year across all activities. As part of the Phase 1 expansion programme, a new building will be erected within the wood processing area to enclose the wood shredding activity.

Phase 2:

A second SRF production feed line will be installed, expanding the waste treatment capacity within Unit B from 174,175 tonnes/year to 374,175 tonnes/year with the second feed line. Throughput for the waste operation activity will remain unchanged at 225,825 tonnes/year, resulting in a total site treatment capacity of 600,000 tonnes/year following the completion of Phase 2 expansion programme.

Mixed wastes subject to the pretreatment activity will be taken into Unit B building and loaded into one of the two feed hoppers, from where they will be conveyed into the purpose-built SRF processing plant. Waste for the SRF production activity is derived mainly from source segregated material including commercial wastes, mixed plastics and packaging wastes. In addition to the incoming waste, recycled materials from the Unit A building may also be transferred to Unit B for processing. The treatment processes involve material sorting via trommels, wind sifting, and the use of magnets to remove inert materials, ferrous and non-ferrous metals prior to shredding. Each batch is produced to meet a particular contractual standard of varying calorific values and moisture content. Once the SRF is processed, the output is transferred to designated storage bays for temporary storage prior to removal off-site.

Air abatement and extraction systems will be installed within Units A and B, as well as within a new building to be erected for the wood processing activity. These systems will extract air and treat it using activated carbon filters and baghouse filtration before releasing it to the atmosphere via elevated external flues.
All waste storage, treatment and handling areas are required to be on an impermeable surface with sealed drainage. The operator is not allowed to discharge surface runoff waters from water storage, treatment and handling areas to surface water or to sewer.

5.4.2 Environmental management system

We are satisfied that appropriate management systems and management structures will be in place for this regulated facility, and that sufficient resources are available to the Operator to ensure compliance with all the Permit conditions.

Our decision was taken in accordance with the guidance on Operator competence and how to develop a management system for environmental permits.

5.4.3 Site security

Having considered the information submitted in the Application, we are satisfied that appropriate infrastructure and procedures will be in place to ensure that the site remains secure.

5.5 Management plans

5.5.1 Accident management plan

The Applicant has submitted an Accident Management Plan (AMP). After considering the other information submitted in the Application, we are satisfied that appropriate measures will be in place to ensure that accidents that may cause pollution are prevented but that, if they should occur, their consequences are minimised.

5.5.2 Fire prevention plan

The Applicant submitted a Fire Prevention Plan (FPP).

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the FPP guidance.

We have approved the fire prevention plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the Permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change.

5.5.3 Environmental risk

We have reviewed the Operator's assessment of the environmental risk from the facility.

The Operator’s risk assessment is satisfactory.

5.6 Operating techniques

We have specified that the Applicant must operate the regulated facility in accordance with the following documents contained in table S1.2 of the draft Permit:

Table S1.2 Operating techniques

Description	**Parts Included**	**Reasons we have included**
Application variation EPR/DP3393LV/V009	Application forms C2, C3 and C4, and all supporting documents referenced within the forms.	To ensure proper regulation of the site activities including but not limited to fire, dust, noise and odour risks.
Additional information	Approved Noise Management Plan - Section 6 of the document titled 'EA Permitting Noise Impact Assessment', dated 22/10/2025.	
Response to Schedule 5 Notice dated 02/12/2025	Response to questions 1 – 40 of the Schedule 5 Notice including: • Approved Fire Prevention Plan.	
	Additional information in response to questions 7, 8, 12, 16,18, 21 - 23, 26 - 31, 35, 36 and 38 Schedule 5 Notice including: • Approved Dust management Plan, • Approved Odour Management Plan, • Fire Management Plan, • Site Layout Plans for Phases 1 & 2, • Updated EMS document.	
Healthcare waste: appropriate measures for permitted facilities Version published 13 July 2020	All parts relating to storage of offensive waste.	
Waste electrical and electronic equipment (WEEE): appropriate measures for permitted facilities, Published 13 July 2022	Section 4 and all other sections relating to storage of WEEE waste.	
Waste temperature exchange equipment: appropriate measures for permitted facilities Published 13 July 2022	Section 4 and all other relevant sections relating to the storage of WTEE waste.	

Table S1.2 Operating techniques		
Description	**Parts Included**	**Reasons we have included**
Chemical waste: appropriate measures for permitted facilities Published 18 November 2020	Section 4 and all other sections relating to the storage of asbestos and other relevant hazardous waste.	
Non-hazardous and inert waste: appropriate measures for permitted facilities Published 12 July 2021	All Parts	

5.6.1 General operating techniques

We have considered the relevant guidance, and we are satisfied that the operating techniques represent the most appropriate techniques for the facility.

We have reviewed the techniques used by the operator and compared these with the relevant requirements specified in the Waste Treatment BAT Reference document (BREF), Waste Treatment BAT Conclusions (WT BATC), Non-hazardous and inert waste: appropriate measures for permitted facilities guidance notes, Control and monitor emissions for your environmental permit and Fire prevention plans. We consider them to represent appropriate techniques for the facility. In reaching this decision, we have reviewed both the proposed measures and those incorporated within the Improvement Conditions (ICs).

5.6.2 Assessment of BAT

For the installation activities, we have reviewed the techniques used by the operator and compared these with the relevant requirements specified in the Waste Treatment BAT Reference document (BREF) and Waste Treatment BAT Conclusions (WT BATC). In reaching our decision on BAT, we have reviewed both the proposed measures and those incorporated within the Improvement Conditions (ICs) and have considered that they are sufficient to bring site into compliance with the BAT requirements specified in the WT BATC.

5.6.3 Assessment of appropriate measures

For the installation and waste operation activities, we have reviewed the techniques used by the operator and compared these with the relevant requirements specified in the Non-hazardous and inert waste: appropriate measures for permitted facilities guidance notes. In reaching our decision on BAT, we have reviewed both the proposed measures and those incorporated within the Improvement Conditions (ICs) and have considered that they are sufficient to bring the site into compliance with the BAT requirements specified in the WT BATC.

5.6.4 Operating techniques for emissions that screen out as insignificant

Emissions of VOCs and dust screened out as insignificant. The Operator modelled all sources appropriately and included representative receptors. We assumed conservative background levels of 9.4 µg/m^3 for PM_{10} and 0.22 µg/m^3 for VOCs and upon reviewing the air quality assessment submission, we are satisfied that the Predicted Environmental Concentrations are within the Air Quality Standards. We are satisfied that the operations at this site are not likely to contribute to exceedance of any relevant environmental standards.

We consider emissions to screen out as insignificant when the short-term process contribution (PC) is less than 10% of the short-term environmental standard or the long-term PC is less than 1% of the long-term environmental standard.

Emissions of dust have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the regulated facility.

We consider that the emission limits included in the Permit reflect the BAT for the sector.

5.6.5 National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018.Our decision complies with the programme's strategy and aids the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this Permit.

5.6.6 Waste types

Article 45(1) of the IED requires that the Permit must include a list of all types of waste which may be treated using at least the types of waste set out in the European Waste List established by Decision 2005/532/EC, if possible, and containing information on the quantity of each type of waste, where appropriate. The Application contains a list of those wastes, coded by the European Waste Catalogue (EWC) number and so we are satisfied that this requirement is met.

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

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.

We made these decisions with respect to waste types in accordance with the WM3 guidance.

The installation will be operated using best available techniques (BAT). We are satisfied that the operating and abatement techniques are BAT for accepting and treating these waste types.

6 · Nature conservation, protected species and habitat designations

The Conservation of Habitats and Species Regulations 2017, widely known as the Habitats Regulations, covers sites of European importance such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Ramsar sites, classified under the Ramsar convention of 1971, are classed as having the same protection as European sites. We screen for potential effects on the ecological integrity of a European site when considering any proposal. These regulations enshrine the precautionary principle in law.

We screen for Sites of Special Scientific Interest (SSSI) as covered by The Wildlife and Countryside Act 1981 (WCA81), The Countryside and Rights of Way Act 2000 (CRoW Act) which subsequently amended and strengthened this act, and the Natural Environment and Rural Communities Act 2006 (NERC06). We also screen for Marine Conservation Zones (MCZ).

Screening is also carried out for protected species, National nature reserves (NNR), Local nature reserves (LNR), Local wildlife sites (LWS), and non-statutory sites such as National Landscapes and heritage sites.

Our screening criteria are based on the risks posed by the proposed activities and the sensitivity of the receptor. We have checked the location of the proposed permission to ascertain 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.

6.1 Sites considered

The following Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites are located within 10 km of the regulated facility:

- Solway Firth (PSPA)

- Solway Firth (SPA)
- Upper Solway Flats &
- Marshes (Ramsar)
- Solway Firth (SAC)
- River Eden (SAC).

The following Sites of Special Scientific Interest (SSSI) are located within 2 km of the regulated facility:

- River Eden and Tributaries (SSSI)
- Upper Solway Flats & Marshes (SSSI).

The following local nature sites (ancient woodlands, local wildlife sites and national and local nature reserves) are located within 2 km of the regulated facility:

- Harker Moss.

The following protected species and habitat designations are within screening distance:

- Atlantic Salmon migratory route Salmo salar migratory route (2000m)
- Allis Shad migratory route Alosa alosa migratory route (500m)
- European Eel migratory route Anguilla anguilla migratory route (500m)
- River Lamprey migratory route Lampetra fluviatilis migratory route (500m)
- Sea Lamprey migratory route Petromyzon marinus migratory route (500m)
- Smelt migratory route Osmerus eperlanus migratory route (2000)

The following National Landscape and heritage designations are within 2km:

- Rockcliffe Moss -1859m
- Frontiers of the Roman Empire (Hadrian's Wall) – 0m.

6.2 Assessments

6.2.1 Habitats Assessment

The Applicant's habitats assessment was reviewed by our technical specialists for habitats and conservation and specialists for air dispersion modelling who agreed with the assessment's conclusions, that there would be no likely significant effect on the interest features of the protected sites.

The risks posed by the proposed permission above can be broken down into point source emissions to air/water and fugitive emissions to air/water (and land).

Point source emission to air:

The only point source emissions to air from the site were dust (modelled as $PM_{10/2.5}$) and VOCs (modelled as benzene) from the air extractors. VOCs have no ecological standards and are unlikely to lead to any of the risks normally attributed to these permitted sites, they are therefore not relevant for assessment in this HRA - however we have noted that the emissions of VOCsdid not breach any human environmental standards.

The dust emissions which also do not have an ecological standard, but which could in theory cause smothering of designated habitats were modelled and screened out for human standards at receptors closer than the designated sites. This is highly conservative for consideration of any smothering, not only because the human standards are much tighter than required to prevent smothering but also because the screening criteria is <1% of the environmental standard for long term impacts and <10% for short term. Accordingly, no likely significant effect has been identified.

Fugitive emissions to air:

The site has put in place adequate management measures to comply with BAT and their permit conditions which oblige the operator to ensure no dust pollution occurs outside the site boundary. The operator has a dust emissions management plan for the site, and we find the measures within it to be appropriate. Accordingly, no likely significant effect has been identified.

Point source emission to water:

The only point source emission to water is a discharge of clean yard/roof water. As part of this proposed permission the discharge, which previously included run off from waste storage areas will no longer include this source of potential contamination. The operator has put all relevant management measures in place to ensure this discharge does not cause pollution of the receiving beck where mobile designated features may be present. This includes a silt trap, BAT containment measures, written spill procedures and regular cleaning/inspections of the yards. Accordingly, no likely significant effect has been identified.

Fugitive emission to land and water:

The operator has put in place appropriate management measures to ensure containment of potentially polluting substances; all hazardous waste is kept in sealed/locked containers or inside buildings with seal drainage and all liquid containing tanks are bunded in case of tank failure. The only waste storage area which drains freely is the aggregate storage area where no hazardous or contaminated waste is stored. Accordingly, no likely significant effect has been identified.

6.2.2 SSSI Assessment

The Applicant's assessment of SSSIs was reviewed by our technical specialists for habitats and conservation and specialists for air dispersion modelling, who agreed with the assessment's conclusions, that the proposal does not damage the special features of the SSSIs.

The reason for our decision is the same as those detailed in section 6.2.1 above.

6.2.3 Assessment of local nature sites

Conservation sites are protected in law by legislation which provides the highest level of protection for SACs and SPAs, and also important protection for SSSIs. More generalised protection is provided for flora and fauna rather than for specifically named conservation designations. It is under this that we assess other sites (such as ancient woodlands, local wildlife sites and national and local nature reserves) which prevents us from permitting something that will result in significant pollution; and which offers levels of protection proportionate to the designation. However, it should not be assumed that because levels of protection are less stringent for these other sites, that they are not of considerable importance. Local sites link and support EU and national nature conservation sites together and hence help to maintain the UK's biodiversity resilience.

For SACs, SPAs, Ramsars and SSSIs we consider the PC and the background levels / concentrations in making an assessment of impact. In assessing the local nature sites, we look at the impact from the regulated facility alone to determine whether it would cause significant pollution. This is a proportionate approach, in line with the levels of protection offered by the conservation legislation to protect these other sites (which are generally more numerous than Natura 2000 or SSSIs) whilst ensuring that we do not restrict development.

Critical levels and loads are set to protect the most vulnerable habitat types. Thresholds change in accordance with the levels of protection afforded by the legislation. Therefore, the thresholds for SAC SPA and SSSI features are more stringent than those for local nature sites.

Therefore, we would generally conclude that the regulated facility is not causing significant pollution at these other sites if the PC is less than the relevant critical level or critical load, provided that the Applicant is appropriately controlling emissions.

The PCs are <1%. Hence, we can conclude that impacts are insignificant.

6.2.4 Protected species and protected habitat designation assessment

The following protected species and habitat designations are within screening distance:

- Atlantic Salmon migratory route Salmo salar migratory route (2000m)
- Allis Shad migratory route Alosa alosa migratory route (500m)
- European Eel migratory route Anguilla anguilla migratory route (500m)
- River Lamprey migratory route Lampetra fluviatilis migratory route (500m)
- Sea Lamprey migratory route Petromyzon marinus migratory route (500m)
- Smelt migratory route Osmerus eperlanus migratory route (2000)

No likely significant impact given the control measures in Section 6.2.1.

6.2.5 Landscape and heritage designation assessment

We consider that the application will not affect any landscape or heritage sites identified:

- Rockcliffe Moss
- Frontiers of the Roman Empire (Hadrian's Wall).

The decision was taken in accordance with our guidance.

7 · Minimising the regulated facility's environmental impact

Regulated activities can present different types of risk to the environment, these include odour, noise, and vibration; accidents, fugitive emissions to air and water; as well as point source releases to air, discharges to ground or groundwater, global warming potential (GWP) and generation of waste and other environmental impacts. Consideration may also have to be given to the effect of emissions being subsequently deposited onto land (where there are ecological receptors). All these factors are discussed in this and other sections of this document.

The next sections of this document explain how we have approached the critical issue of assessing the likely impact of the emission from the regulated facility on human health and the environment and what measures we are requiring the Operator to take to ensure a high level of protection.

7.1 Noise and Vibration Management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory, and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the Permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance ‘Control and monitor emissions for your environmental permit’.

The plan has been incorporated into the operating techniques table, S1.2 of the Permit.

7.2 Odour Management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory, and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the Permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance ‘Control and monitor emissions for your environmental permit’.

The plan has been incorporated into the operating techniques table, S1.2 of the Permit.

7.3 Fugitive emissions management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory, and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the Permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance ‘Control and monitor emissions for your environmental permit.

The plan has been incorporated into the operating techniques table, S1.2 of the Permit.

8 · Draft Permit conditions, competence, monitoring and reporting

8.1 Pre-operational conditions for future development

Based on the information in the application, we consider that we need to include pre-operational conditions. These conditions are set out below and referred to, where applicable, in the text of the decision document. We are using these conditions to require the Operator to confirm that the details and measures proposed in the Application have been adopted or implemented prior to the commencement of the Phase 2 operations – see the Key Issues section.

Table S1.4 Pre-operational measures for future development		
Reference	**Operation**	**Pre-operational measures**
PO1	Acceptance of waste under Phase 1 operations of Activities AR1 and AR2 of Table S1.1	Prior to the acceptance of waste authorised under Phase 1 operations for Activities AR1 and AR2 of Table S1.1, the operator shall complete the Improvement Conditions IC5 to IC6 of Table S1.3.
PO2	Increase of waste throughput authorised under Phase 2 operations of Activities AR1 and AR2 of Table S1.1.	Prior to the increase in the throughput of waste authorised under Phase 2 operations for Activities AR1 and AR2 of Table S1.1 (i.e., increase in waste throughput from 174,175 tonnes/year to 374,175 tonnes/year), the operator shall complete the expansion work of the Unit B building (which includes installation of the second SRF line) and complete the Improvement Conditions IC1 to IC4 of Table S1.3.

Table S1.4 Pre-operational measures for future development		
Reference	**Operation**	**Pre-operational measures**
PO3	Wood shredding operation authorised under Activity AR9 and of Table S1.1.	Following the issue of this variation, the operator shall not increase the storage and treatment capacity of wood shredding operation until Improvement Conditions IC1 to IC4 have been completed and approved in writing by the Environment Agency.

8.2 Improvement programme

Based on the information in the Application, we consider that we need to include an improvement programme. These improvements will be required by conditions, and they are set out below, justifications for these are provided at the relevant section of the decision document – see Key Issues section.

Table S1.3 Improvement programme requirements		
Reference	**Requirement**	**Date**
IC1 - operator to submit an infrastructure improvement plan	The operator shall submit an infrastructure improvement plan to the Environment Agency for written approval to cover the site areas of the site where wastes are handled, stored and/or treated with an impermeable surface, sealed drainage and containment systems. The plan shall contain detailed information on the design and construction specifications of the impermeable surface, sealed drainage and containment systems. It shall take into account the appropriate measures specified in Non-hazardous and inert waste: appropriate measures for permitted facilities guidance, Chemical waste: appropriate measures for permitted facilities, Control and monitor emissions for your environmental permit guidance and CIRIA Report C736. The plan must contain a provision for the construction to be certified by a suitably qualified engineer.	1 month following issuing of this variation notice.
IC2 - operator to complete the infrastructure improvement plan as approved	Following the completion IC1, the operator shall implement the improvement measures by the deadline specified in this improvement condition unless otherwise agreed in writing with the Environment Agency.	12 months following the completion of IC1.

Table S1.3 Improvement programme requirements		
Reference	**Requirement**	**Date**
	The operator shall submit a report to the Environment Agency for written approval. The report must contain: • Evidence that the construction of site surfacing, sealed drainage and containment systems have been completed. • Evidence that the work has been constructed to an appropriate standard approved under IC1 and in line with CIRIA Report C736. • An updated drainage plan showing how surface water and runoff from all waste storage and treatment areas are contained and directed to sealed systems. The plan should include Unit A, Unit B, Unit D, Unit K, and the beck-side boundary.	
IC3 - operator to submit a plan for the construction of a new building within the Unit K Area	The operator shall submit a plan to the Environment Agency for assessment and written approval for the new building to be constructed to enclose the wood shredding activity within the Unit K area. The plan shall contain detailed information on the design and construction specifications of the new building including information on the abatement systems. It shall take into account the appropriate measures specified in Non-hazardous and inert waste: appropriate measures for permitted facilities guidance, Chemical waste: appropriate measures for permitted facilities, Control and monitor emissions for your environmental permit guidance. The plan must contain a provision for the construction to be certified by a suitably qualified engineer.	1 month following issuing of this variation notice.
IC4 - operator to complete the construction of the new building within the Unit K Area as approved	Following the completion IC3, the operator shall complete the construction of the building by the deadline specified in this improvement condition unless otherwise agreed in writing with the Environment Agency. The operator shall submit an updated FPP, EMS and a report to the Environment Agency for written approval. The report must contain:	12 months following the completion of IC3.

Table S1.3 Improvement programme requirements		
Reference	**Requirement**	**Date**
	• Evidence that the construction of the building and abatement system have been completed. • Evidence that the work has been constructed to an appropriate standard approved under IC3.	
IC5 - operator to submit a plan for the repair and maintenance of the Unit A and Unit B buildings	The operator shall submit a plan to the Environment Agency for written approval for the repair and maintenance of the Unit A and Unit B buildings, including a proposal for the installation of fast acting doors, abatement units for VOCs and other particulate matter emission control. The plan shall contain detailed information of the repair works, including construction information on the abatement systems. The plan shall take into account the appropriate measures specified in Non-hazardous and inert waste: appropriate measures for permitted facilities guidance, Chemical waste: appropriate measures for permitted facilities and Control and monitor emissions for your environmental permit guidance.	1 month following issuing of this variation notice.
IC6 - operator to complete the repair and maintenance of the Unit A and Unit B buildings as approved	Following the completion IC5, the operator shall complete repair, maintenance, and construction works for Unit A and Unit B by the deadline specified in this improvement condition unless otherwise agreed in writing with the Environment Agency. The operator shall submit a report to the Environment Agency for written approval. The report must contain: • Evidence that the repair and maintenance and construction works have been completed. • Evidence that the work has been constructed to an appropriate standard approved under IC5.	12 months following the completion of IC5.
IC7 – operator to monitor emissions dust and VOCs to air and validate the H1 assessment	The operator shall submit a written report to the Environment Agency for assessment and written approval. The report must contain:	15 months following the installation of the abatement

Table S1.3 Improvement programme requirements		
Reference	**Requirement**	**Date**
submitted with the Application reference EPR/DP3393LV/ V009	• At least 12 emissions monitoring data obtained once per month for dust and VOCs during the first year of operation following the installation of the air abatement systems in Unit A and Unit B buildings. • A comparison of the actual emissions monitoring data with those used in the air impact assessment submitted with the Application reference EPR/DP3393LV/V009. • A revised H1 using the results of the monitoring where the actual emissions are higher than those in the original H1 assessment submitted with the Application. • Detailed air dispersion modelling where the emissions do not screen out within the revised H1. • Measures to be taken to reduce or abate emissions where detailed modelling does not screen out emissions. The Operator shall implement any improvement measures and applicable limits identified within the report in line with a timetable agreed in writing with the Environment Agency.	systems in Unit A and Unit B buildings.
IC8	The operator shall submit a plan to the Environment Agency for written approval on how to reduce emissions from generators to be in line with Emission Limit Values in Table S3.1 for the gas oil engines or a proposal on how to replace them with more efficient power generating source or get connected to the national grid before the specified compliance date.	3 months following issuing of this variation notice.

8.3 Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of the permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

8.4 Emission limits

Emission Limit Values (ELVs) and equivalent parameters or technical measures based on Best Available Techniques (BAT) have been added for the following substances:

- Dust – 5mg/m^3
- Volatile Organic Compounds (VOCs) – 30mg/m^3
- Oxides of Nitrogen - 190mg/m^3

8.5 Monitoring

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

- Dust – 6 monthly
- VOCs – 6 monthly
- Oxides of Nitrogen - Every 3 years
- Carbon Monoxide - Every 3 years

These monitoring requirements have been included in order to ensure that they are in line with the relevant BAT**.**

We made these decisions in accordance with the Waste Treatment BAT Conclusions (WT BATC) and the Non-hazardous and inert waste: appropriate measures for permitted facilities guidance notes.

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.

8.6 Reporting

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

- Dust
- VOCs

We made these decisions in accordance with the Waste Treatment BAT Conclusions (WT BATC) and the Non-hazardous and inert waste: appropriate measures for permitted facilities guidance notes.

8.7 Technical competence

Technical competence is required for the activities that are being permitted.

The operator is a member of the CIWM/WAMITAB scheme.

We are satisfied that the operator is technically competent.

8.8 Previous performance

We have assessed operator competence. We have noted the past poor performance of the operator as it relates to fugitive emissions of the permitted activities.

Taking this into account, we do have concerns about operator competence but we have considered this and on balance we have decided to grant the variation to the permit.

Although the variation is to increase the site's operations, we have used this opportunity to include permit conditions that require the operator to improve and upgrade the site's infrastructure so as to bring the site into fully compliance.

We take compliance with our permits very seriously. We will be monitoring the site, and if performance is poor, then appropriate enforcement action will be taken, and we will reconsider the Operator's suitability to hold a permit.

8.9 Financial competence

There is no known reason to consider that the Operator will not be financially able to comply with the Permit conditions.

9 · Other legal requirements

In this section we explain how we have addressed other relevant legal requirements, to the extent that we have not addressed them elsewhere in this document.

9.1 The EPR 2016 and related Directives

The EPR delivers the requirements of a number of assimilated and national laws.

9.1.1 Schedules 1 and 7 to the EPR 2016 – IED Directive

We address the requirements of the IED in the body of this document above and the specific requirements of Chapter IV in Annex 1 of this document.

There is one requirement not addressed above, which is that contained in Article 5(3) IED. Article 5(3) requires that "In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EC (now Directive 2011/92/EU) (the EIA Directive) applies, any relevant information obtained or conclusion arrived at pursuant to articles 5, 6 and 7 of that Directive shall be examined and used for the purposes of granting the permit."

Article 5 of EIA Directive relates to the obligation on developers to supply the information set out in Annex IV of the Directive when making an application for development consent.

Article 6(1) requires Member States to ensure that the authorities likely to be concerned by a development by reason of their specific environmental responsibilities are consulted on the Environmental Statement and the request for development consent.

Article 6(2)-6(6) makes provision for public consultation on applications for development consent.

Article 7 relates to projects with transboundary effects and consequential obligations to consult with affected Member States.

The grant or refusal of development consent is a matter for the relevant local planning authority. The Environment Agency's obligation is therefore to examine and use any relevant information obtained or conclusion arrived at by the local planning authorities pursuant to those EIA Directive articles.

9.1.2 Schedule 9 to the EPR 2016 – Waste Framework Directive

As the regulated facility involves the treatment of waste, it is carrying out a waste operation for the purposes of the EPR 2016, and the requirements of Schedule 9 therefore apply. This means that we must exercise our functions so as to ensure implementation of certain articles of the WFD.

We must exercise our relevant functions for the purposes of ensuring that the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste and that any waste generated is treated in accordance with Article 4 of the Waste Framework Directive. (See also section 4.3.9).

The conditions of the permit ensure that waste generation from the facility is minimised. Where the production of waste cannot be prevented it will be recovered wherever possible or otherwise disposed of in a manner that minimises its impact on the environment. This is in accordance with Article 4.

We must also exercise our relevant functions for the purposes of implementing Article 13 of the Waste Framework Directive; ensuring that the requirements in the second paragraph of Article 23(1) of the Waste Framework Directive are met; and ensuring compliance with Articles 18(2)(b), 18(2)(c), 23(3), 23(4) and 35(1) of the Waste Framework Directive.

Article 13 relates to the protection of human health and the environment. These objectives are addressed elsewhere in this document.

Article 23(1) requires the permit to specify:

- the types and quantities of waste that may be treated
- for each type of operation permitted, the technical and any other requirements relevant to the site concerned
- the safety and precautionary measures to be taken
- the method to be used for each type of operation
- such monitoring and control operations as may be necessary
- such closure and after-care provisions as may be necessary

These are all covered by permit conditions.

The permit does not allow the mixing of hazardous waste, so Article 18(2) is not relevant.

We consider that the intended method of waste treatment is acceptable from the point of view of environmental protection, so Article 23(3) does not apply.

Energy efficiency is dealt with elsewhere in this document, but we consider the conditions of the permit ensure that the recovery of energy take place with a high level of energy efficiency in accordance with Article 23(4).

Article 35(1) relates to record keeping and its requirements are delivered through permit conditions.

9.1.3 Directive 2003/35/EC – The Public Participation Directive

Regulation 60 of the EPR 2016 requires the Environment Agency to prepare and publish a statement of its policies for complying with its public participation duties. We have published our public participation statement.

This Application has been consulted upon in line with this statement, as well as with our guidance RGN6 on Sites of High Public Interest, which addresses specifically extended consultation arrangements for determinations where public interest is particularly high. This satisfies the requirements of the Public Participation Directive.

Our draft decision in this case has been reached following a programme of extended public consultation, both on the original application and later, separately, on the draft permit and a draft decision document. The way in which this has been done is set out in section 2. A summary of the responses received to our consultations and our consideration of them is set out in section 10.

9.2 National primary legislation

9.2.1 Environment Act 1995

(i) Section 4 (Pursuit of Sustainable Development)

We are required to contribute towards achieving sustainable development, as considered appropriate by Ministers and set out in guidance issued to us. The Secretary of State for Environment, Food and Rural Affairs has issued The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002). This document; "provides guidance to the Agency on such matters as the formulation of approaches that the Agency should take to its work, decisions about priorities for the Agency and the allocation of resources. It is not directly applicable to individual regulatory decisions of the Agency."

In respect of regulation of industrial pollution through the EPR, the Guidance refers in particular to the objective of setting permit conditions "in a consistent and proportionate fashion based on Best Available Techniques and taking into account all relevant matter". The Environment Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the Section 4 duty.

For waste the guidance refers to ensuring waste is recovered or disposed of in ways which protect the environment and human health. The Environment Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the Section 4 duty.

(ii) Section 5 (Preventing or Minimising Effects of Pollution of the Environment)

We are satisfied that our pollution control powers have been exercised for the purpose of preventing or minimising, remedying or mitigating the effects of pollution.

(iii) Section 7 (General Environmental Duties)

This places a duty on us, when considering any proposal relating to our functions, to have regard amongst other things to any effect which the proposals would have on sites of archaeological, architectural, or historic interest; the economic and social well-being of local communities in rural areas; and to take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.

We considered whether we should impose any additional or different requirements in terms of our duty to have regard to the various conservation objectives set out in Section 7 but concluded that we should not.

(iv) Section 39 (Costs and Benefits)

We have a duty to take into account the likely costs and benefits of our decisions on the applications ('costs' being defined as including costs to the environment as well as any person). This duty, however, does not affect our obligation to discharge any duties imposed upon us in other legislative provisions.

In so far as relevant we consider that the costs that the permit may impose on the applicant are reasonable and proportionate in terms of the benefits it provides.

(v) Section 81 (National Air Quality Strategy)

We have had regard to the National Air Quality Strategy and consider that our decision complies with the Strategy, and that no additional or different conditions are appropriate for this Permit.

We have also had regard to the clean air strategy 2019 and consider that our decision complies with the Strategy, and that no additional or different conditions are appropriate for this Permit.

We have had regard to the National Air Pollution Control Programme (set under the National Emissions Ceiling Regulations 2018) and consider that our decision complies with the Strategy, and that no additional or different conditions are appropriate for this Permit.

9.2.2 Section 108 Deregulation Act 2015 – Growth duty

We 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 statutory guidance issued by the Department of Business, Energy and Industrial Strategy in March 2017 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 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. It also ensures that any pollution that may arise from the regulated facility does not adversely affect local businesses.

9.2.3 Legislative and Regulatory Reform Act 2006

In accordance with section 21 of this Act, when making this decision we have had regard to the need to be transparent, accountable, proportionate and consistent, and the need to target action where it is needed.

In accordance with section 22 of the Act we have had regard to the Regulators' Code; in particular the need to base our decision on environmental risk, and to support the applicant to comply and grow, so that burdens have only been imposed where they are necessary and proportionate.

9.2.4 Human Rights Act 1998

We have considered potential interference with rights addressed by the European Convention on Human Rights in reaching our decision and consider that our decision is compatible with our duties under the Human Rights Act 1998. In particular, we have considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol). We do not believe that Convention rights are engaged in relation to this determination.

9.2.5 Countryside and Rights of Way Act 2000 (CROW 2000)

Section 85 of this Act imposes a duty on Environment Agency to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (AONB).

9.2.6 Wildlife and Countryside Act 1981

Under section 28G of the Wildlife and Countryside Act 1981 the Environment Agency has a duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest. Under section 28I the Environment Agency has a duty to consult Natural England in relation to any permit that is likely to damage SSSIs.

We assessed the Application and concluded that the regulated facility will not damage the special features of any SSSI. This was recorded on a CROW Appendix 4 form.

9.2.7 Natural Environment and Rural Communities Act 2006

Section 40 of the Natural Environment and Rural Communities Act 2006 has been amended with effect from 1 January 2023 to require consideration as to what action we can properly take, consistently with the proper exercise of our functions, to further the general biodiversity objective, which is to further the conservation and enhancement of biodiversity and having considered, determined such policies and specific objectives as we consider appropriate for taking action to further the general biodiversity objective, and take such action as we consider appropriate, in the light of those policies and objectives, to further that objective.

Section 40(2A) states that in complying with the duty in section 40(1) and (1A) we must have particular regard to any relevant local nature recovery strategy and species protection strategy or protected sites strategy.

We have, also, considered the general biodiversity objective when carrying out our permit application determination and, consider that no different or additional conditions are required in the permit.

9.2.8 Marine and Coastal Access Act 2009

Section 58 of this Act requires us to act in accordance with appropriate marine policy documents, unless relevant considerations indicate otherwise.

Section 125 of this Act requires that, so far as is consistent with their proper exercise, we exercise our functions in a manner that we consider best furthers the conservation objectives stated for Marine Conservation Zone(s) (MCZs) certain features of which are capable of being affected by our determination (to more than an insignificant degree) or else, where this is not possible, which least hinders the achievement of those objectives.

Section 126 of this Act requires that, before granting a Permit for an regulated facility capable of affecting certain features of a MCZ(s) (to more than an insignificant degree), we consult with Natural England and that we are satisfied that there is no significant risk of the operation of the regulated facility hindering the achievement of the conservation objectives stated for any relevant MCZ(s).

We have considered the Application and are satisfied that it would not affect, to more than an insignificant degree, the protected features of MCZs or the ecological or geomorphological process on which the conservation of such features are dependent.

9.2.9 Countryside Act 1968

Section 11 imposes a duty on the Environment Agency to exercise its functions relating to any land, having regard to the desirability of conserving the natural beauty and amenity of the countryside including wildlife. We have done so and consider that no different or additional conditions in the Permit are required.

9.2.10 National Parks and Access to the Countryside Act 1949

Section 11A and section 5(1) imposes a duty on the Environment Agency when exercising its functions in relation to land in a National Park, to further the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas, and of promoting opportunities for the understanding and enjoyment of National Parks by the public.

There is no National Park which could be affected by the regulated facility.

9.2.11 Environment Act 2021

Section 110(10) requires that we must have regard to a protected site's strategy, which Natural England has prepared and published in relation to improving the conservation and management of a protected site, and managing the impact of plans, projects or other activities (wherever undertaken) on the conservation and management of the protected site, where relevant to exercise of our duties under Conservation of Habitats and Species Regulations 2017, sections 28G to 28I Wildlife and Countryside Act 1981 or Marine and Coastal Access Act 2009.

We have had regard to this in our assessments.

9.3 National secondary legislation

9.3.1 Conservation of Habitats and Species Regulations 2017

We have assessed the Application in accordance with our guidance and concluded that there will be no likely significant effects on any European Site.

The Habitats Regulations Assessment is summarised in greater detail in section 6.2 of this document. A copy of the Habitats Regulations Assessment can be found on the public register.

We have also considered our general duties under Regulation 9(3) to have regard to the requirements of the Habitats Directive in the exercise of our powers and under Regulation 10 in relation to wild bird habitat to take such steps in the exercise of their functions as they consider appropriate so far as lies within our powers to secure preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds.

We considered whether we should impose any additional or different requirements in the permit in terms of these duties but concluded that we should not.

9.3.2 Water Environment (Water Framework Directive) Regulations 2017

Consideration has been given to whether any additional requirements should be imposed in terms of the Environment Agency's duty under regulation 3 to secure compliance with the requirements of the Water Framework Directive, Groundwater Directive and the EQS Directive through, amongst other things, environmental permits, and its obligation in regulation 33 to have regard to the river basin management plan (RBMP) approved under regulation 31 and any supplementary plans prepared under regulation 32. However, it is felt that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

We are satisfied that granting this application with the conditions proposed would not cause the current status of the water body to deteriorate.

9.3.3 The Persistent Organic Pollutants Regulations 2007

We have explained our approach to these Regulations, which give effect to the Stockholm Convention on POPs and the EU's POPs Regulation, above.

9.3.4 Marine Strategy Regulations 2010

In relation to Regulation 9 of the Marine Strategy Regulations 2010 we have had regard to the marine strategy (in so far as it has been developed and published to date) and consider that there is nothing in it which would lead us to any different conclusions from those we have already reached through our other marine assessments.

9.5 Other relevant legal requirements

9.5.1 Duty to Involve

Section 23 of the Local Democracy, Economic Development and Construction Act 2009 require us where we consider it appropriate to take such steps as we consider appropriate to secure the involvement of interested persons in the exercise of our functions by providing them with information, consulting them or involving them in any other way. Section 24 requires us to have regard to any Secretary of State guidance as to how we should do that.

The way in which the Environment Agency has consulted with the public and other interested parties is set out in section 10 of this document. The way in which we have taken account of the representations we have received is set out in section 10. Our public consultation duties are also set out in the EP Regulations, and our statutory Public Participation Statement, which implement the requirements of the Public Participation Directive. In addition to meeting our consultation responsibilities, we have also taken account of our guidance in Environment Agency Guidance Note RGS6.

10 · Consultation Responses

10.1 Advertising and Consultation on the Application

The Application has been advertised and consulted upon in accordance with the Environment Agency's Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex. Copies of consultation responses have been placed on the Environment Agency public register.

The Application was advertised on the Environment Agency website from 23/04/25 to 22/05/2025.

The following statutory and non-statutory bodies were consulted:

- Local Authority – Environmental Health/Environmental Protection department
- Health and Safety Executive
- UK Health Security Agency
- Food Standards Agency
- Local Authority – Planning.

The consultation responses received were wide ranging and a number of the issues raised were outside the Environment Agency's remit in reaching its permitting decisions. Specifically, questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the granting of planning permission.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework. It says that the planning and pollution control systems are separate but complementary. We are only able to consider those issues which fall within the scope of the EPR.

10.2 Consultation Responses from Statutory and Non-Statutory Bodies

Response received from UKHSA.

Brief summary of issues raised:

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.

This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.

Summary of actions taken:

The permit includes appropriate measures detailed in our technical guidance and industry best practice. It has relevant conditions to prevent and minimise pollution at the site.

Response received from Local Planning Authority.

Brief summary of issues raised:

The Local Planners indicated that the key concern is potential noise impacts from increased production, particularly given existing site noise issues and an ongoing complaint at the site. The highlighted that during permitting and decision making for the Schedule 13a SWIP, Environmental Health required post-commissioning noise assessment (based BS4142). According to them, the baseline expectation for any new or varied development is no adverse impact (i.e. ≤ 0 rating level difference), with mitigation aiming for −5 dB or lower. They indicated that there is also supplementary guidance on when air quality assessments are required and stated that the recently issued permit may be relevant, including consideration of significant public comments received during the application, decision, and draft permit stages.

Summary of actions taken:

The application was submitted with Noise Impact assessment and Noise Management Plan which we assessed and considered to be in line with our guidance. See further details within the EA's Consultation response to members of the public.

10.3 Representations from local MPs, assembly members, councillors and parish/town community councils

Response received from the local MP.

Brief summary of issues raised:

The MP noted that the permit application seeks a four-fold increase in the volume of waste currently processed at the site. Concerns raised by a constituent were cited, specifically that the increased volume of waste being brought to the site is intended for incineration, despite permission for the gasification plant not yet being granted.

The MP stated that granting the application at this stage would be inappropriate, as it could be perceived by planners as tacit support from the Environment Agency for the related gasification planning application. The MP requested that this objection be formally noted and advised that the EA should carefully consider the wider implications of granting the permit while the associated planning application remains outstanding.

The MP also attached a letter from a constituent outlining several specific concerns. The MP requested a response explaining how the EA will consider each of the matters raised in relation to this permit application.

Summary of actions taken:

The EA responded to the MP's letter by clarifying that the decision-making processes for planning and permitting are separate. While both are required for the proposed changes to operate legally, each can be determined independently. The EA also noted that planning and permitting have different requirements, and that each decision must be based on the suitability of the proposals following a thorough technical assessment. The EA agreed that all matters raised during the consultation on this application will be addressed in the Decision Document, which supports our decision-making. This document will be made available to all parties at the same time, once our assessment of the application has been concluded.

10.4 Representations from individual members of the public

A total of 13 of responses were received from individual members of the public. Many of the issues raised were the same as those considered above. Only those issues additional to those already considered are listed below:

Brief summary of issues raised (see the table below):

PR1	The Environment Agency's Compliance Assessment Reports for North West Recycling Ltd (NWR) over the past five years show a persistent and serious pattern of permit non-compliance. Breaches were recorded in every year reviewed, with issues documented across human health protection, environmental pollution and operational management. Identified failures include contamination and risk to watercourses, inadequate and unfit-for-purpose drainage, excessive and poorly managed waste storage creating fire risk, incorrect handling of asbestos, acceptance of waste types and quantities beyond permit limits, misclassification of hazardous wastes, inadequate staff competence, inaccurate reporting to the EA, and repeated failure to take corrective action even after enforcement notices.

	These concerns sit within a longer history of non-compliance, including a 2013 conviction for multiple permit breaches and illegal waste dumping. The community highlights significant impacts, notably the prolonged 2021 fire which exposed nearby areas to potentially asbestos-laden smoke, ongoing fire risks identified thereafter, pollution of the River Eden, repeated plastic littering of local roads, and more recent dust and water pollution affecting neighbouring agricultural land. The submission argues that regulatory action has been inadequate, with no individuals held accountable for major incidents, limited environmental monitoring following the fire (including no soil, dioxin or dust sampling), and a reliance on operator assurances. The community therefore considers that public health and the environment continue to be exposed to unacceptable risk. The document strongly criticises the EA's decision to allow continued operation and to encourage a permit variation to increase throughput despite this history, arguing that higher throughput would amplify risk. It calls for refusal of the variation and revocation of the existing permit. Broader concerns are raised about perceived regulatory bias, conflicts of interest linked to paid pre-application services, lack of transparency in permitting decisions, and a consultation process seen as ineffective. The community requests direct engagement with permitting officers on site and asks that their concerns be fully recorded should permission be granted despite these objections.
PR2	This submission raises additional objections to the permit variation, supplementing earlier objections based on the applicant's long and serious history of non-compliance. It argues that this history undermines any confidence in the applicant's ability to comply with permit conditions and that the application should therefore be refused. If the Environment Agency (EA) is nonetheless minded to approve it, the objectors request detailed, substantive explanations of how their concerns have been addressed. Key issues raised include: • Building condition and containment: Doubts that the existing buildings are sufficiently sound or airtight to operate under negative pressure as claimed, or that such conditions could be maintained over time. • Design clarity and fire risk: Errors and ambiguities in drawings relating to bay dimensions and stockpile volumes, including apparent miscalculations that would result in excessively large stockpiles presenting unacceptable fire risk. • Inconsistencies in throughput figures: Discrepancies between daily and annual throughput figures, and uncertainty over how waste flows between site units are regulated, potentially allowing throughput well above stated limits.

	• Hazardous waste handling: Insufficient information and assessment of risks associated with the separation and bulking of hazardous waste, including dust, emissions, fire and explosion risks, and impacts on nearby receptors. • Cumulative air quality impacts: Alleged inadequacies in cumulative air dispersion modelling, including failure to account for emissions from thermal oxidisers, diesel generators (existing and proposed), biomass boilers, on-site and off-site vehicles, and increased generator use linked to higher throughput. • Traffic-related pollution: Concern that increased vehicle movements would raise background air pollution, and that this has not been reflected in assessments despite known underestimation of local NO_2 levels. • Modelling errors: Identification of technical errors and calm hours in dispersion modelling files, which may lead to under-prediction of impacts. • Fuel and energy inconsistencies: Contradictory figures for diesel consumption and electricity generation, suggesting that emissions may be significantly underestimated. • Fire prevention and drainage: Lack of confidence that fire and environmental risks can be minimal given the site's history, concerns that the drainage system is inadequate to contain firewater, and that past regulatory failings contributed to the prolonged 2021 fire. • Boundary and regulatory gaps: Query as to why the weighbridge and weighbridge office fall outside the permitted boundary despite their importance to waste acceptance and throughput control. • Noise and odour: Alleged omissions in cumulative noise assessment and lack of confidence in claimed community engagement set out in the Odour Management Plan. • Governance and trust: Strong concerns about perceived EA bias, conflicts of interest linked to pre-application advice, and lack of transparency. The submission concludes by renewing a request for EA permitting officers and managers to meet with the local community to hear concerns directly and to provide equivalent advice to that offered to the applicant, as part of addressing perceived unfairness in the permitting process.
PR3	The respondent strongly objects to the proposed four-fold increase in throughput, citing a long and serious history of environmental non-compliance at the site. Existing operations have already caused significant harm, including pollution of the River Eden SSSI, widespread plastic debris, contamination of agricultural land, a major fire lasting four weeks,

	asbestos mismanagement, and improper waste storage. The operator has previous criminal convictions for illegal waste dumping, and enforcement action to date has failed to prevent ongoing breaches. The site's proximity (within 400 metres) to the River Eden SSSI and adjacent prime agricultural land means continued operation is already having severe adverse effects on the environment and local community. Any increase in throughput would worsen these impacts, create unacceptable traffic levels on unsuitable roads, and should therefore be refused outright.
PR4	The respondent objects to the proposed increase in capacity at Northwest Recycling, stating the site already causes significant harm to the local environment and community. There is a well-documented history of environmental breaches, including repeated pollution of the River Eden SSSI, contamination of nearby watercourses, widespread plastic debris, and ongoing issues with dust, noise, mud, and traffic. A recent major fire caused serious environmental damage, closed a local school, and led to distress among residents. Despite Environment Agency involvement, non-compliance continues. The respondent considers the site unsustainable in its current form, argues the permit should have been revoked, and states that any increase in throughput is unacceptable and should be refused.
PR5	The respondent strongly opposes the project, stating that the operator has a long history of non-compliance and poor neighbour behaviour. They express no confidence in the Environment Agency's ability to regulate or monitor the site, citing ongoing issues including litter, odour, dust, light pollution, visual impact, and a serious fire in 2021 that they believe should have led to closure rather than expansion. They consider the proposal - described as effectively an incinerator - to be inappropriate, harmful to the communities of Rockcliffe and Harker, and contrary to wider policy trends restricting incineration. Overall, the respondent feels the operation causes ongoing stress to residents and that past regulatory action has failed to prevent harm.
PR6	We don't need this in a small town like Carlisle.!!!!!
PR7	The respondent cited NWR's environmental failings as grounds for reluctance in supporting the request. Reported issues include fire, pollution of waterways, plastic pollution, and excessive waste. The EA's inability to effectively monitor the site due to resource constraints is also noted. An independent report highlights concerns about NWR's proposal and the potential for environmental harm. There is a preference for caution, questioning the suitability of NWR's new proposal, particularly as it seeks increased throughput without evidence of safety at current levels or consideration of long-term impacts.

PR8	The respondent strongly opposes increasing waste processing at NWR, citing a repeated history of environmental breaches, lack of confidence in regulatory oversight, and the belief that granting a permit would undermine existing legislation.
PR9	The respondent expresses a lack of confidence in the Environment Agency's regulation and permitting of the site, citing persistent non-compliance and ongoing pollution. They argue that the permit should have been revoked years ago, which would have prevented the 2021 fire and reduced environmental and community harm.
PR10	The representation strongly opposes North West Recycling Ltd's proposed expansion, citing evidence of repeated permit breaches that have caused environmental harm, including pollution of air, land, and water. The author considers further expansion unacceptable given the company's poor compliance record and urges outright rejection of the application.
PR11	The representation expresses significant concern regarding North West Recycling Ltd's (NWR) compliance history, referencing Environment Agency Compliance Assessment Reports over the last five years and a previous conviction for permit breaches. The submission details a wide range of non-compliance issues, including risks to human health and the environment, such as water pollution, improper drainage, fire risks, incorrect asbestos storage, exceeding permitted waste types and volumes, inadequate staff training, and failure to implement corrective actions. It highlights persistent permit breaches and incidents, including a major fire in 2021, ongoing pollution of local waterways, and plastic littering, which have undermined community confidence in regulatory oversight. The representation raises concerns that the EA has not revoked NWR's permit despite repeated non-compliance and continued exposure of the public and environment to unacceptable risks. It questions the effectiveness and impartiality of the EA's regulatory approach, citing perceived bias, lack of transparency, and potential conflicts of interest in the permitting process. There is particular objection to the EA's encouragement of NWR's application for increased waste throughput, with the view that further increases would heighten risks and the likelihood of future non-compliance. The representation calls for the EA to refuse the permit variation and revoke NWR's existing permit, and requests that permitting officers and managers engage directly with the local community, including site visits and opportunities for residents to present evidence and concerns. It urges the EA to provide advice and support to the community in opposing the permit application and stresses the need for greater transparency and fairness in the permitting process.

PR12	The respondent argues that the facility is fundamentally inappropriate for heavy industrial use, as it was initially intended for storage. They highlight previous environmental incidents, including leaks that affected local watercourses and a major fire which had negative consequences for nearby farmland and the village. The respondent contends that the area is already suffering from heavy vehicle traffic, with articulated lorries posing safety risks, and that increased traffic will worsen these problems. They question the inconsistency in regulations, noting that residents are prohibited from burning coal while the plant would be permitted to burn large amounts of plastic close to homes. Finally, they express concern that local councils' challenges with plastic disposal may influence decision-making regarding the plant, potentially compromising objectivity.
PR13	The respondent opposes the application for North West Recycling (NWR) at the Kingmoor Park Rockcliffe site. Their concerns are set out in several points and focus on environmental, health, and community impacts. • The respondent believes that increasing the waste throughput at the site will significantly raise the risk of fire. They reference a month-long fire in November 2021 as evidence that the current volumes are already hazardous, suggesting that higher volumes would exacerbate the issue. They also highlight the site's location, stating that any water used to fight fires would inevitably run off into the nearby watercourse, ultimately entering the protected River Eden, posing further environmental risks. • Noise is a significant issue for the respondent. They report ongoing problems with noise from the site and state that any increase is unacceptable, particularly given Rockcliffe's rural and residential character rather than an industrial setting. • Pollution concerns centre around litter and dust originating from the site, which has ended up on farmland…. As this land feeds into the food chain, they argue the supply should not be put at risk and again draw attention to the watercourse's vulnerability. • They mention repeated complaints from local residents about contamination of the watercourse, attributing these issues to NWR. • They argue that increased waste volumes would likely include more food waste, which could attract vermin. This is seen as particularly destructive for local farms. • The respondent is concerned about increased emissions. While road impacts cannot be considered, they argue that emissions from vehicles, engines, generators, and plant operating on site should be taken into account. They note that local residents should not be exposed to elevated emissions in a countryside environment.

	• The respondent questions the authenticity of information provided by NWR. They cite an incident where a blurry map was supplied, incorrectly showing a 'high wooden fence' at the boundary, when no such fence exists. Recent soil banking installed on the property has failed to suppress current dust levels, raising doubts about its effectiveness if throughput increases. Finally, they emphasise local receptors are susceptible to negative impacts. They are concerned about diminished air quality, loss of amenities, health risks, and contamination, particularly given NWR's history of non-compliance and disregard for safety.

Summary of actions taken:

Introduction

This section sets out how the Environment Agency has taken account of representations received from members of the public in relation to the application submitted by North West Recycling Ltd. All representations received within the consultation period have been reviewed and considered as part of the determination of the application.

The issues raised have been assessed alongside our statutory duties, the Environmental Permitting (England and Wales) Regulations 2016, site-specific risk assessments, compliance history, and the operator's proposed controls.

Summary of Matters Raised in Representations

Representations raised concerns regarding:

- The operator's historic compliance record, including repeated permit non-compliance over several years and a resultant lack of confidence in operator competence.
- Risks to human health and the environment, including fire risk, dust, fire water containment, drainage and water pollution and adequacy of waste storage controls.
- Ongoing amenity impacts (noise, odour, litter, mud, light) and traffic impacts.
- The 2021 fire and subsequent off-site impacts.

- Repeated allegations of pollution to watercourses and the River Eden SSSI and contamination of agricultural land.
- Deficiencies and inconsistencies in air quality/dust assessments and cumulative modelling.
- Concerns about further increases in waste throughput - concerns regarding hazardous waste/asbestos handling and waste acceptance/throughput control.
- Confidence in regulatory effectiveness and protection of local receptors - concerns about regulatory transparency, impartiality, and community engagement.

These matters are considered relevant to the determination of the application and have informed the Environment Agency's assessment and decision.

Our Decision

The Environment Agency has decided not to permit the application as submitted**.**

The requested increase in throughput will not be authorised in a single stage**.** Instead, the site will be regulated through a phased permitting approach, with progression between phases dependent upon the operator completing defined infrastructure and control improvements and demonstrating effective compliance.

This decision reflects the Environment Agency's assessment that an immediate full throughput increase would present an unacceptable environmental risk.

Reasons for the Decision

The phased approach is considered necessary and proportionate for the following reasons:

- The operator's recorded history of non-compliance.
- The potential for increased environmental risk associated with higher waste throughput.
- The need to ensure that infrastructure and management systems are robust before allowing increased throughput and operational flexibility.
- The requirement to prevent pollution and protect human health and the environment.

Consideration of Compliance History

The Environment Agency holds records of compliance assessments, enforcement action and incidents at the site. The operator’s compliance history has been taken into account in accordance with our risk-based approach to regulation.

Historic performance has directly influenced:

- The scope of the determination.
- The decision not to grant the requested increase in throughput in full until the relevant control measures and infrastructure are in place at the site.
- The requirement for a phased operational approach.
- The inclusion of additional permit controls and improvement requirements.

Risks to human health and emissions to air

We audited the Applicant’s dispersion modelling. As part of the audit, we checked that the [modelling parameters, weather data and background levels] used by the Applicant were appropriate and we are satisfied that they were. Based on the Applicant’s modelling we are satisfied that there will not be a significant impact in air quality.

The ‘Operating techniques for emissions that screen out as insignificant’ section of this decision document has further details.

Improvement Programme and Emissions Controls

The permit includes enforceable improvement requirements. These require the operator to:

- Fully enclose all buildings and waste storage, handling and treatment areas where fugitive emissions of dust, noise and odour may arise.
- Ensure that waste operations capable of generating fugitive emissions are undertaken only in enclosed areas.
- Implement controls designed to minimise off-site impacts to sensitive receptors and to contain surface water emissions at the site and to capture and tanker offsite contaminated waters arising from the waste treatment and storage areas.

Progression to later operational phases will not be permitted unless these measures are implemented and verified by the Environment Agency.

Drainage and Water Management Controls

The Environment Agency has reviewed drainage arrangements at the site. The permit requires the operator to:

- Provide impermeable surfaces across all areas where waste is handled.
- Install and maintain a sealed drainage system in areas where waste is handled.
- Not discharge contaminated water to surface water bodies or to sewer.
- Manage all water that has contact with waste as contaminated and remove it for appropriate off-site treatment or disposal.

These controls address risks to groundwater and surface waters identified through compliance history and consultation responses.

Ongoing Regulation and Enforcement

The site will remain subject to risk-based compliance assessment. Failure to comply with permit conditions or improvement requirements may result in enforcement action, including restriction of activities, suspension or, where appropriate, consideration of permit revocation in accordance with statutory provisions.

Conclusion

All representations have been considered as part of the determination process. The Environment Agency considers that permitting the site subject to a phased operational approach, strengthened infrastructure requirements and additional controls is necessary to ensure protection of human health and the environment.

The operator has not been granted an unrestricted increase in throughput. Any future increase is conditional upon the successful delivery of improvements and sustained compliance with permit conditions.

10.6 Representations on issues that do not fall within the scope of this Permit determination

Brief summary of issue raised: response from members of the public reference PR2, PR3, PR4 and PR12 made mention of the impact of increased traffic related and vehicle movement on the local community.

Environment Agency comment: The regulation of traffic movement on public road and areas outside of the boundary areas of the site is outside of the regulatory duties of the Environment Agency. Movement of traffic to and from the regulated facility is outside of our statutory remit and is normally an issue for the planning authority to consider. Our consideration is whether the emissions from traffic could affect the prevailing pollutant background levels which could be a consideration where there are established high background concentrations contributing to poor air quality.