

Our ref: KD/REAL34/HALO  
Your ref: EPR/FP3435RP  
23 March 2022

Richard Hadley, Principal Permitting Officer - Installations  
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Dear Sirs

**Our client: Halo Battery Recycling Limited (“Halo”)**

**Application to transfer Permit Number EPR/FP3435RP (“Permit”)**

**St George’s Works, Bradley’s Lane, Tipton, West Midlands, DY4 9EZ (“the Site”)**

We refer to previous correspondence in relation to the above application to transfer the Permit from Aurelius Environmental Ltd (In Liquidation) (“Aurelius”) to our client, Halo.

As you are aware, it is our client’s position that the Directors of Aurelius agreed to transfer the Permit to Halo on 6 September 2021, before Aurelius went into voluntary liquidation on 28 September 2021. The application itself was delayed until the same date and payment was not received by you until 30 September 2021. As such the application was returned as not duly made because it was signed by a Director, rather than by one of the Joint Liquidators, of Aurelius.

We confirm that the Joint Liquidators have approved the application to transfer the Permit and we now enclose:

1. An application form to transfer the Permit duly approved by the Joint Liquidators;
2. A letter from the Joint Liquidators confirming approval of the application; and
3. An application form to vary the Permit.

We confirm that Halo has organised for payment of the fee for the variation today. We understand that the fee paid previously for the application to transfer the Permit has not yet been refunded to our client. Please therefore accept that payment in relation to the enclosed amended application.

**Possible Revocation of the Permit**

We understand that the Joint Liquidators have received a letter from the Environmental Agency regarding the possible revocation of the Permit. We are advised that they intend to respond to this directly, but we confirm that the intention is for the Permit to be transferred to Halo. As you will be aware, Halo is in occupation of the Site and we consider that our client can demonstrate that it is both the legal operator of the Site and has sufficient control of the same in order to operate the Permit in a suitable and responsible manner. We therefore strongly support the Joint Liquidators request that the Permit is not revoked but allowed to be transferred to Halo.

**Application to Vary**

You are aware that our client's business plan includes operations at the Site that differ to what is currently permitted under the conditions of the Permit. Accordingly, we enclose an application to vary the Permit to cover the purposes our client intends to utilise the Site for. Whilst we understand an application to vary would usually be made after a decision to transfer a Permit has been decided, we have enclosed this now to demonstrate Halo's genuine intentions to run the Site in full compliance with the requisite Regulations. We confirm that should there be a delay between the approval of the application for the transfer of the Permit and the approval of the application to vary it, our client is committed to ensure that the Site is run in compliance with the conditions of the Permit during that period and it will not carry out any operations referred to in the variation at the Site until it has been approved.

**Waste on Site**

We would like to take this opportunity to respond the letter dated 16 March 2022 from Clive Wall in relation to waste at the Site in the form of waste batteries, diluted battery acid and lead oxide sludge. The Site was formerly occupied by Aurelius but it surrendered its lease on 7 September 2022. On surrender Aurelius left its chattels at the Site, including the waste referred to in your letter. Our client took occupation of the Site on 1 October 2022 under a new lease and it is our client's position that it became an involuntary bailee of Aurelius' chattels, including the waste. In relation to your comment that our client is operating the Site in contravention of Regulations, you will appreciate that our client reasonably believed that its application to transfer the Permit would be successful and it therefore acted in good faith to do everything it could to ensure that it was not in contravention from the date it took occupation. In addition, since it took occupation, Halo has been working tirelessly to resolve the issue of collection and/or proper disposal of the waste with those it considered were responsible for the waste.

We are pleased to confirm that action is now being taken to dispose of the waste batteries and the diluted battery acid and it is expected that both will be removed from the Site by the close of business on 24 March 2022. We confirm that the company that purchased some of Aurelius' chattels, Curti Environmental Limited, has accepted ownership of the lead oxide sludge and confirmed it will collect it. We have written to require collection of it by 5pm on 25 March 2022. Our client therefore expects that your concerns will be resolved very shortly by the removal of the waste from the Site and by its amended application for the transfer of the Permit and application to vary the same.

**Request for prioritisation**

As set out above, our client has found itself in an unexpected situation as a result of the original application to transfer the Permit being returned as not duly made. The application was submitted with the genuine belief it was made a proper and compliant manner. The return of the application has heavily impacted on our client's business by delaying the anticipated start date of operation at the Site. Clive Wall visited the Site and has seen that our client has invested heavily in installing new, high tech plant. We would therefore kindly request that our client's application be treated with priority, so that the Site can become operational and compliant as quickly as possible.

Finally, we would like to thank you for your assistance in this matter and if you have any queries please do not hesitate to contact the writer on 07789 406086.

Yours sincerely



**Kirsteen Durrant**  
**SPENCER WEST LLP**