

We have issued an Environment Agency initiated variation for Vine Street MRF operated by SUEZ RECYCLING AND RECOVERY KIRKLEES LTD following a review of the permit in accordance with Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1).

The variation number is EPR/XP3792ZK/V004

We consider in reaching this decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Permit Review

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2016 (EPR), regulation 34(1), to periodically review permits.

We have reviewed the permit for this activity and varied the notice to make a number of changes to reflect relevant standards and current best practice. These changes principally relate to the implementation of our technical guidance [Non-hazardous and inert waste: appropriate measures for permitted facilities](#)

In this decision document, we set out the reasoning for the variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the operator against our technical guidance.

As well as considering the review of the operating techniques used by the operator, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue.

Where this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

Purpose of this document

This decision document provides a record of the decision-making process. It:

- explains how the Environment Agency initiated variation has been determined;
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account;
- highlights [key issues](#) in the determination.

Unless the decision document specifies otherwise, we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Environment Agency led variation – permit review

We have carried out an Environment Agency initiated variation to the permit following a permit review as required by legislation to ensure that permit conditions deliver compliance with relevant legislative requirements and appropriate standards to protect the environment and human health.

On 12 July 2021, technical guidance: [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) was published on gov.uk. This technical guidance explains the standards that are relevant to regulated facilities with an environmental permit to treat or transfer non-hazardous and inert wastes, providing relevant standards (appropriate measures) for those sites.

We issued a notice under regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 05/07/24. requiring the operator to provide information to confirm that the operation of their facility currently meets, or how it will subsequently meet, the standards in the relevant Appropriate Measures guidance.

The notice required the operator to:

1. Provide a brief non-technical description of the regulated facility, including
 - all listed activities, waste operations and registered waste exemptions (if any)
 - a list of wastes handled at the site, the key stages in the “process” and the relevant disposal and recovery operations.
 - the scale of the operation i.e., the waste storage and daily treatment capacity of the process.
 - a brief description of the principal releases to air, land and water including noise, dust and odour, along with a description of any abatement techniques and site plan.
 - description of the site location including 6 figure grid reference and any key sensitive receptors.
2. Identify the Appropriate Measures which apply to the facility's operations. [Non-hazardous and inert waste: appropriate measures for permitted facilities](#) and where other activities are carried out the other technical guidance which relates to those activities. [Technical guidance for regulated industry sectors: environmental permitting - GOV.UK \(www.gov.uk\)](#)

3. Confirm whether or not the operations comply with the requirements.
4. Where operations are not currently complying, the operator was required to provide:
 - details of how the relevant standards and requirements will be met.
 - justification as to why an alternative technique is appropriate and will achieve an equivalent level of environmental protection to the standards in the appropriate measures guidance.
 - details of why specific standards and requirements do not apply.
 - details on any activities they intend to cease operating.
5. Confirm whether they operate a medium combustion plant or specified generator (as per Schedule 25A or 25B of EPR 2016)

The operators were notified about the non-hazardous and inert waste: appropriate measures for permitted facilities guidance and were advised to consider them in their submissions.

The standards described in our technical guidance are split into chapters:

- General management appropriate measures
- Waste pre-acceptance, acceptance and tracking appropriate measures
- Waste storage, segregation and handling appropriate measures
- Waste treatment appropriate measures
- Emissions control appropriate measures
- Emissions monitoring and limits appropriate measures

Extent of this review

When we initiated this review the site was permitted to carry out waste operation activities. The site was permitted to accept non-hazardous waste for the purpose of physical sorting or separation (including screening), of waste into different components for disposal (no more than 50 tonnes per day), recycling or reclamation, baling of waste for recycling or reclamation and storage of waste (maximum 770 tonnes).

As part of this Permit Review and in response to the Request for Further Information (RFI), the operator advised the Environment Agency that they are a Materials Recycling Facility.

The site completely surrounds an Energy-from-Waste (EfW) site, but their operations are distinct, and the two sites have clearly defined permitted boundaries, as shown by the site plan in the permit.

As part of this review and to clearly define all of the regulated activities, we have amended the description of some of the waste operation activities. This is to make them distinctive.

We have applied appropriate restrictions to these activities to ensure that they meet the requirements of the Environmental Permitting (England and Wales) Regulations 2016.

We have updated (in consultation with the operator) the list of wastes that the operator is allowed to accept under each of the activities.

Our assessment of the responses received from the operator are summarised in Table 1.

The Regulation 61 Notice required the operator to confirm whether they could comply with the standards described in each of these chapters. Table 1 below provides a summary of the response received and our assessment of it. The overall status of compliance with the standards (appropriate measures) is indicated in the table as:

- NA – Not Applicable
- CC – Currently Compliant
- FC – Compliant in the future (through improvement conditions set in permit)
- NC/IC – Not Compliant; Improvement/New Condition included

Regulation 61 Response

The Regulation 61 notice response from the Operator was received on 04/10/24.

We considered that the response did not contain sufficient information for us to commence determination of the permit review and we needed further information to complete the permit review assessment.

We sent requests for further information (RFI) by email to the operator on the 26/11/24, 24/01/25 and received their response on the 19/12/24, 30/01/25, 18/02/25, 21/02/25, and 25/02/25. We received further information on the 19/12/24, 30/01/25, 18/02/25, 21/02/25, and 25/02/25.

These responses are available on our public register.

Changes to the permit conditions

Following the assessment of the information provided by the operator in response to the Regulation 61 Notice, summarised in table 1, we have made the following changes to the permit conditions:

- Conditions

Table 1 – Summary of our assessment of the operator’s Reg 61 response

Appropriate measures	Compliance status	Assessment of compliance with relevant standards (appropriate measures) and any alternative techniques proposed by the operator
General management appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the below measure, as it is not applicable to the site; Measure 2.4.8 contingency planning for end of waste materials.
Waste pre-acceptance, acceptance and tracking appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section. Pre-acceptance and acceptance procedures were provided.
Waste storage, segregation and handling appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the below measures, as they are not applicable to the site; - Measure 2.9 Refuse Derived Fuel (RDF) and Solid Recovered Fuel (SRF) storage. - Measure 2.10 RDF and SRF wrapping and storage.
Waste treatment appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the below measures, as they are not applicable to the site; - Measure 5.1 categorising outputs of soil and aggregate washing. - Measure 5.2.3 end-of-waste output storage. - Measure 5.3 handling or treating waste for landfill.
Emissions control appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the below measures, as they are not applicable to the site; - Measure 6.1.10 acoustic seals. - Measure 6.2.1 Volatile Organic Compounds (VOCs) identification . - Measure 6.2.4 assessing the location of vents and stacks. - Measure 6.3.7 litter fencing and micro-netting if unloading outdoors. - Measure 6.3.12 washing empty vehicles egressing site - Measure 6.3.16-18 noise and vibration management plan. - Measure 6.4 point source emissions to water The operator has stated that measure 6.3.12 of the appropriate measures and associated processes, such as washing vehicles leaving the site, is currently not applicable because biodegradable waste will not be directly accepted by the site and is only found with waste as contamination and is then segregated (therefore EWC code 20 03 01 - mixed municipal waste has been left unrestricted).

		A noise management plan has not been required, and measure 6.3.16-18 of the appropriate measures is currently not applicable, but a noise/vibration plan could be required in line with condition 3.3 of the permit if noise and vibration are causing a pollution outside of the site.
Emissions monitoring and limits appropriate measures	CC	The operator confirmed that they currently meet the requirements of the appropriate measures in this section with the exception of the below measures, as they are not applicable to the site; • Measure 7.1.1 inventory of point source emission to air. • Measure 7.1.2 fugitive emissions of dust and particulates. • Measure 7.1.3 monitoring of dust for a dust management plan • Measure 7.2.1-4 Medium Combustion Plant (MCP) • Measure 7.3 emissions to water and sewer.
Process efficiency appropriate measures	NA	The site is not an installation.
Change	Reason for change	
Medium combustion plant and specified generators	N/A	
Climate change	The operator has provided a climate change risk assessment.	
Summary of other changes made to the permit as a result of our assessment of the Reg 61 response		
Change	Reason for change	
Removal of waste codes	17 02 03 – plastic - removed as they no longer accept- previously used for industrial and commercial plastic acceptance. 20 03 07 – bulky waste - removed as this is not part of the MRF process. Note- The Chapter 19 codes (19 12 01, 19 12 02, 19 12 03, and 19 12 04) have been kept in the permit as requested by the operator. This is as a contingency if other Suez facilities have mechanical faults etc, the waste would then be re-processed at Vine Street, so would be coded correctly.	

Decision Considerations

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.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.

The site

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

The site boundary has not changed, but we requested an updated plan to accurately reflect the original permit site boundary, which is especially important considering the site surrounds an Energy from Waste site.

This shows the extent of the site of the facility

The plan is included in the permit.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in S1.2 in the environmental permit.

Waste types

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 guidance on the classification and assessment of waste (1st Edition v1.2 GB) Technical Guidance WM3.

Updating permit conditions during consolidation

We have updated the 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.

Changes to the permit conditions

We have varied the permit as stated in the variation notice.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Growth Duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 100 of that Act in deciding whether to grant the variation of this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.