

# Notice of variation with introductory note

## The Environmental Permitting (England & Wales) Regulations 2016

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Cubby Construction Limited

Unit C, Kingmoor Park  
Rockcliffe Estate  
Carlisle  
Cumbria  
CA6 4RW

### **Variation application number**

EPR/CB3200TS/V002

### **Permit number**

EPR/CB3200TS

# Unit C, Kingmoor Park

## Permit number EPR/CB3200TS

### Introductory note

#### This introductory note does not form a part of the notice

The following notice gives notice of the variation of an environmental permit.

The operator applied to add five additional waste codes to the permit (waste codes 17 03 01\*, 17 03 03\*, 17 05 03\*, 17 06 05\* and 17 09 04), to change the facility type from A16 - Non-hazardous waste physical treatment facility to A16a - Hazardous waste physical treatment facility, to add the D15 code to the waste operations and to increase the maximum quantity of waste accepted at the site from 75,000 tonnes to 78,650 tonnes.

In response to the Schedule 5 notice the operator decided to withdraw the addition of waste codes 17 03 01\*, 17 03 03\* and 17 05 03\* and the associated transfer and treatment activities for these wastes. The operator requested that the application continued to be determined for the addition of construction materials containing asbestos (waste code 17 06 05\*), the addition of waste code 17 09 04 mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03, the addition of the D15 code and to increase the maximum quantity of waste accepted at the site from 75,000 tonnes to 78,650 tonnes (no more than 3650t of hazardous waste shall be accepted at the site per annum). The asbestos waste shall be stored in one dedicated sealed and lockable skip of 8 cubic yard capacity. Once full the skip will be transferred to a permitted facility that can accept this waste type. Only bonded asbestos shall be accepted and there will be no treatment of asbestos waste. Following this variation this permit will become a tier 3 bespoke permit and will be charged as such.

The schedules specify the changes made to the original permit.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application EPR/CB3200TS/A001	Duly made 06/02/15	Application for physical treatment facility.
Permit determined EPR/CB3200TS	15/04/15	Tier 2 bespoke permit issued to Cubby Construction Limited.
Application EPR/CB3200TS/V002 (variation)	Duly made 20/09/17	Application to vary the permit to add five additional waste codes, to include the treatment of waste codes 17 03 01* and 17 03 03*, to change the facility type to A16a and to increase the maximum quantity of waste accepted at the site. This permit is now a tier 3 bespoke permit.
Additional information received in response to Schedule 5 notice dated 17/01/18	15/02/18	Schedule 5 response including Asbestos Management Procedure and revised site infrastructure plan (drawing number 14704/06B).  Operator withdrawal from the variation application of waste codes 17 03 01*, 17 03 03* and 17 05 03* and associated transfer and treatment activities for these waste.
Additional information received in response to Schedule 5 notice dated 17/01/18	08/03/18	Schedule 5 response including the following revised documents:

Status log of the permit		
Description	Date	Comments
		<ul style="list-style-type: none"> <li>• Quality Manual for the Production of Aggregates from Inert Wastes (Report No 14704/D, dated March 2018)</li> <li>• Operations and Management Procedures (Report no 14704/3E, dated March 2018)</li> <li>• H1 Environmental Risk Assessment (Report No 14704/2D, dated March 2018)</li> </ul>
Variation determined EPR/CB3200TS	21/03/18	Notice of variation issued.

End of introductory note

# Notice of variation

## The Environmental Permitting (England and Wales) Regulations 2016

The Environment Agency in exercise of its powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 varies

### Permit number

**EPR/CB3200TS**

### Issued to

**Cubby Construction Limited** ("the operator")

whose registered office is

**Units H & L  
Knight's Drive  
Kingmoor Park Central  
Carlisle  
Cumbria  
CA6 4SG**

company registration number 02641120

to operate a regulated facility at

**Unit C, Kingmoor Park  
Rockcliffe Estate  
Carlisle  
Cumbria  
CA6 4RW**

to the extent set out in the schedules.

The notice shall take effect from 21/03/2018

Name	Date
Helen Gregory	21/03/2018

Authorised on behalf of the Environment Agency

## Schedule 1 – conditions to be deleted

None

## Schedule 2 – conditions to be amended

The following conditions are amended as a result of the application made by the operator

Condition 2.3.3 is amended to add reference the additional waste table for hazardous waste transfer.

2.3.3 Waste shall only be accepted if:

- (a) it is of a type and quantity listed in schedule 2 table S2.1 and table S2.2; and
- (b) it conforms to the description in the documentation supplied by the producer and holder.

Table S1.1 as referenced in Condition 2.1.1 is amended to add D15 to the waste operations, to add the A09 facility type - Hazardous waste transfer station and to include additional limits for the hazardous waste storage activities.

Table S1.1 activities		
Activity reference	Description of activities for waste operations	Limits of activities
A16 Non-hazardous waste physical treatment facility	<p><b>R3:</b> Recycling/reclamation of organic substances which are not used as solvents</p> <p><b>R5:</b> Recycling/reclamation of other inorganic compounds</p> <p><b>R13:</b> Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)</p>	<p>Treatment of wastes listed in table S2.1 consisting of; sorting, separation, screening, crushing and blending of wastes for recovery as a soil, soil substitute or aggregate</p> <p>Secure storage of wastes listed in table S2.1 pending treatment.</p> <p>Subject to any other requirements of this permit wastes shall be stored for no longer than 3 years prior to recovery.</p>
A09 Hazardous waste transfer station	<p><b>D15:</b> Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where the waste is produced)</p>	<p>There shall be no treatment of asbestos waste.</p> <p>Secure storage of wastes listed in table S2.2 pending onward transfer.</p> <p>Temporary storage of hazardous waste shall not exceed 50 tonnes pending any of the activities listed in Part A (1) Section 5.1, 5.2, 5.3 of the EP Regulations.</p> <p>Subject to any other requirements of this permit wastes shall be stored for no longer than 1 year prior to disposal.</p>

Table S1.2 as referenced in Condition 2.3.1 and Condition 2.3.2 is amended to add the new operating techniques.

<b>Table S1.2 Operating techniques</b>		
<b>Description</b>	<b>Parts</b>	<b>Date Received</b>
Application	Documents provided in response to section 3a- Technical standards Part B4 of the application form	06/02/2015
Application	WRAP Quality Protocol for Aggregates	06/02/2015
Response to Schedule 5 Notice dated 17/01/18	All parts, document reference: Asbestos Management Procedure.	15/02/2018

Table S2.1 as referenced in Condition 2.3.3 is amended to clarify the maximum quantity of waste accepted at the site under the A16 activity and to include the additional waste code 17 09 04.

<b>Table S2.1 Permitted waste types and quantities for the use of waste to produce soil, soil substitute and aggregates</b>	
<b>Maximum quantity</b>	<b>The total quantity of waste accepted at the site for the above activity shall be less than 75,000 tonnes a year.</b>
<b>Exclusions</b>	<b>Wastes having any of the following characteristics shall not be accepted:</b> <ul style="list-style-type: none"> <li>• Consisting solely or mainly of dusts, powders or loose fibres</li> <li>• Hazardous wastes</li> <li>• Wastes in liquid form</li> </ul>
<b>Waste code</b>	<b>Description</b>
<b>01</b>	<b>Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals</b>
<b>01 04</b>	<b>wastes from physical and chemical processing of non-metalliferous minerals</b>
01 04 08	waste gravel and crushed rocks other than those containing dangerous substances
01 04 09	waste sand and clays
<b>02</b>	<b>Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing</b>
<b>02 02</b>	<b>wastes from the preparation and processing of meat, fish and other foods of animal origin</b>
02 02 02	shellfish shells from which the soft tissue has been removed only
<b>03</b>	<b>Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard</b>
<b>03 01</b>	<b>wastes from wood processing and the production of panels and furniture</b>
03 01 01	waste bark and cork
<b>03 03</b>	<b>wastes from pulp, paper and cardboard production and processing</b>
03 03 01	waste bark and wood
<b>10</b>	<b>Wastes from thermal processes</b>
<b>10 01</b>	<b>wastes from power stations and other combustion plants (except 19)</b>
10 01 01	bottom ash and slag from power stations ( Furnace Bottom Ash)
10 01 02	pulverised Fuel Ash only ( from Power Stations)
10 01 05	gypsum (solid only)
10 01 07	gypsum (sludge only)
10 01 15	bottom ash and slag only from co-incineration other than those mentioned in 10 01 4
<b>10 11</b>	<b>wastes from manufacture of glass and glass products</b>

<b>Table S2.1 Permitted waste types and quantities for the use of waste to produce soil, soil substitute and aggregates</b>	
<b>Maximum quantity</b>	<b>The total quantity of waste accepted at the site for the above activity shall be less than 75,000 tonnes a year.</b>
<b>Exclusions</b>	<b>Wastes having any of the following characteristics shall not be accepted:</b> <ul style="list-style-type: none"> <li>• Consisting solely or mainly of dusts, powders or loose fibres</li> <li>• Hazardous wastes</li> <li>• Wastes in liquid form</li> </ul>
<b>Waste code</b>	<b>Description</b>
10 11 12	waste glass other than those mentioned in 10 11 11
<b>10 12</b>	<b>wastes from manufacture of ceramic goods, bricks, tiles and construction products</b>
10 12 08	waste ceramics, bricks, tiles and construction products (after thermal processing)
<b>10 13</b>	<b>wastes from manufacture of cement, lime and plaster and articles and products made from them</b>
10 13 14	waste concrete only
<b>15</b>	<b>Waste packaging, absorbents, wiping cloths, filter materials and protective clothing not otherwise specified</b>
<b>15 01</b>	<b>packaging (including separately collected municipal packaging waste)</b>
15 01 07	glass packaging
<b>17</b>	<b>Construction and demolition wastes (including excavated soil from contaminated sites)</b>
<b>17 01</b>	<b>concrete, bricks, tiles and ceramics</b>
17 01 01	concrete
17 01 02	bricks
17 01 03	tiles and ceramics
17 01 07	mixtures of concrete, bricks, tiles and ceramics
<b>17 02</b>	<b>wood, glass and plastic</b>
17 02 01	wood
17 02 02	glass
<b>17 03</b>	<b>bituminous mixtures, coal tar and tarred products</b>
17 03 02	road base and road planings other than those contained in coal tar
<b>17 05</b>	<b>soil (including excavated soil from contaminated sites), stones and dredging spoil</b>
17 05 04	soil and stones (excluding topsoil, peat; excluding soil and stones from contaminated sites)
17 05 06	dredging spoil other than those mentioned 17 05 05
17 05 08	track ballast, soil and stones other than those containing dangerous substances
<b>17 08</b>	<b>gypsum-based construction material</b>
17 08 02	gypsum-based construction materials other than those mentioned in 17 08 01
<b>17 09</b>	<b>other construction and demolition wastes</b>
17 09 04	mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03
<b>19</b>	<b>Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use</b>

<b>Table S2.1 Permitted waste types and quantities for the use of waste to produce soil, soil substitute and aggregates</b>	
<b>Maximum quantity</b>	The total quantity of waste accepted at the site for the above activity shall be less than 75,000 tonnes a year.
<b>Exclusions</b>	<b>Wastes having any of the following characteristics shall not be accepted:</b> <ul style="list-style-type: none"> <li>• Consisting solely or mainly of dusts, powders or loose fibres</li> <li>• Hazardous wastes</li> <li>• Wastes in liquid form</li> </ul>
<b>Waste code</b>	<b>Description</b>
<b>19 05</b>	<b>wastes aerobic treatment of solid wastes</b>
19 05 03	compost from source segregated biodegradable waste only
<b>19 08</b>	<b>wastes from waste water treatment plants not otherwise specified</b>
19 08 02	washed sewage grit (waste from desanding) free from sewage contamination only
19 08 99	stone filter media (if cleaned to remove sewage contamination) only
<b>19 09</b>	<b>wastes from the preparation of water intended for human consumption or water for industrial use</b>
19 09 02	sludges from water clarification
<b>19 12</b>	<b>wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</b>
19 12 05	clean glass only
19 12 09	minerals (sand and stones)
19 12 12	wastes from mechanical treatment of wastes (excluding trommel fines from mixed wastes)
<b>19 13</b>	<b>wastes from soil and groundwater remediation</b>
19 13 02	solid wastes from soil remediation other than those containing dangerous substances
19 13 04	sludges from soil remediation other than those mentioned in 19 13 03
<b>20</b>	<b>Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions</b>
<b>20 01</b>	<b>separately collected fractions</b>
20 01 02	clean glass only
<b>20 02</b>	<b>garden and park wastes (including cemetery waste)</b>
20 02 02	soil and stones (includes naturally occurring sands and clays) - Only from garden and parks waste: excluding top soil, peat.



Schedule 6 as referenced in Condition 4.4.1 is amended to add the definition of disposal and to update previous definitions to reflect revised regulations.

## Schedule 6 – Interpretation

“accident” means an accident that may result in pollution.

“Annex I” means Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“Annex II” means Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“application” means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“authorised officer” means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

“D” means a disposal operation provided for in Annex I to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the activities, either from the emission points specified in schedule 3 or from other localised or diffuse sources, which are not controlled by an emission or background concentration limit.

“EP Regulations” means The Environmental Permitting (England and Wales) Regulations SI 2016 No.1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“groundwater” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“Hazardous waste” has the meaning given in the Hazardous Waste (England and Wales) Regulations 2005 (as amended).

“List of Wastes” means the list of wastes established by Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, as amended from time to time.

“quarter” means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

“R” means a recovery operation provided for in Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“Waste code” means the six digit code referable to a type of waste in accordance with the List of Wastes and in relation to hazardous waste, includes the asterisk.

“Waste Framework Directive” or “WFD” means Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste.

“year” means calendar year ending 31 December.

When the following terms appear in the waste code list in Schedule 2, table S2.1 they have the meaning given below:

“hazardous substance” means a substance classified as hazardous as a consequence of fulfilling the criteria laid down in parts 2 to 5 of Annex I to Regulation (EC) No 1272/2008.

“heavy metal” means any compound of antimony, arsenic, cadmium, chromium (VI), copper, lead, mercury, nickel, selenium, tellurium, thallium and tin, as well as these materials in metallic form, as far as these are classified as hazardous substances.

“PCBs” means

- polychlorinated biphenyls
- polychlorinated terphenyls
- monomethyl-tetrachlorodiphenyl methane, Monomethyl-dichloro-diphenyl methane, Monomethyldibromo-diphenyl methane
- any mixture containing any of the above mentioned substances in a total of more than 0,005 %by weight.

“transition metals” means any of the following metals: any compound of scandium, vanadium, manganese, cobalt, copper, yttrium, niobium, hafnium, tungsten, titanium, chromium, iron, nickel, zinc, zirconium, molybdenum and tantalum, as well as these materials in metallic form, as far as these are classified as hazardous substances.

“stabilisation” means processes which change the hazardousness of the constituents in the waste and transform hazardous waste into non-hazardous waste.

“solidification” means processes which only change the physical state of the waste by using additives without changing the chemical properties of the waste.

“partly stabilised wastes” means wastes containing, after the stabilisation process, hazardous constituents which have not been changed completely into non-hazardous constituents and could be released into the environment in the short, middle or long term.

### Schedule 3 – conditions to be added

The following conditions are added as a result of the application made by the operator

Condition 2.4.1 is added to the permit to cover the addition of hazardous waste storage.

## 2.4 Technical requirements

### Hazardous waste storage and treatment

- 2.4.1 Hazardous waste shall not be mixed, either with a different category of hazardous waste or with other waste, substances or materials, unless it is authorised by schedule 1 table S1.1 and appropriate measures are taken.

Table S2.2 as referenced in Condition 2.3.3 is added to include the additional waste code 17 06 05\* for the hazardous waste transfer operations.

Table S2.2 Permitted waste types and quantities for the transfer of hazardous waste	
Maximum quantity	The total quantity of waste accepted at the site for the above activity shall be less than 3650 tonnes a year.
Waste code	Description
17	Construction and demolition wastes (including excavated soil from contaminated sites)
17 06	insulation materials and asbestos-containing construction materials
17 06 05*	construction materials containing asbestos (bonded asbestos only)