

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Poplars PFA Landfill Site operated by Biffa Waste Services Limited.

The permit number is EPR/BP3436VS.

We consider in reaching that 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.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

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

Structure of this document

- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	<p>A claim for commercial or industrial confidentiality has been made.</p> <p>The applicant asked for the expenditure plan to be excluded from the public register.</p> <p>We have accepted the claim for confidentiality. We consider that the inclusion of the relevant information on the public register would prejudice the applicant's interests to an unreasonable degree. The reasons for this are given in the notice of determination for the claim. The decision was taken in accordance with our guidance on commercial confidentiality.</p>	✓
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of part of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
The facility		
The regulated facility	<p>The extent/nature of the facilities taking place at the site required clarification.</p> <p>The decision on the facility was taken in accordance with RGN 2 and Appendices 1 and 2 - Interpretation of Schedule 1 and interpretation of installation.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	This permit applies to only one part of the installation – the operation of a landfill cell for the deposit of pulverised fuel ash (PFA). The rest of the landfill installation is also operated by the same operator with the exception of the gas engines which are operated by a different operator. The names and permit numbers of the operators of the other parts of the installation are detailed in the permit's introductory note.	
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility including the location of the part of the installation to which this permit applies on that site. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of nature conservation and protected species. Hawk's Green Nature Reserve, a local wildlife site, is located approximately 100m to the north east of the landfill. A full assessment of the application and its potential to affect the site and species has been carried out as part of the permitting process. We consider that the application will not affect the features of the site and species. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's assessment of the risk is acceptable.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>We had concerns regarding the proposals for the basal engineering of the landfill since there are two different types of geology across the base of the cell, separated by a fault line. We did not consider that reliance on the natural properties of the geology would be adequate in protecting groundwater. The operator has now proposed to artificially establish a 0.5m geological barrier across the Coal Measures on the base equivalent to 1×10^{-7} m/s permeability.</p> <p>The proposed techniques for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with the Landfill Directive.</p>	
The permit conditions		
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.</p> <p>We have amended condition 2.2.1 relating to the site to which the permit relates. We have adapted the standard “multi-operator” condition to relate to the permit being for part of an installation, but that two parts of the installation are operated by the same operator and a third by a different operator.</p>	✓
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes as they are non-hazardous and do not contain any wastes banned under the Landfill Directive.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Emission limits	We have decided that emission limits should be set for the parameters listed in the permit.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The operator is proposing that excess surface water from the lagoon is tankered off site or is discharged to the surface water management system for the rest of the landfill installation. We have not set emission limits for the discharge of surface water from the lagoon since there are limits set in the permit for the other part of the landfill installation on the discharge from that part of the installation to controlled water.</p> <p>We have set compliance limits in groundwater for specific substances found in PFA.</p>	
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>The monitoring specified in the permit is more limited than would normally be expected in a landfill permit. This is because this landfill is part of the wider landfill installation and the monitoring programme specified in the other landfill permit for the installation covers the landfill installation as a whole. The groundwater monitoring specified in this permit includes parameters that are specific to a PFA source term.</p> <p>The surface water monitoring is specific to this part of the installation as surface water management for the PFA landfill is separate to that of the rest of the installation. We have not required that specific monitoring of the discharge is carried out and we have not required any emission limits. However, the operator has proposed to carry out monitoring of the lagoon in order to check its quality to determine that only clean uncontaminated surface water is collected in the lagoon and we have required this monitoring in the permit.</p> <p>We made these decisions in accordance with LFTGN 02 Monitoring of Landfill Leachate, Groundwater and Surface Water, February 2003 and Horizontal Guidance Note H1 – Environmental Risk Assessment for permits, Annex J, version 2, April 2010.</p>	✓
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with LFTGN 02 Monitoring of Landfill Leachate, Groundwater and Surface Water, February 2003.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operator Competence		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Technical competence	Technical competency is required for activities permitted. The operator is a member of an agreed scheme.	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>Relevant convictions were found and declared in the application. We considered relevant convictions as part of the determination process. We concluded that the operator satisfies the criteria in RGN 5 on Operator Competence.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p> <p>The financial provision arrangements satisfy the financial provisions criteria.</p>	✓

Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Public Health England (PHE)
Brief summary of issues raised
Recommend that the permit contains conditions to ensure emissions of dust from vehicle movements and handling and deposit of PFA do not impact on public health and that consideration should be given to eliminating dust from the deposited PFA prior to capping. Based on the information in the application PHE has no significant concerns regarding the risk to health of the local population provided all appropriate measures are taken by the operator.
Summary of actions taken or show how this has been covered
The operator has measures in place to manage dust emissions including damping down of site roads and these management techniques are referenced through the permit conditions.

Response received from
Cannock Chase Council – Environmental Protection
Brief summary of issues raised
No noise complaints have been received in the last 3 years.
Summary of actions taken or show how this has been covered
None required.

Response received from
Staffordshire County Council - Planning
Brief summary of issues raised
Confirmed that the operator has applied for and been granted an amendment to the planning permission to change the phasing of the landfill and for the creation of a “stand-off” using PFA waste. No objection to the Environmental Permit application.
Summary of actions taken or show how this has been covered
None required.

No responses were received from the web publication consultation.