

Environment Agency permitting decisions

Variation

We have decided to issue the variation to the permit for East Northants Resource Management Facility operated by Augean South Limited.

The variation number is EPR/TP3430GW/V005.

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

- Key issues of the decision
- Annex 1 the decision checklist
- Annex 2 the consultation, web publicising and newspaper advertising responses

Key issues of the decision

The application is to extend waste disposal operations into Phases 6 to 11 (known as the Western Extension Area) to the west of the current operations. This area is already included within the permit boundary so no change to the permit boundary is required. Other changes include:

- amending the leachate level to 5m across the existing phases and the new phases,
- amending the capping design for Phases 6 to 11 to a 1mm thick HDPE geomembrane (or LLDPE geomembrane),

- amending the design of the basal area and side slopes for Phases 6 to 11 to 1m of clay with hydraulic conductivity of no more than 1×10^{-9} m/s and a 2mm thick HDPE geomembrane, excavated into the Rutland Formation to 2m above the top of the Lincolnshire Limestone,
- amending monitoring tables as a result of the variation application.

No other changes are proposed, so the types and quantity of waste, the operating techniques and the management of emissions are the same as at present.

This variation has been consolidated with the current permit but the permit conditions have not been updated, except where required as a result of the variation application made by the operator.

Annex 1: decision checklist

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

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 requested that all documents relating to the financial provision, including the expenditure plan, should be withheld 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, web publicising and newspaper advertising	<p>The web publicising, consultation and newspaper advertising 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 the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable	All applicable European directives have been considered	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
directives	in the determination of the application. Specifically the requirements of the Landfill Directive have been taken into account in the determination.	
The site		
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility and the areas where waste disposal is permitted.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of sites of nature conservation and a protected habitat.</p> <p>A full assessment of the application and its potential to affect the sites and habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites and habitat.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessments are satisfactory.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>We are satisfied that the proposed engineering for the base and sideslope is in accordance with the requirements of the Landfill Directive. We have considered the operator's justification for departure from the Landfill Directive with respect to the capping proposals. We accept the operator's justification as the Hydrogeological Risk Assessment demonstrates that the design complies with the regulations regarding the protection of groundwater in Schedule 22 of the EPR and, therefore, complies with the requirements of the Directive.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We are satisfied that the leachate head can be increased to 5m above the base as the Hydrogeological Risk Assessment shows that this will not result in contamination of groundwater over the long term. However, the operator has proposed that this increased leachate level only applies for the period of operation of the adjacent waste treatment plant, which is subject to a separate environmental permit. Therefore, we have specified that after 31/12/26 – the date when the planning permission for the treatment plant ceases - the leachate level limit shall be 1m above the base of the site.</p> <p>We are satisfied that techniques proposed to be used by the operator are in accordance with the relevant guidance, How to comply - Additional guidance for landfill (EPR 5.02).</p>	
The permit conditions		
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 for the following reasons:</p> <ul style="list-style-type: none"> • they are hazardous; • they are the same wastes that are accepted currently; and • the risk assessments have been carried out using these wastes as the source term and demonstrate that with the proposed engineering and management controls, these wastes will not cause pollution. <p>We made these decisions with respect to waste types in accordance with our guidance How to comply - Additional guidance for landfill (EPR 5.02) and the requirements of the Landfill Directive.</p>	✓
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>As part of this variation application the operator provided a Restoration Plan which in part satisfied the</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>requirements of improvement condition 1. We have removed this improvement condition and included a pre-operational condition instead to cover the information that was not provided in the Restoration Plan. The operator is required to provide details of the types and quantities of waste that will be used in the restoration of the landfill together with an assessment of the risk from the use of these wastes.</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	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>There are no changes to the emission limits in the permit, other than the compliance limits in groundwater. The extension subject to this variation does not result in any additional emission points as surface water runoff is discharged via the existing discharge point and no additional perimeter gas monitoring boreholes are required.</p> <p>We have amended table S3.4 with additional compliance points that are located down hydraulic gradient of the extension area and amended compliance parameters and limits that have been developed based on site monitoring results.</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>These monitoring requirements have been imposed in order to check the performance of the pollution control measures.</p> <p>We made these decisions in accordance with the requirements of the Landfill Directive and our guidance on monitoring at landfills including LFTGN02 Guidance on</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	Monitoring of Landfill Leachate, Groundwater and Surface Water and LFTGN03 Guidance on the Management of Landfill Gas.	
Reporting	<p>We have specified reporting in the permit.</p> <p>We have not changed the reporting requirements as a result of this variation.</p>	✓
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>No relevant convictions were found.</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. We have included a pre-operational condition that requires the operator to agree financial provision and have it in place before any waste is deposited in the extension area that is subject to this variation.</p>	✓

Annex 2: Consultation, web publicising and newspaper advertising responses

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

Consultation responses:

Response received from
Public Health England
Brief summary of issues raised
<ul style="list-style-type: none">• Recommended that any permit issued has conditions to ensure the following potential emissions do not impact on public health: emissions to air, emissions to water from leachate and odour arising from the delivery and deposition of waste.• Asked that we ensure the accident management plan is in accordance with Sector guidance and that fire risk is considered.• Stated that, based on the application, had no concerns regarding risk to public health, provided the applicant takes all appropriate measures to control pollution.• Recommend that the local authority, Food Standards Agency (FSA) and Director of Public Health (DoPH) are consulted.
Summary of actions taken or show how this has been covered
<p>There are no emissions to air from the extension area. There are conditions in the permit that require the operator to manage leachate and odour and the operator is required to monitor leachate levels and quality and the groundwater around the site.</p> <p>The operator has confirmed that they will manage and operate the site in accordance with our guidance and sector guidance. The risks from accidents, including fires, has been assessed.</p> <p>We have consulted with the local authority, the FSA and the DoPH but no responses were received.</p>

Web publication and newspaper advertising responses:

No representations were received.