

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Dogsthorpe Landfill operated by FCC Waste Services (UK) Limited.

The variation number is EPR/BV3740ID/V011.

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

Description of the changes introduced by the Variation

This is a Substantial Variation.

This permit variation is to allow an increase in leachate level compliance limits. The leachate management plan and the site's leachate management infrastructures were reviewed to ensure that they are adequate. We have added Improvement Conditions to the permit to enable the operator to carry out further review of the existing leachate management infrastructures in Area A and groundwater monitoring boreholes in the northern area of the site. The review of leachate management infrastructures in Area A will commence once the Leachate Treatment Plant is authorised, installed and commissioned.

This variation also includes a review of the CO₂ compliance limits in line with Industry's Code of Practice (ICOP). The CO₂ limits were retained for all boreholes within 250m of identified sensitive receptors.

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
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
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 commercial confidentiality	✓
Consultation		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> • Director of Public Health, • Environmental Health, • Health and Safety Executive, • Planning Department, Peterborough City Council, and • Public Health England. 	✓
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>	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>A full assessment of the application and its potential to affect the site/species/habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the site/species/habitat.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>There are no changes as a result of this variation that will increase the emission level limits agreed in previous variations of this permit.</p> <p>The permit variation amends leachate level compliance limits and references the revised site leachate management plan (LMP). The revised LMP allows increase in leachate levels compliance limits from levels between 5 to 8mAOD to levels between 9 to 11mAOD across the site. The current levels of leachate at the site are between 9 to 11mAOD.</p> <p>The hydrogeological risk assessment (HRA) provided by the operator demonstrates that there are no source pathway linkages between the landfill site and SSSI site and that there is no route for escape of potentially polluting substances from the landfill to the surrounding groundwater bodies. The HRA modelled result shows that it will take 2,396 years for potentially polluting substance to migrate from the landfill to the Star Pit site at a leachate head of 7mAOD and 719 years at a leachate head of 14mAOD. Such extended travel times through a significant attenuation barrier (i.e. Oxford Clay) will prevent the potential occurrence of pollution from the landfill site.</p> <p>The site is contained and it is considered that there will be no impact on the surrounding groundwater regime as a result of leachate pumping activities at the landfill.</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 assessment is satisfactory.</p> <p>There will be no increase in emissions as a result of this variation, and consequently no increase in environmental risk.</p> <p>The environmental risk will remain the same or improve as a result of tighter controls of the leachate head.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes:</p> <ul style="list-style-type: none"> ▪ LFTGN02 and LFTGN03. <p>The proposed techniques / emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
The permit conditions		
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> ➤ the existing leachate management infrastructures in Area A and groundwater monitoring boreholes in the northern area of the site are reviewed further to ensure that there are robust enough. 	✓
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>It is considered that the emission limits for gas are in line with the limits specified in the Industry's Code of Practice (ICOP).</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 ensure that leachate and gas are not migrating into any of the receptors around the site.</p> <p>We made these decisions in accordance with the relevant TGN: LFTGN02 and LFTGN03</p>	✓
Operator Competence		
Environment management system	<p>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.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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 our guidance on what a competent operator is.</p> <p>The financial provision arrangements satisfy the financial provisions criteria.</p>	✓

Annex 2: External Consultation and web publicising

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
PHE indicated that they have no significant concerns regarding risk to health of the local population from the proposed variation providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice. PHE wants the Environment Agency to consult local authority, Food Standards Agency (FSA), and Director of Public Health (DoPH).
Summary of actions taken or show how this has been covered
The limits in the permit and control measures agreed as part of this application are in line with the relevant sector technical guidance. We consulted local authority and DoPH but did not receive a response from them. The scope of the application does not require consultation with FSA.