

Permitting decisions

Variation

We have decided to grant the variation for Holmes Farm Landfill operated by Yorkshire Water Services Limited.

The variation number is EPR/BP3635SB/V003.

We have also carried out an Environment Agency initiated variation to the permit.

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.

This Environment Agency has a duty, under the Environmental Permitting (England and Wales) Regulations 2016, regulation 34(1), to periodically review permits. As a result of that review we have identified a number of necessary changes we must make to your permit to reflect current legislation and best practice. These changes principally relate to:

- The addition of a standard condition for landfill gas management at landfills;
- A change to the hydrogeological risk assessment condition so that reviews are undertaken every 6 years rather than every 4 years;
- Standard leachate and groundwater quality monitoring tables (schedule 3); and
- A standard reporting table (schedule 4)

We also aim:

- Consolidate permits - all variations to your permit will be brought together in to one permit so the requirements will be clearer.
- We will formalise changes to monitoring requirements and compliance limits where we have agreed them in writing, for example as the result of a hydrogeological risk assessment review.
- Waste acceptance rules will reflect the Landfill Directive and governments' waste strategies.
- We will implement the Industrial Emissions Directive (IED) and other regulatory changes.
- We will include permit conditions to implement the statutory requirements of the Waste Framework Directive, for example to reflect the requirements of the waste hierarchy.

Site specific issues which result in a change to the current template will also be addressed, for example incorporating completed improvement conditions into the permit and removing inconsistencies.

Other changes may relate to a specific permit or amendments to monitoring requirements or emission limits which have been agreed with the Environment Agency but not incorporated into the permit.

Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- explains why we have also made an Environment Agency initiated variation

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. The introductory note summarises what the variation covers.

Decision checklist

Aspect considered	Decision
Receipt of application	
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 confidentiality.
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. The plan is included in the permit.
Operating techniques	
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 following items have been removed from Table S1.2 due to being superseded or outdated: Drawing 5027917/008 Drawing 5027917/004 Letter from Atkins Design Environment and Engineering (ref 102/75/5027917/22-36/PFMT) in response to the Environment Agency letter dated 29 June 2005 Letter from Atkins dated 10 October 2005 (Ref 102/75/5027917/39-22/PFMT) The following Operating Techniques were included in this variation following a review of correspondence between Operator and Area: Landfill Restoration Plan Proposal, dated 30 th April 2013 The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s). The operator has agreed that the new conditions are acceptable. Certain template conditions have been amended to reflect current best practice. These changes have been developed in consultation with industry having regard to the relevant legislation as follows:

Aspect considered	Decision
	<p>Condition 1.5 Generic condition added to reflect the requirements of the Waste Framework Directive</p> <p>2.5.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p> <p>2.5.3. Added to separately identify the waste types and quantities that can be accepted for restoration. While part of the landfill activity, the waste types and quantities need to be separately identified to confirm they are appropriate for use.</p> <p>2.8. Revised gas management condition imposed for all landfills that accept biodegradable to ensure compliance with the relevant requirements of the Landfill Directive.</p> <p>3.1.1. Generic condition imposed on all activities to simplify the sub-conditions. This avoids the need for additional sub-conditions that refer to compliance limits in individual tables in schedule 3</p> <p>3.1.3 – 3.1.4. Revised conditions to reflect the terminology used by the Groundwater Directive and to require hydrogeological risk assessment reviews every 6 years rather than every 4 years.</p> <p>Two sub-conditions that referred to limits in specific tables in schedule 3 deleted as they are now covered by 3.1.1.</p> <p>3.6 Revised generic pests condition imposed on all activities.</p> <p>4.2.2. Amended to ensure that information on ‘annual production/ treatment’ (Schedule 4, Table S4.2) is provided in February each year where annual reports may be submitted at other times of the year. This includes data on landfill gas collection that must be reported to government by April each year.</p> <p>4.2.2(a) Text expanded to clarify the details we require in an annual report.</p> <p>4.2.2(h) New condition requiring annual submission of a plan of monitoring and extraction locations with reference to monitoring tables in Schedule 3.</p> <p>Schedule 1, table S1.1. Amended description to the landfill activity to clarify that this includes restoration. Activity references amended to reflect changes introduced by Industrial Emissions Directive (2010/75/EU).</p> <p>Leachate storage moved from a specified activity to a Directly Associated Activity.</p> <p>Schedule 2. Template list of appropriate waste added for landfills for hazardous and non-hazardous waste. Waste types prohibited by the Landfill Directive have been removed for clarity.</p> <p>Schedule 3. Monitoring and compliance tables have been re-ordered so that those with compliance limits appear first. Standard monitoring frequency and parameters have been included for certain routine monitoring requirements.</p> <p>Schedule 4, table S4.1. Amended to only require regular reports of information that relate to compliance limits.</p> <p>Table S4.2 Additional details of landfill gas extracted required to improve climate change data quality.</p>

Aspect considered	Decision
	<p>Table S4.3. Amended to include natural gas as an energy source for consistency with other sectors.</p> <p>Schedule 6. Definitions added to clarify meaning of:</p> <ul style="list-style-type: none"> • Inert waste • Exceeded • Hazardous substance • Medicinal product • Previous year • Waste acceptance criteria • Waste acceptance procedure <p>See also Schedule 1 in the reviewed permit.</p>
Changes to the permit conditions due to an Environment Agency initiated variation	We have varied the permit as stated in the variation notice.
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 suitable for the proposed activities • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable. <p>We made these decisions with respect to waste types in accordance with Environment Agency Guidance S5.03 and WM3.</p>
Operating techniques	<p>We have specified that the operator must operate the permit in accordance with referenced operating techniques.</p> <p>These are specified in the Operating Techniques table in the permit.</p>
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	Monitoring has not changed as a result of this variation.
Reporting	Reporting has not changed as a result of this variation.
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

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Financial provision	The financial provision arrangements satisfy the financial provisions criteria.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>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 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p> <p>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.</p>