

Permitting decisions

Environment Agency initiated variation

We have decided to grant a variation for Highmoor Landfill Site operated by Veolia ES Landfill Limited.

The variation number is EPR/UP3630KS/V003.

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 the 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:

- explains how the Environment Agency initiated variation has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account

Structure of this document

- Annex 1 the decision checklist

Annex 1: decision checklist

This document should be read in conjunction with the agreed Environment Agency variation request form and permit/ notice.

Decision checklist

Aspect considered	Decision
Receipt of application	
Biodiversity, heritage, landscape and nature conservation	<p>The site is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>The South Pennine Moors Phase 2 (SPA) is at a distance of 4582m and the Peak District Moors (South Pennine Moors) SPA is at a distance of 4225m from the landfill site. We have assessed the application and we consider that there will be no likely significant effect on these sites as there is no changes to emissions from the site.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
Operating techniques	
General operating techniques	The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit. These have been transferred across from the previous variation as part of the landfill permit review.

Aspect considered	Decision
	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.
Permit conditions	
Updating permit conditions during consolidation	<p>As part of the landfill sector permit review, 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).</p> <p>The operator has agreed that the new conditions are acceptable.</p> <p>As part of the landfill sector permit review - 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:</p> <p>Condition 1.6 Generic condition added to reflect the requirements of the Waste Framework Directive</p> <p>2.7.1(a). We have added reference to a specific table to clarify what wastes are permitted at which permitted activity.</p> <p>2.9. 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>3.1.4 – 3.1.5. 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>

Aspect considered	Decision
	<p>Table S1.4. Amended to clarify that restoration is a separate part of the landfill activity unrelated to landfill cover.</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> <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 revised permit.</p>
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>There is no change to the annual waste input limits or the waste types in table S2.1.</p>
Pre-operational conditions	<p>Pre-operational conditions 1, 2, 3, 5 have been fulfilled so have been removed from the permit.</p> <p>Pre-operational condition 4 has been transferred across from the current permit. Pre-operational condition 4 (discharge of leachate to sewer) has not been implemented as all leachate is taken from site for treatment offsite. As leachate levels reduce after capping it is likely that the operator will want to discharge it to sewer, therefore pre-operational condition 4 shall remain in the permit.</p>
Improvement programme	<p>Improvement conditions 1 to 5 have been removed as these are now complied with (3 and 5) or are no longer relevant.</p>
Odour management	<p>The odour management conditions have been transferred across from the current permit as part of the landfill sector permit review.</p>

Aspect considered	Decision
Noise management	The noise management conditions have been transferred across from the current permit as part of the landfill sector permit review.
Emission limits	<p>As part of the landfill sector permit review all emission limits were transferred across from the current permit.</p> <p>Regarding table S3.1 - we were not able to update the leachate compliance points as LC1AR (to replace LW1) and LC2BR (to replace LW2B) were installed in 2014 solely for the purpose of leachate extraction and not as part of the leachate monitoring infrastructure (as stated in the CQA plan - Veolia Ref. AN/330/0166, dated 27th September 2013) and are drilled to within 1m of the base - therefore we cannot accept these as leachate compliance points as part of the permit review variation (also if we were able to accept these as compliance points, revised compliance limits are likely to be required - which we also cannot amend as part of the permit review variation). Therefore if the operator wants to remove compliance points (LW1 and LW2B) and replace with different compliance points which may require different compliance limits – this will have to be carried out in accordance with a variation application.</p> <p>Regarding the emission limit for Mecoprop in table S3.3 – ‘Groundwater – emission limits and monitoring requirements’ - even though there is an agreement to remove Mecoprop from table as S3.3 (previously table S4.3) – the removal of a compliance substance can only be made in accordance with a variation application. Furthermore I understand that the subsequent HRAR’s following the agreement to remove Mecoprop have not been approved.</p>
Monitoring	As part of the landfill sector permit review standard monitoring requirements tables were included in the permit for groundwater, leachate and surface water monitoring.
Reporting	We have amended the reporting requirements in line with the latest permit template as part of the landfill sector permit review.
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 provision	The financial provision arrangements have not been amended as part of the landfill sector permit review.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	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.

Aspect considered	Decision
	<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>