

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for BXS Installation EP operated by Galldris Services Limited.

The permit number is EPR/EP3706LJ.

The application is for a permit that will authorise the placement of excavated hazardous and non-hazardous historic landfill waste deposits to ground as part of the development of the Brent Cross South site. Excavated waste from the footprint of the landfill will be stored in a dedicated secure area with impermeable surfacing prior to placement. Reuse criteria for hazardous waste is set out in the operators waste acceptance procedures and relevant addendum. There will be no importation of waste from outside of the wider development site and the permitted activity will be limited to 81,000 tonnes.

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 provides a record of the decision-making process. It:

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination
- shows how we have considered the consultation responses

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

Read the permitting decisions in conjunction with the environmental permit.

Key issues of the decision

The applicant has provided a justification within the hydrogeological risk assessment and environmental setting and site design as to why further engineering measures are not required to mitigate the risks placing hazardous waste at this site. The Environment Agency have considered this rationale and agree that in the context of the site there is no pathway for the emission of hazardous pollutants to ground or surface water and therefore no additional measures are required.

The applicant has provided a justification within the gas risk assessment and relevant addendums as to why gas risk at the site is low. The Environment Agency have considered the justifications set out in the application and recommended modifications to the monitoring proposals, including increased monitoring frequency and a requirement to notify the Environment Agency of the locations where monitoring boreholes will be installed. This approach will ensure that the operator identifies gas emissions that occur during construction and undertake remedial action prior to surrender of the permit.

The application has provided information on surface water management practices at the both the storage location and areas of the site where waste will be placed. Although there is historical drainage infrastructure at the site, it is not connected to the storage area permitted as part of this installation. All waste will be stored on impermeable membrane and any excess water generated from either dust suppression activities or heavy rainfall will be tankered off site as waste. Management of surface water where waste will be placed will be controlled primarily by sealed drainage systems on the finished surface which will prevent rainwater infiltrating into the waste mass. The Environment Agency consider these provisions to be satisfactory.

Decision considerations

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.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

We consulted the local authority Barnet Borough Council.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

Operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit.

The plan has been incorporated into the operating techniques S1.2.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that operator provides an addendum to the monitoring & CQA plan which details the location of in-waste and external gas monitoring boreholes, testing methods and standards.

This information could not be supplied at the time of the application due to uncertainty on the site as to what land would be available. The applicant has made a commitment to install a minimum of 2 boreholes hectare within the waste as per the published guidance. External monitoring wells will be installed at 50m centres due to the low ground gas potential of the waste.

Emission Limits

We have decided that emission limits are not required in the permit. An action limit of 0.7l/hr for ground gas has been proposed by the operator which is referenced in the permit.

Monitoring

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.

These monitoring requirements have been included in order to allow the operator to demonstrate that the waste deposits are not generating ground gas ahead of surrender.

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

Reporting

We have specified reporting in the permit.

Considerations of foul sewer

We agree with the operator's justification for not connecting to foul sewer.

The facility is in a location where it is not reasonable to connect to the foul sewer.

Management System

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

Technical Competence

Technical competence is not required for activities permitted.

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

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.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.

Consultation Responses

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, newspaper advertising and the way in which we have considered these in the determination process.

Representations from local MPs, assembly members, councillors and parish/town community councils

Responses received from Barnet borough council:

Brief summary of issues raised: summarise issues raised.

- Following a number of complaints from nearby residents about dust on the road the council have asked that consideration be given to how waste storage could affect future residents.

Summary of actions taken: add actions or show how this has been covered.

- The applicant has submitted a dust management plan which sets out the specific measures taken at the storage site to prevent fugitive emissions and more generally
- Although emissions from the site form part of the controls within the environmental permit through the dust management plan and other relevant environmental management systems vehicle movements and amenity issues off site fall within the remit of the local authority in this case Barnet Borough Council. Further comments regarding issues arising off site should be directed towards the relevant authority.