

## Decision document variation

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We have decided to grant the variation for Barrington Works Landfill operated by Cemex UK Cement Limited .

The variation number is EPR/BV1461IV/V012.

The variation is for an extension of the permit boundary and an increase in the volume of imported inert waste by rail to complete the restoration of the former quarry. It is anticipated that an additional 7.5 million m<sup>3</sup> of inert material will be required to complete the landfill.

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:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account
- explains why we have also made an Environment Agency initiated variation
- 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 and the variation notice.

### Key issues of the decision

**Restoration wastes** – the applicant has applied to include 17 05 04 and 20 02 02, however as the site does not yet have an approved restoration plan in accordance with condition 2.6.2, these restoration wastes cannot be included in the permit in table S2.2.

**Improvement Condition IC1** – requiring the submission of a restoration plan has been removed from the permit, as it is no longer required – the requirement for a restoration plan is covered by condition 2.6.2 in the permit. Therefore if the operator wants to commence the restoration of the site they will need to submit a restoration plan in accordance with a variation notice.

### **Emission limits for surface water - Table S3.2**

We considered adding compliance limits for surface water monitoring points S27 (point where site run off discharges into North Pit) and S28 (discharge from the SSSI Void, at the eastern side of North Pit) to ensure that we know the impacts on water quality from the different areas of the site, especially S28 which contains pumped groundwater downgradient of waste disposal areas. A H1 assessment was not carried out as part of the application for the pumped groundwater discharge from the SSSI void. However the surface water monitoring requirements in table S3.8 includes all of the parameters covered in table S3.5 for groundwater monitoring as well. So if there is a problem with certain parameters, this should be picked up in the monitoring results for S26, S27 and S28. Furthermore if needed additional risk assessment in the form of a H1 could be required to be carried by the operator out for monitoring point S26 to see if there is an impact on the receiving watercourse and if any additional limits need to be set.

### **Emission limits to groundwater**

Table S3.3 – has been updated to refer to updated groundwater compliance points and limits. BH91/1A includes interim limits (with the exception of ammoniacal nitrogen and sulphate) which will be updated in accordance with IC2.

We requested interim compliance limits to be set in this permit variation because no compliance limits have been currently set in the permit for borehole 91/1A. We accept that no interim compliance limits will be set for ammonical nitrogen and sulphate due to limited and poor data quality. However, once the additional 12 months of monitoring data is collected and the Improvement Condition discharged, the compliance limits will be set for ammonical nitrogen and sulphate and agreed compliance limits may replace the remainder of interim compliance limits set for other monitoring parameters.

The operator did propose limits of 250mg/l for Chloride and 50 mg/l for Potassium, however we included limits of 210mg/l for Chloride and 48mg/l for Potassium based on our assessment of the monitoring results.

## **Decision considerations**

### **Confidential information**

A claim for commercial or industrial confidentiality has been made.

We have accepted the claim for confidentiality.

We have excluded information in relation to the financial provision expenditure plan.

We consider that the inclusion of the relevant information on the public register would prejudice the applicant's interests to an unreasonable degree.

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.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Food Standards Agency, Local Planning Authority, Environmental Health, Health and Safety Executive, Director of Public Health and Public Health England.

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

### **The regulated facility**

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

### **The site**

The operator has provided a plan which we consider to be satisfactory.

The plan is included in the permit.

## **Nature conservation, landscape, heritage and protected species and habitat designations**

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

The Barrington Chalk Pit geological SSSI is partly within the permit boundary and Barrington Pit geological SSSI is 1.7km to the WSW of the site.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

### **Barrington Chalk Pit geological SSSI**

The facility lies within a former quarry that worked chalk and clay for cement manufacture. The geology of the site comprises the Gault Clay which forms the base of the quarry and lower part of the quarry walls, overlain by the Lower Greensand and chalk members. Superficial deposits comprising glacial till overlie the chalk in the far north / north east of the site.

A large proportion of the former quarry is a geological Site of Special Scientific Interest (SSSI) due to the exposure of Cambridge Greensand below the chalk. The exposure in the north east of the quarry will be retained as per drawing ref: BARRIT15 (1612-002-001-BARRIT15) in the ESSD document which is also in accordance with the planning permission for the site (ref: S/0204/16/CW dated 27/06/19, planning condition 53).

From the planning permission dated 27 June 2019:

‘Condition 53. Geological exposure

No waste shall be deposited in the area shown in yellow as Active fill area for phase on drawing no. 16\_CO18\_BARR\_017 Phase 3 dated 16/12/2016 until detailed proposals for re-establishment of geological exposures, drainage and access arrangements have been submitted to and approved in writing by the waste planning authority. The development shall be carried out in accordance with the approved details’.

The operator confirmed (email dated 09/03/21) that the condition will be discharged prior to filling in this area which is at least 10 years into the future.

Natural England were consulted in relation to the planning and had no objections, their response dated 14/12/18 states, 'Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection'.

Therefore there will be no impact to the SSSI as a result of this variation application.

**Barrington Pit geological SSSI** is located 1.7km to the west of the site – which is a site of national importance for vertebrate fauna. There is no mechanism for this sites to be affected by the variation to the landfill permit due to the distance from the landfill.

### **Protected habitats**

There are also protected habitats in the form of deciduous woodland to the south (approx. 250m) and east (adjacent to 75m) of the landfill site. The protected species could be potentially be impacted by emissions to air and water.

Emissions to air in the form of dust and particulates. Risk management measures are in place to prevent impacts from emissions of dust and particulates and these have not changes as a result of this variation:

- In unusually dry or windy conditions, waste deposition and/or soil handling would be suspended if it appears likely that dust may be carried towards any sensitive receptors. The deposition of dusty wastes will be carefully monitored during periods of high winds, and dust and particulates will be damped down.
- Results of daily visual monitoring and measuring of dust will be recorded in the Site Diary.

Also if we are notified that emissions are giving rise to pollution, condition 3.2.2 in the permit will also allow us to request an emissions management plan (which covers dust and particulates).

Therefore we do not consider that there is likely to be a significant impact on the protected habitats from emissions of dust and particulates.

Emissions to surface water could affect the woodlands, however surface water runoff from the site discharges to North Pit via surface water monitoring and compliance point S27. So there should be no impact on the protected habitat from emissions to surface water.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England.

The decision was taken in accordance with our guidance.

## **Environmental risk**

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

## **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.

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

## **Dust management**

Emissions to air in the form of dust and particulates. Risk management measures are in place to prevent impacts from emissions of dust and particulates and these have not changed as a result of this variation:

- In unusually dry or windy conditions, waste deposition and/or soil handling would be suspended if it appears likely that dust may be carried towards any sensitive receptors. The deposition of dusty wastes will be carefully monitored during periods of high winds, and dust and particulates will be damped down.
- Results of daily visual monitoring and measuring of dust will be recorded in the Site Diary.

Housing developments are planned to the south and east of the permit boundary in the future. Further risk management measures include adding bunds between the proposed housing construction and landfill area, and landfilling from the boundary nearest the housing moving away from the housing construction - to minimise any impacts from dust and noise.

## **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.

## **Changes to the permit conditions due to an Environment Agency initiated variation**

We have varied the permit as stated in the variation notice. In particular improvement condition 1 from variation V011 which related to the requirement for a restoration plan has been removed. See key issues section for further information.

## **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.

We have excluded the following wastes for the following reasons:

17 05 04 and 20 02 02 were included in the application for wastes for restoration (the final layer of waste above landfilled waste), however as there is no agreed restoration plan - these have not been agreed. See the key issues section for further information.

The waste types previously accepted for disposal are now included in table S2.1A, to ensure that there is a record kept of previously deposited waste at the site.

## **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:

IC1a – Proposals are submitted for the location of in-waste landfill gas monitoring boreholes.

IC1b – Requires the installation of the in-waste landfill gas monitoring boreholes agreed in accordance with IC1a.

IC2 – Requires proposals for emission limits for groundwater monitoring borehole BH91/A based on 12 months of consecutive monthly monitoring.

IC3 – The operator shall submit a revised financial provision expenditure plan which includes the additional in-waste landfill gas monitoring boreholes installed in accordance with IC1a and IC1b.

Please note that the original condition IC1 has been removed as this is no longer necessary.

## **Emission limits**

Emission limits and action limits have been added and amended as a result of this variation.

Table S3.3 – has been updated to refer to updated groundwater compliance points and limits. BH91/1A includes interim limits (with the exception of ammoniacal nitrogen and sulphate) which will be updated in accordance with IC2. See key issues section for further information.

Table S3.4A – amended from table S3.4 to refer to updated landfill gas monitoring points and compliance limits for methane only.

Table S3.4B – added to refer to include carbon dioxide as an action limit for perimeter landfill gas monitoring boreholes.

## **Monitoring**

We have decided that monitoring should be amended for the following:

Table S3.6 – slightly amended monitoring point description wording.

Table S3.7 – as referred to by condition 3.6.1 is amended to update monitoring standard or method column.

Table S3.8 – the monitoring points have been amended to S26, S27 and S28. The surface water monitoring parameters have also been amended to cover the same parameters as groundwater table S3.5 as there will be a discharge of



groundwater to the North Pit surface water lagoon which will be pumped from the SSSI void.

## **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.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

## **Financial provision**

The operator submitted an expenditure plan with the application. However as improvement conditions (IC1a and IC1b) have been added to the variation notice to require proposals for the installation of additional in-waste landfill gas monitoring boreholes, we have decided to also include an improvement condition (IC3) for an update to the expenditure plan to be complied with 3 months following approval of IC1a. The other changes made as part of the variation are not considered to make a significant difference to the financial provision. We are satisfied that the operator has made the necessary financial provision.

## **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 variation.

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 and the way in which we have considered these in the determination process.

### **Responses from organisations listed in the consultation section:**

Response received from Public Health England.

Brief summary of issues raised: The main emissions of potential concern are fugitive emissions to air of particulate matter/dust during operations on site. Based on the information contained in the application, PHE has no significant concerns regarding the risk to the health of the local population from the installation

Summary of actions taken: No further action taken. The environmental risk assessment in ESID, Appendix 10 states that the risk to receptors from dust is low and there are measures in place to monitor or suspend deposits of dusty wastes in adverse weather conditions and damp down dusty wastes which are deposited.

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