

Permitting Decisions- Variation

We have decided to grant the variation for Thurcroft Landfill operated by BDR Property Limited.

The variation number is [EPR/CP3936QK/V002](#).

The variation is for the increase of annual input from 367,000 tonnes to 500,000 tonnes per annum, due to expected commercial demand. No other changes have been permitted with the waste types, capacity, site area, containment engineering, associated infrastructure and monitoring requirements remaining the same.

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
- 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

Fugitive Emissions

Increasing the annual tonnage of waste has the potential to increase the risk from fugitive emissions. Given the restricted waste types on site and Waste Acceptance Procedures on site the potential for litter is low.

Dust

Increasing the annual tonnage has the potential to increase the risk from particulate emissions due to an increase in amount of waste. Dust can arise from the deposit of potentially dry and dusty wastes, uncovered dusty waste deposits, un-vegetated areas, and vehicle movements.

There are a number of mitigation measures on site to prevent dust emissions including strict waste acceptance procedures and maintenance of site haul roads to minimise the accumulation of dust. This risk is addressed further in the Dust and Emissions Management Plan reference 4958/R/002/02, see this section below.

Mud on Road

Increasing the annual tonnage has the potential to increase the amount of mud on the roads due to the increased vehicles associated with this change. However, mitigation measures on the site remain to reduce this risk these include:

- a new wheel-wash has been installed on site commissioned in February 2021.
- all vehicles are required to pass through the wheel-wash prior to leaving the site to remove mud and debris from vehicles;
- the wheel-wash will be maintained to ensure it remains effective;
- vehicles are inspected on the way out of the site and are redirected to wheel-wash when required;
- haul roads are maintained by a road sweeper;
- monitoring of shared access and appropriate maintenance forms part of the Environmental Management System for the site, site road and between final wheel wash and public highway; and
- a street sweeper will be used to clean public highways if necessary.

Further details on the mitigation and measures in place are addressed in the Dust and Emissions Management Plan (reference 4958/R/002/02).

Dust Emissions Management Plan

The Dust Emissions Management Plan (DEMP) has been updated to account for this variation to increase the annual tonnage of waste to the landfill. The DEMP highlights the activities which dust emissions have the potential to arise from: transport of waste to site; unloading/ deposition of waste material; wind-blown dust accumulation on site surfaces; and vehicle movements on dusty roads. The potential pathways and sensitive receptors are also described in the DEMP.

There are a number of onsite control measures outlined including:

- An assessment of waste inputs is conducted at the weighbridge and imposed controls/ restrictions are implemented on potentially dusty waste such as bagging, rapid cover following emplacement and refusal to tip.

- An onsite vehicle speed limit is enforced to ensure vehicle movements do not generate excessive dust.
- Site haul roads will also be maintained and dampening when necessary using water spray from a mobile bowser should dusty conditions develop.
- Dampening of site roads as necessary using a tanker during dry periods, street sweeper, and daily visual inspection by appropriate site staff at suitable locations taking into account the prevailing wind direction.

The DEMP also outlines monitoring undertaken on- and off-site and the procedures in place to escalate and implement any necessary remedial actions if any problems relating to dust are observed.

We have reviewed the updated DEMP in accordance with our guidance, we consider it to be satisfactory and we approve this plan

Landfill gas

The increased annual waste input into the landfill from 367,000 to 550,000 tonnes per annum has the potential to increase the risk of landfill gas from the landfill. However, the waste types have not changed as a result of this variation, the waste the site will receive will predominantly be inert in nature with a low biodegradable content and the main components will be clay, soil, silt, rock, brick, concrete, glass, sand, ash, clinker and slag.

A Landfill Gas Risk Assessment (LFGRA) was provided with the variation application. We have reviewed the LFGRA and management plan, this has demonstrated that the proposed increase in annual tonnages at this site would not have the effect of increasing the peak gas production rate to a level where active gas control would be required.

The environmental impact of increased peak gas flow resulting from the increasing the annual waste input has also been assessed. We are satisfied that the landfill gas does not pose a significant risk to the surrounding environment.

Stability Risk Assessment

A review of stability risk assessment has not been provided. However we do not expect that the stability of the landfill lining system, side slopes and waste slope would be affected by the proposed increase in annual tonnage.

Increasing the rate of waste deposit will likely improve the stability of the slopes both in the short term and long term. The landfill liner is likely to be covered with waste quickly which will provide reinforcement against slippage and reduce the period of unconfined state. Hence the proposed increase is unlikely to compromise the stability of the landfill.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

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.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Public Health England

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

- Director of Public Health
- Health and Safety Executive
- Local Authority – Planning
- Local Authority – Environmental Health
- Food Standards Agency

No responses were received.

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 RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.

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.

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 not within our screening distances for these designations.

Environmental risk

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

The operator's risk assessment is satisfactory.

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

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.

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.

Improvement programme

We have removed table 'Improvement programme requirements' as all improvement conditions have previously been completed.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

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.

Financial provision

This facility is required to have financial provision. We have decided not to reassess the financial provision as part of this variation because the changes proposed by this variation will have no material impact on the value of the current 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: no significant concerns raised.