

Permitting Decisions- Variation

We have decided to grant the variation for Skelton Grange Landfill Site operated by Biffa Waste Services Limited.

The variation number is EPR/BJ9339IF/V019.

The variation authorises an increase in the annual throughput of waste treated at the Soil Treatment Facility (STF) on site by 20,000 tonnes per year, to 50,000 tonnes per year. It also varies the proportions of additive materials for the hazardous and non-hazardous treatment activities, and street sweeping residues permitted for the non-hazardous treatment activity. Material recovered by the facility is used in the restoration of the landfill site.

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

The variation authorises an increase in the overall annual throughput of waste treated at the Soil Treatment Facility (STF) on site by 20,000 tonnes per year, to 50,000 tonnes per year, of which up to 30,000 tonnes can be non-hazardous waste.

In addition the processing of street cleaning residues (EWC code 20 03 03) within the non-hazardous waste treatment process will be increased (previously this was limited as an additive to improve biopile structure). The operator has found that whilst this material may consist of a variable biodegradable component (~20% typically) it would principally be imported to site to treat the non-degradable fraction, and in some cases therefore offers a dual benefit when mixed with suitable soil materials. At other facilities operated by the operator, this material is counted against the main annual limit figures and not the additive limit. This material is permitted as a waste for the non-hazardous treatment process, and is not treated with, or used as an additive for, the hazardous waste treatment process.

An updated Environmental Risk Assessment (ERA) was provided in response to schedule 5 notice and this has been assessed during determination. We consider the ERA adequately covers the risks posed by the varied activities.

The STF is currently served by a biofilter to support the management of potential odour/volatile organic compounds (VOCs) emissions from the treatment operations. In their original application for the STF the operator assessed the design capacity of the biofilter as 6,000 m³/hour. The operator has demonstrated that the increase in annual throughput will not exceed this maximum capacity, and that emissions are therefore adequately controlled.

There are no changes proposed to the existing or to the environmental controls or procedures due to the increase in throughput. An updated Environmental Risk Assessment (ERA) was provided in response to schedule 5 notice and this has been assessed during determination. We consider the ERA adequately covers the risks posed by the varied activities.

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:

Food Standards Agency

Health & Safety Executive

Public Health England and Director of Public Health (Leeds)

Leeds City Council (Env. Health)

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

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.

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.

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 provided an assessment of the risk to air from VOCs from the process, based on the original Air Quality Assessment submitted for the Soil Treatment Facility in 2014, supported by monitoring data from a similar site.

It was noted that the operator has used an incorrect short-term environmental assessment level (EAL) for benzene of 9,750 µg/m³ (based on workplace exposure limits). The correct short term (hourly) EAL for benzene is 195 µg/m³. The average monitored concentrations submitted for benzene exceeded this EAL.

A revised Air Quality Assessment, using up to date monitoring results from the facility and the correct short-term EAL for Benzene, was requested from the operator.

The new assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment all emissions may be screened out as environmentally insignificant.

Pollutant	ST PC (µg/m ³)	ST PC as % of EAL	PC Insignificant (<10%)?	LT PC (µg/m ³)	LT PC as % of EAL	PC Insignificant (<1%)?
Benzene	0.7	0.4%*	Yes	0.02	0.5%	Yes
Toluene	2.6	<0.1%	Yes	0.10	<0.1%	Yes
Ethyl Benzene	2.3	<0.1%	Yes	0.09	<0.1%	Yes
m/p-xylene	1.8	<0.1%	Yes	0.07	<0.1%	Yes
o-xylene	0.7	<0.1%	Yes	0.03	<0.1%	Yes

* On 17 May 2021 a revision was made to our Short Term EAL for Benzene (reducing it to 30 µg/m³, 24 hour average). The revised impact is 2.3% of the EAL which is still considered insignificant for the purposes of the assessment.

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.

Operating techniques for emissions that screen out as insignificant

Emissions of VOCs have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

Emissions from the process have been considered to be insignificant, and no emission limits have been applied.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Emissions from the process have been considered to be insignificant, and no emission limits have been applied.

Fire prevention plan

We haven't requested a Fire Prevention Plan at this time, but we will request one in the future if we consider the site poses a risk of fire. We have added conditions 3.7.1 and 3.7.2 to the permit to allow this. We do not consider that the changes under the variation increases the fire risk.

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.

Emission limits

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

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 09/11/2020.

Brief summary of issues raised:

- The applicant has used a short-term environmental assessment level (EAL) for benzene of 9,750 µg/m³, which they report is based on the workplace exposure limits. PHE note that the hourly limit EAL for benzene is 195 µg/m³ and that average monitored concentrations exceed this.
- The applicant notes within this assessment that information pertaining to monitoring, monitoring frequency and trigger levels are provided within a covering letter, which has not been presented. Monitoring results used within the submitted H1 assessment are from another soil treatment facility operated by the applicant. PHE recommends that the Environment Agency (EA) ensures they are satisfied that the monitoring data presented in the assessment is reflective of operations at the site, including factors such as the nature of wastes treated and efficiency of the facility.

- The assessment details that odour levels are beneath benchmarks. It is unknown if any complaints regarding odours have been recorded associated with the existing permitted soil treatment facility, nor if the applicant has a complaints procedure. PHE notes that certain VOCs and other odorants have relatively low odour thresholds (including naphthalene, which is identified by the applicant) and recommends that the Environment Agency ensures they are satisfied that potential odorant compounds have been robustly assessed considering the proposed increase in waste volume.

Summary of actions taken:

- We requested and received a revised Air Quality Assessment from the operator for the soil treatment facility, which has used up to date monitoring results from the facility and the correct short-term environmental assessment level (EAL) for Benzene (195 µg/m³). This new assessment predicts an insignificant impact on air quality from benzene and the other species assessed.
- Monitoring proposals including, monitoring frequency and trigger levels, were provided in previous documents from 2014 and did not form part of this variation. We provided a copy of the document to PHE which sets out the proposals that were adopted at that time. The monitoring requirements and species are reflected in the current issued permit, and monitoring is required monthly as part of the permit conditions.
- With regard to odour, we consider that current controls under the permit are suitable, and that the soil treatment facility does not give rise to significant odour issues.

Response received from Public Health England 23/04/2021.

Brief summary of issues raised:

Based on the information contained in the application supplied to us, Public Health England has no significant concerns regarding the risk to the health of the local population from the installation.

Summary of actions taken:

N/A.

Response received from Leeds City Council Environmental Health Dept.

Brief summary of issues raised:

- This activity has the potential to cause disturbance to nearby sensitive receptors, in particular from odours, as well as noise, dust and particulate

emissions. It is also expected that an increase in throughput may potentially increase the likelihood of disturbance to neighbouring properties.

- Have previously received occasional complaints of odours from the vicinity of the application site. Although these incidents were not substantiated as specifically relating to the soil treatment facility.
- It is recommended that the Environment Agency satisfy themselves that emissions from the regulated facility, including noise, will not result in an unacceptable loss of amenity to local residents and the wider environment.
- If the variation is granted it is expected that that the best available techniques are used and appropriate measures to protect the amenity of nearby residents are imposed as conditions of any permit issued, so that offensive odour from the soils treatment facility and associated infrastructure is not perceptible at the boundary of nearby sensitive premises.

Summary of actions taken:

- The risks of odours and noise dust and particulate have been assessed during the variation process.
- The operation of soil treatment facility has not been found to produce substantiated odour complaints.
- Best Available Techniques have been applied.

Representations from individual members of the public

Brief summary of issues raised:

- Questioning the increase quantity of additives is required to support the treatment process and high quantity of road sweeping wastes.
- There has been no update of the Environmental Risk Assessment from 2014 to take account of the increasing the amount of biodegradable wastes. Risks identified: ammonia in leachate impacting surface waters, methane potential, bioaerosol emissions, odour, dust/litter.
- Requirement to have a Fire Prevention Plan.
- Concerns regarding dilution of soil contaminants if 25,000t of road sweepings is mixed with 25,000t of hazardous soil.
- Concerns regarding the suitability of the treated waste for restoration.

Summary of actions taken:

- The rate of additive addition was questioned during the variation. The operator has proposed a revised rate of 5% additives in the response to the schedule 5 notice and this has been incorporated into the varied permit. Road sweeping wastes are no longer proposed as an additive for the hazardous waste treatment process, and are a treated waste rather than an additive in the non-hazardous treatment process.

- An updated Environmental Risk Assessment (ERA) was provided in response to the schedule 5 notice and this has been assessed during determination. We consider the ERA adequately covers the risks posed by the varied activities.
- We do not consider that the changes under the variation increases the fire risk, which would trigger the requirement for a Fire Prevention Plan. We have included our standard Fire Prevention Condition in the permit (3.7.1 and 3.7.2). A plan can be requested under this condition if required.
- The road sweeping wastes are treated only in the non-hazardous waste treatment process, so there is no risk of dilution of the hazardous wastes with the road sweepings.
- The suitability of wastes used for restoration at the landfill site is governed by the approved restoration plan under site's permit.). Any output from the soil treatment activities that are not suitable for restoration will have to be re-treated or be disposed of. The restoration plan has not been the subject of this variation.