

Permitting Decisions - Part Surrender and Variation

We have decided to grant the variation and accept the part surrender of the permit for Calvert Landfill (Pit 6) operated by FCC Waste Services (UK) Limited.

The variation and part surrender number is EPR/BP3637AF/V006.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the areas to be surrendered to a satisfactory state. We consider in reaching this decision that we have taken into account all relevant considerations and legal requirements.

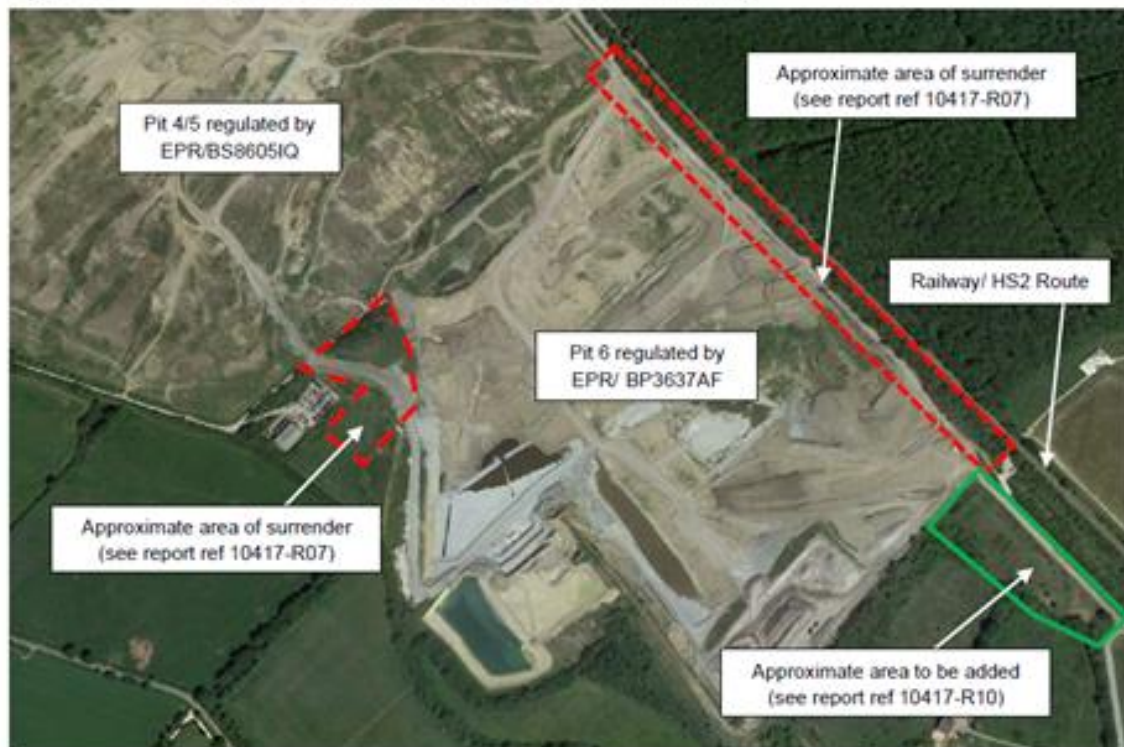
We also consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

The areas to be surrendered and the area to be added to the permit boundary are shown below in Figure 2 below.

The variation and part surrender is to;

- Part surrender of land along north-western boundary to remove undeveloped land from the permit. This will allow for the relocation of the Leachate Treatment Plant (LTP) which serves and is regulated by the Pits 4 and 5 Permit.
- Part surrender of land along eastern boundary adjacent to the railway as HS2 will run along the route of the existing railway which is adjacent to the eastern perimeter of the Calvert Pits 4 & 5 and Pit 6 Landfill sites.
- Amend the boundary to include an additional parcel of land to the south of Pit 6 which will be developed as a new reception area and will include site offices, a wheel wash, car park, workshop and associated storage tanks that have been relocated from the northern section of Pits 4 & 5.

Figure 2 Proposed Amendments to Permit Boundary



Purpose of this document

Surrender - This decision document provides a record of the decision making process. It summarises the decision-making process to show how the main relevant factors have been taken into account.

We have assessed the aspects that are changing as part of this part surrender, we have not revisited any other sections of this permit.

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

Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

Variation - 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.

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.

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.

The Financial Provision information although not forming part of this application continues to be confidential and will continue to be withheld from the Public Register.

The regulated facility

The permitted regulated facilities have not changed as a result of the partial surrender.

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 RGN 2 'Interpretation of Schedule 1'.

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

The site

The extent of the facility has changed as a result of the partial surrender.

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

These show the extent of the site of the facility.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

Satisfactory state

We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

Site condition report

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

Changes to permit conditions as a consequence of the surrender

The permit conditions have not changed as a result of the partial surrender.

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.

Sheephouse Wood ancient woodland and SSSI – approx. 40m from the perimeter of the site (at NE boundary);

Decoypond Wood – Local Wildlife Site – approx. 40m from the perimeter of the site (at NE boundary).

Protected species Code 2 – 32m and 332m.

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.

We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified and so we have not completed a CRoW form to send to Natural England.

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 on the application.

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.

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.

Condition 2.7.8 Revised pre-settlement levels shown on drawing WR7825/TC/01 dated 17/11/2021.

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.

Pre-operational conditions

We have marked complete pre-operational conditions PO1 which was complied with on 13/06/2022.

Improvement programme

We have marked complete improvement conditions IC1 (complied date 22/10/2020) and IC2 (complied date 09/08/2022). IC3 remains extant.

Emission limits

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

Monitoring

Monitoring has not changed as a result of this variation.

Tables S3.1, S3.2 and S3.3 have been updated with the latest monitoring plan QBF MEPP drawing reference 465M587 Plan 04 dated 24/10/2022.

Three original GW boreholes (CVWB0013, CVWB008B and CVWB0026) were removed as part of the previous application V005. These boreholes no longer exist and were left in Table S3.4 in error and have now been removed.

The following perimeter gas boreholes have been redrilled and therefore the borehole references have been updated in Table S3.4.

GB15 is now GB15C

WB24 is now WB24C

GB40 is now GB40B

GB41 is now GB41B

GB42 is now GB42B

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 required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme. This covers both non-hazardous and hazardous landfill and non-hazardous and hazardous treatment.

We are satisfied that the operator is technically competent.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

We have checked our systems to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

Financial competence

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

Financial provision

We are satisfied that the operator has made the necessary financial provision.

We have updated the financial provision condition 1.2.1 and 1.2.2 to reflect the current agreement. The Financial Provision information is confidential and will continue to be withheld from the Public Register.

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.