

## Permitting Decisions - Variation

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We have decided to grant the variation for Leadenham Landfill operated by Lincwaste Limited.

The variation number is [EPR/XP3798NK/V015](#).

The variation is for;

- increasing the deposition of waste and restoration
- extension of the site boundary
- revision of the restoration plan and surface water management plan
- amendment of compliance limits; and
- discharge of pre-operational and improvement conditions.

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**

An improvement condition has been added following the assessment of the restoration plan, considering the risk to surface water. A review of the site permit indicates that surface water is monitored at the site. The compliance parameters are ammoniacal nitrogen, suspended solids, oil and grease, volume of discharge and rate of discharge. These parameters and limits are for clean surface water runoff that has not come in contact with deposited wastes. Given the increased risk from deposit of non-inert wastes including organic wastes and lack of leachability criteria it is recommended that the parameters for which emission limits values has been set be reviewed with the aim of setting emission limits for additional key contaminants of concern that are representative of substances listed in Tables RP4 and RP5 of the Restoration Plan report. The representative species for chemical groups - inorganic cations and anions, organic substances, herbicides and metal ions should be proposed.

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

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Food Standards Agency
- Health and Safety Executive

- UKHSA
- Director of Public Health
- Local Authority Environmental Health

## **The site**

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

These show the extent of the site of the facility including the discharge points.

The plan is included in the permit.

## **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

## **Deposit for recovery**

We have agreed that the activity is deposit of waste for recovery.

We have assessed the Environmental Setting and Site Design (ESSD) report and consider this satisfactory.

## **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**

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**

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.

## **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.

## **Raw materials**

We have specified limits and controls on the use of raw materials and fuels.

## **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 the receiving surface water body is protected and the water quality is not impacted by the restoration activity. Currently, there is insufficient surface water monitoring data to establish reasonable site-specific compliance limits.

A review of the site permit indicates that surface water is monitored at the site. The compliance parameters are ammoniacal nitrogen, suspended solids, oil and grease, volume of discharge and rate of discharge. These parameters and limits are for clean surface water runoff that has not come in contact with deposited wastes. Given the increased risk from deposit of non-inert wastes including organic wastes and lack of leachability criteria it is recommended that the parameters for which emission limits values has been set be reviewed with the aim of setting emission limits for additional key contaminants of concern that are representative of substances listed in Tables RP4 and RP5 of the Restoration Plan report. The representative species for chemical groups - inorganic cations and anions, organic substances, herbicides and metal ions should be proposed. Following sufficient monitoring (minimum of 12 months), the surface water quality baseline will be established and site-specific compliance limits will be incorporated into the permit

## **Monitoring**

Monitoring has not changed as a result of this variation.

## **Reporting**

Reporting has not changed 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.

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

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

Response received from UK Health Security Agency.

Brief summary of issues raised: UKHSA has no significant concerns regarding the risk to the health of the local population from the installation.

Summary of actions taken: None required

Response received from Environmental Health, North Kesteven District Council.

Brief summary of issues raised: Environmental Health have not had any issues or carried out enforcement in relation to this site.

Summary of actions taken: None required