

Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Elstow (South) Landfill operated by Anti-Waste Limited.

The permit number is [EPR/SP3100SR/A001](#).

The application is for a new bespoke non-hazardous landfill site, accepting only qualifying materials as listed in the permit.

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:

- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account
- highlights [key issues](#) in the determination
- 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.

Key issues of the decision

Hydrological risk assessment- we requested via a schedule 5 for the HRA to be updated to include an abandonment and surrender scenario to assess the residual risks of leachate within the site over-topping into the local surface water environment (Harrodden Brook) through points SW1 and SW2.

Leachate management- we requested further details for the collection, storage, management and disposal of leachate from within the base of the site / water accumulating in the base of the site that has been in contact with waste while on-going development and filling of the base and lower levels of the site is progressed, ensuring that (temporary) surface leachate and adjacent clean water systems are developed in parallel but with hydraulic independence as the site development proceeds.

Environmental monitoring- With the three groundwater wells yet to be installed at the site, a Pre-Operational Condition / Improvement Condition will be included in the Permit.

Stability risk assessment- further information was needed on the stability of the central bund and its potential to act as a preferential pathway for leachate ingress.

Amenity risk- following concerns from consultees we requested a noise and vibration management plan, which has been assessed by the Environment agency and is satisfactory.

The habitats screening showed that there were habitats and protected species within the screening zone that needed to be considered.

We consulted our internal fisheries and biodiversity team regarding the deciduous woodland that is approximately 326m away, they did not have any concerns over the area given the distance between the site.

Protected species were noted in the area, we assessed the wildlife survey report which was carried out and produced by consultants, which concluded that there were no signs of the protected species in the area. We are satisfied with these results.

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:

- Local authority - planning
- Local authority - environmental health
- Health and Safety Executive
- Sewerage authority
- Fisheries and aquaculture sciences
- Onshore fisheries and conservation
- Director of Public Health and UKHSA (formally PHE)
- Food Standards Agency

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

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with Appendix 2 of RGN2 'Defining the scope of the installation'.

The site

The operator has provided plans 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.

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.

See key issues.

Environmental impact assessment

In determining the application we have considered the Environmental Statement.

We have also considered the planning permission and the committee report approving it.

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.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour 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.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration 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.

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.

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.

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions.

We have included three pre-operational conditions in the permit, there is no financial provision in place and no waste can be deposited until this has been agreed. The other conditions require details to be provided of the final surface water drainage scheme and monitoring programme, and also for the operator to assess the potential risks posed by long term leachate ingress into the perimeter drainage network.

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:

Gas and groundwater can be monitored in accordance with our guidance, the improvement conditions require that gas and groundwater monitoring boreholes are installed and that they are monitored for a minimum of 12 months.

Emission Limits

Table S3.3 Groundwater Emissions Limits

The stated emissions limits are those presented in Table 3 of the Site's Emissions and Monitoring Report dated June 2021.

However, the limits should be reviewed after the completion of IC3 following the construction of the 3 groundwater wells at the site boundary.

Table S3.5 The limits for surface emissions monitoring reflect those proposed by the Applicant in Table 1 of the Emissions and Monitoring Report. In line with recent permits issued for sites solely accepting Qualifying Materials soils (Calvert 6 and Laneside Permits), this requirement can be removed from the final permit issued as requested by the Applicant.

Table S3.3: Groundwater Emissions Limits and IC2 (Groundwater Installation and Monitoring)

The stated emissions limits for Table S3.3 have been revised to reflect the interim limits proposed by the Applicant in the Environmental Monitoring Plan dated July 2022. However, the limits proposed are interim and have been given "action" and not "compliance" limit status due to the need to install the 3 permanent groundwater wells at the site under IC2. On completion of IC2, appropriate compliance limits can be proposed for the site based on the newly obtained data set(s). While the HRA has indicated that concentrations of both sulphate and chloride are likely to be at naturally elevated concentrations in baseline groundwater chemistry, monitoring for these two key parameters should be undertaken under IC2 to confirm the baseline aquifer chemistry, even if the outcome of the monitoring is to confirm that compliance limits are not appropriate for either parameter at Elstow.

Table S3.5: In Waste Gas Monitoring Requirements

This table has been simplified (from a standard non-haz landfill template) to reflect solely the requirements for in-waste gas monitoring across the site once the in-waste gas monitoring wells are installed once the site reaches its final profile.

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

We made these decisions in accordance with LFTGN02 and LFTGN03

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

Reporting

We have specified reporting in the permit.

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

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.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

Financial provision

We are including a pre-operational condition to ensure that the operator will make 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.

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 Bedford Council

Brief summary of issues raised: Concerns were raised over noise, as there are receptors within 40m. They did not think that noise had been fully considered/assessed and that the suggested control measures were “meaningless” and not enough detail to show how a negative impact will be avoided.

Summary of actions taken: In the second schedule 5 notice we requested a noise impact assessment which was assessed by our internal AQMAU (air quality modelling and assessment unit) team and concluded that it was acceptable and no further assessment was needed.

Response received from UK Health and Security Agency.

Brief summary of issues raised: a number of areas for further consideration.
Receptors • It appears that there are a number of new build properties in close proximity to the site.
2 Dust • ensures mitigation measures described in Table 4 of the Dust Risk Assessment within the Environmental Risk Assessment Report are suitable.
Landfill gas • Lignins are described in the landfill gas risk assessment report as being expected wastes, not giving rise to significant landfill gas production.
Accidents • The EA should ensure they are satisfied with the content of the Accident Management Plan.

Summary of actions taken: We are satisfied with the dust management plan, and the landfill gas risk assessments have been assessed by our technical team and further information/clarification requested via a schedule 5 notice.

Representations from individual members of the public

Brief summary of issues raised:

- Concerns over the variety of wildlife inhabiting the area from rather large Rudd and Carp to migrating birds, various amphibians and insect life.
- Suggestion of maintaining greenfield sites for the benefit of mankind
- Concerns over climate change and the loss of such an area and it's impact on flooding, drought, poor air quality.
- Suggestion that the site should be used as reservoirs for neighbouring farm land and towns.
- Concerns over polluting the area with "Waste"
- Query over the inclusion of "soils" as part of the potential infill materials, *"are "topsoils" included in the definition? If so they may be rich in organic matter which will undergo anaerobic decomposition and will produce both methane and ammoniacal-nitrogen, leading to potential leachate leakage into surface and groundwaters, and greenhouse gas emissions respectively"*

Summary of actions taken: The Environment Agency does not decide upon the location of landfill sites, and have no stipulation on how areas of land should be used, but we seek to minimise any risk in that area. We have assessed the wildlife surveys completed by a consultant and we are satisfied with the results. We are also satisfied with the gas risk assessment and the measures that will be taken on site to control and mitigate any gas that should occur. The site will only be accepting low biodegradable qualifying materials as per the waste list in the permit, this does not include topsoils.