

Permitting Decisions- Variation

We have decided to grant the variation for Foxhall Landfill Site operated by Valencia Waste Management Limited.

The variation number is EPR/BW2943IG/V009

The permit was issued on 17.01.2025.

The variation is to include to the permit, a non-hazardous household, commercial, and industrial waste transfer station. The waste operation will be undertaken within a fully enclosed building with no point source emissions. The activities will have a treatment capacity of 100,000 tonnes per year.

The waste treatment process will separate non-combustible materials, woods and metals manually with a picking line for recovery. Some residual waste, such as grit, glass and bricks, will be used on site to maintain roads and for cover on the landfill. All incoming and outgoing waste from the waste operation will be weighed and recorded.

This variation is separate from the landfill activity, which remains unchanged.

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

We consulted the local authority:

- UK Health Security Agency - No response received.
- Local Authority Environmental Health – Response received.
- Local Authority Planning Department – No response received
- Health and Safety Executive - No response received.
- Local Fire Service - No response received.
- Natural England - No response received.

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

The application was publicised on the GOV.UK website.

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 1 of RGN 2 'Interpretation of Schedule 1' and Non-hazardous and inert waste: appropriate measures for permitted facilities date 12/07/2021.

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 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:

The activities do not include point source emissions to air, water, soil, or groundwater. All treatment and storage will take place in a fully enclosed building with sealed draining. To minimise emissions of dust incoming and outgoing vehicles will be enclosed or have appropriate sheeting to contain any waste.

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'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.

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.

Pest management

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

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

We have approved the pest 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.

Fire prevention plan

We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance.

We have approved the fire prevention 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 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.

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 restate the requirement of the previous permit.

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.

We have excluded the following wastes for the following reasons:

16 06 04 Alkaline batteries (except 16 06 03)

16 06 05 Other batteries and accumulators

17 08 02 Gypsum-based construction materials other than those mentioned in 17 08 01

20 01 34 Batteries and accumulators other than those mentioned in 20 01 33

The operators' operating technique and Fire Prevention Plan states that they will only treat waste that has already been accepted at the landfill. Batteries and gypsum are not accepted at the landfill but were included in the list of waste codes to be accepted for the waste operation.

Following email correspondence with the operator, it was established that *“Batteries may be found incidentally within mixed incoming waste streams so the EWC code/codes are added to cover this eventuality and for offsite transfer of these waste type.”*

The waste code table should exclusively include waste designated for site acceptance, excluding incidental waste streams.

We made these decisions with respect to waste types in accordance with Non-hazardous and Inert Waste: Appropriate Measures for permitted facilities updated 1st August 2023.

Monitoring

Monitoring has not changed as a result of this variation.

Reporting

We have not amended 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 competence

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

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, newspaper advertising and the way in which we have considered these in the determination process

Responses from organisations listed in the consultation section

Response received from: Local Authority Environmental Health

Brief summary of issues raised: How many extra vehicle movements do you expect from the proposed activities?

How will this affect the air quality in the area?

Since waste processing activities generally require a minimum threshold throughput before the conditions of an Environmental Permit are required to be met, is there scope for the site to be Conditioned through the Planning Regime (in the absence of the controls of an Environmental Permit).

Summary of actions taken:

We requested information from the operator regarding the frequency of waste deliveries and removal at the site. They have stated that there are typically 16 vehicle movements per day.

We have requested that the operator provides us with a dust management plan. The operator has proposed to sort the waste within a fully enclosed building. It has been determined that the waste operation is not expected to have a significant impact due to the fact that waste is already received at the site for landfill and has previously been assessed.

Following a review of the application and proposed activities, it has been determined that the processing of waste falls under the scope of an environmental permit. While a minimum treatment capacity has not been set, a maximum has been established. This approach ensures that the condition covers all operations, even if the site processes less waste than anticipated.