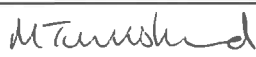
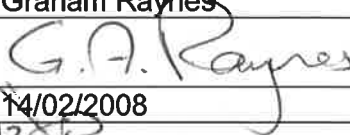


Variation of a PPC Landfill Permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000 No.1973) and the Landfill (England and Wales) Regulations 2002 (SI 2002 No. 1559)

Amended Decision Document recording the decision-making process

Administrative details

Permit number (the "Permit")	BV7273
Variation number	CP3534LE
Applicant (the "Applicant")	AD Waste Limited
Address/location of Installation (the "Installation")	Brookhill Way Pinfold Industrial Estate Buckley Flintshire CH7 3PL
Name of Account Officer	Miriam Townshend
Signature of Account Officer:	
Name of Authorising Officer	Graham Raynes
Signature of Authorising Officer:	
Variation issue date	14/02/2008

1208

All relevant documents have been sent to the IPPC Public Registers

Part A – Introduction

The operator is proposing to vary the conditions of the permit to increase the height of the pre-settlement contours. The operator stated that the levels applied for previously were based on the planning permission levels which were set based on guidance at that time. The operator stated that recent guidance and experience shows that a greater degree of settlement is achievable. Therefore, it is possible to increase the height of the landfill whilst still achieving the final contours.

An application was made in April 2006 to amend the pre-settlement contours shown on drawing reference 1843.SETT.02. However, following consultation on the proposed variation, the operator's consultant stated that the proposed contours had been further revised. A copy of the drawing reference 2127.SETT.01 showing the revised increased pre-settlement contours was formally submitted in July 2007 to replace the original drawing.

The Stability Risk Assessment was reviewed against the revised contours and we determined that the assessment was not applicable to the steeper slope angles. The operator was advised that we could issue the variation against the initial revised contours, and then the operator could vary these, or the operator could withdraw the application and re-submit a revised application or a revised Stability Assessment could be submitted relating to the increased slope angles. The operator chose to submit a revised stability assessment and this was sent on 9th November 2007.

A1 Administration

This section includes administrative information relating to the application and information about the Applicant and the installation.

"Duly made" check on Application received

The Application was not duly made as submitted on 12/04/2006 for the following reasons:

Since the application to vary the conditions relates to an increase in the pre-settlement contours (increasing the height of the landfill) it was considered that there is the potential for public opposition to this proposal. Therefore, we considered that the application should be a substantial variation, so an additional fee was required.

Upon receipt of the additional fee, the Application was determined to be duly made on 02/08/2006.

Consultation on the Application

The Application was advertised by the Applicant on 22/08/2006 in The London Gazette and the Flintshire Evening Leader.

We sent copies of the Application to the following statutory consultees in accordance with Part 2 of Schedule 4 to the PPC Regulations:

Flintshire Local Health Board
Flintshire County Council
Food Standards Agency
Countryside Council for Wales
Secretary of State for Wales.

Consideration of consultation responses

Responses were received from the following statutory and non-statutory consultees:

Food Standards Agency
Countryside Council for Wales.

We have considered all responses in determining the Application. The ways in which material responses have been taken into account are summarised in Annex 1 to this document.

Matters of commercial confidentiality or national security

The Operator has made no claim for commercial confidentiality and we have not received any information in relation to this Application that appears to be confidential in relation to any party. There are no matters involving national security.

Further information requirements

No further information was requested.

Public Participation Directive

The original Application was advertised as required by the public participation directive (PPD) on 17/01/2007 on the Agency's website. No responses were received.

Since no decision was made with regard to the application within 5 days following the end of the consultation period, the Application was re-advertised with the revised contours ending on 07/02/2008. No responses were received.

Planning Permission

Consideration of planning is not required.

A2 The Applicant

This was considered in the decision document relating to the issue of the permit.

Fit and Proper Person

The variation has no impact on the Fit and Proper Status of the operator.

EP OPRA profile

The variation has no impact on the EPOPRA profile.

A3 The installation**Activities**

The variation has no impact on the permitted activities.

The Site

The variation has no impact on the installation boundary.

Part B - Management

Management

The variation has no impact on the management of the site.

Accidents that may cause pollution

No additional measures are required.

Energy Efficiency

No additional measures are required.

Site Security

No additional measures are required.

Records

No additional measures are required.

Reporting

No additional measures are required.

Site surveys

No additional measures are required.

Part C - Operations

C1 Waste Acceptance

Permitted Wastes

There is no change to the permitted wastes.

Annual Waste Input Limits

There is no change to the annual limit.

C2 Landfill Engineering

So as to prevent over-tipping in accordance with RGN 6, an assessment of the original application was made in order to determine whether any of the phases with engineering that is not compliant with the Landfill Regulations were closed at the time the application was made. The Part B application form identifies that cells 1 to 5 are operational. The Environmental Setting and Installation Design report identified that none of the cells were permanently capped and that remediation measures would be taken with the agreement of the Agency following review of the settlement behaviour and of the calculated final levels. This implies that the operator considered that filling of completed areas may be required in the future. In addition, all areas of the site have been engineered to a standard that complies with the requirements of the Landfill Regulations.

On this basis it is considered that none of the phases/cells of the landfill were considered to be closed by the operator at the time of application hence it is considered that allowing surcharging to increased final levels will not be in contravention of the requirements of RGN6 with regard to over-tipping on closed areas.

New Cell Containment Engineering

No additional measures are required.

Capping

No additional measures are required.

We accepted the Stability Risk Assessment and the revised Stability calculations on the basis that the cap will be installed in accordance with the recommendations made in the report, specifically that:

1. The capping system shall be constructed in accordance with the recommendations made in the Cap Stability assessment report prepared by Egniol dated February 2006. Specifically, an active drainage system shall be installed on slopes with a gradient steeper than 1 in 3. The drainage system shall comprise flexible plastic field drains installed down-slope at 20 metre intervals. These drainage pipes shall be sized and connected so as to drain freely to the surface water management system. The pipes shall extend to a minimum of one third of the height of the slope.
2. The permeability of the cap membrane protection layer shall be equal to or greater than 4.0×10^{-4} m/s. The protection layer particle size grading should be within $\pm 10\%$ of the values measured in the laboratory analyses referenced in the revised application Cap Stability report (Egniol Ltd, February 2006, v1.0) with the exception that the maximum particle size should not exceed 37.5mm and the percentage passing the 63 μ m sieve should not exceed 15%.

The CQA report on the installation of the cap should consider these points.

Landfill Infrastructure

No additional measures are required.

Stability and settlement

The operator applied to vary the permit to increase the pre-settlement contours as it was considered that greater settlement was being achieved so increased over-tipping could take place. The operator provided a stability risk assessment in relation to the cap and a review of settlement. These reports were assessed and were considered to be satisfactory in relation to the contours shown on drawing reference 1843.SETT.02. However, they were not considered to be satisfactory in relation to the further revised contours shown on drawing reference 2127.SETT.01. We considered that the slope gradient of the eastern slope batter are steeper than those modelled in the Stability Risk Assessment (SRA) report.

Revised calculations regarding stability at the steeper slope gradients were submitted and were found to be satisfactory.

C3 Closure, aftercare and decommissioning

No additional measures are required.

Part D – Emissions and Monitoring

No additional measures are required.

Annex 1 - Consultee responses

Summary of consultation responses received and the way in which they have been taken in to account in the determination process.

Response received from	Brief summary of issues raised	Summary of actions taken or show how this has been covered
Food Standards Agency	No issues raised.	No action required.
Countryside Council for Wales	CCW requested more information in relation to the application in order to determine the impact of surface water management on the habitat sites.	A letter was sent to CCW explaining that the variation is for an increase in the pre-settlement levels, and therefore, has no impact on the current measures for surface water management.