

Our Ref: LT03 24/012
Your Ref: EPR/BM5941IH/V009

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FAO: Permitting Support Centre

24th November 2025

RE: Response to email “EPR/BM5941IH/V009 EPR – Return of Not Duly Made Permitting Application CRM:0647069” dated 22.07.2025 in relation to Lakeland Waste Management Limited (Operator), Flusco Pike Landfill, Newbiggin, Penrith, CA11 0JB (Site).

Dear Sir/Madam,

I write on behalf of our client, Seletia (F) Limited, formerly known as Lakeland Waste Management Limited regarding the resubmission of a permit variation application to increase annual tonnage limits and add waste codes. This application was originally submitted on 22nd April 2025. The application was deemed “Not Duly Made” and returned by senior permitting officer James O’Callaghan on 22nd July 2025. I have addressed the comments from the “Not Duly Made” letter and the application documents have been updated accordingly. For ease of reference, I have included James O’Callaghan’s comments from the “Not Duly Made” letter in **bold text** below, alongside our response to each.

...I’m writing to let you know that your application has been “not duly made” so we are returning your application.

We’ve looked at the extra information you sent us on 10/07/2025. We are still missing:

1. Justification for a 7.5x increase in annual tonnage:

No evidence has been provided to demonstrate the need for a 7.5x increase in annual waste tonnage. A market assessment is essential to justify the proposed increase and to demonstrate that it is necessary, reasonable, and sustainable. This is critical to the application as the site is currently accepting less than 25k TPA - a massive increase as requested appears to be unjust. We are not outright refusing the notion that the site could not operator without impact at the proposed rates, but the application and information must appropriately justify this proposal and align with this increase to environmental risk.

A Market Assessment has been prepared and included in the resubmission of the application. This report provides evidence to justify the proposed increase to the annual waste input limit, and demonstrates that the increase is necessary, reasonable and sustainable.

2. Correct Permit Variation Type:

The scale and nature of the proposed changes — including a substantial increase in waste throughput and associated impacts — mean this application should be submitted as a normal variation, not a minor variation. The current classification does not reflect the significance of the proposed operational changes. Examples of the different types of variations and relevant application charges are given in section 3 of our Charging Guidance: <https://www.gov.uk/government/publications/environmental-permitting-charges-guidance/environmental-permitting-charges-guidance>

I agree that a normal variation is appropriate for the proposed changes. The application has been resubmitted with updated forms and fees accordingly.

Unfortunately, the following information does not meet the level of detail required to start determination:

3. Risk Assessments:

The risk assessments provided are superficial and rely on documents that have not yet been prepared. They do not reflect the magnitude of the proposed operational change and fail to address key environmental and operational risks. The remaining void on the site (750,000 m³ or so) is closer to the village of Newbiggin than existing operations, which have historically generated complaints.

An updated Environmental Risk Assessment (ERA V2) has been included in the resubmission of the application. This version reflects the scale of the proposed changes, the proximity of Site operations to the residential area of Newbiggin and addresses the key environmental and operational risks posed by the proposed changes.

4. Application Accuracy:

The application contains factual errors. Pam Tait has confirmed she is not the Technically Competent Manager (TCM) for Flusco. Additionally, the company names listed are incorrect and do not reflect the changes registered at Companies House on 30 June 2025 (this will need to be amended in future applications).

Further observations and concerns that should be addressed in any future submission include:

The application now lists George Brown as the Technically Competent Manager for Hespian Wood Landfill. The operators name has been updated to Seletia (F) limited, reflecting the company name change registered on Companies House on 30th June 2025.

5. Additional vehicle movements not considered:

The site is behind on installation of both capping and installation of landfill gas infrastructure. There is no suitable material on the site to construct the geological barrier for future cells, which would further increase vehicle movements. This has not been considered in site risk assessments.

The new operator is committed to bring all infrastructure requirements at the Site up to date. CQA documentation for works such as cell lining, capping and gas infrastructure will be submitted to the Environment Agency for approval before work commences.

The construction of future cells will require the importation of suitable materials. These will be no different than that originally proposed. However, due to the increased rate of importation of waste this works will progress more quickly. All aspects of the filling of this landfill at an increased rate will cause more vehicle movements over a shorter period of time.

An assessment of the risk of increased vehicle movements has been considered in the updated ERA (ERA V2) with regard to the construction of all cells and gas infrastructure for the landfill.

6. Dust Suppression:

The application does not explain how water supply for dust suppression will be scaled to match the increased waste throughput. The site is a limestone quarry over a karstic aquifer with two lagoons / water bodies. The source, capacity, and recharge rate must be reviewed to ensure this can accommodate the additional needs for engineering works.

I do not agree with your assumption that the increase in waste throughput will require a matched increase in water supply for dust suppression. Dust mitigation measures, such as the dampening of Site surfaces, are implemented on an as needed basis based on weather conditions (e.g., periods of dry, warm weather) independent of volume of vehicle movements. It is however considered that the proposed increase to the annual input limit may require more frequent dampening of stockpiles, but this is not expected to have a significant impact on water supply. In periods of drought or limited water supply, operations generating dust will be temporarily ceased. The updated ERA (ERA V2) addresses

the impacts of the proposed changes on dust generation and mitigation measures and how the water supply will be appropriate.

7. Litter Control:

The site is exposed to high winds and has a history of litter escaping onto the M6. Without access to the “strict waste acceptance criteria,” litter control cannot be considered a valid mitigation. Measures to prevent litter from becoming a traffic hazard, including site closure protocols during high winds and contingency plans for diverted vehicles, must be detailed.

I do not believe that this statement is relevant to Flusco Landfill and is a replication of the text from the returned application for Hespin Wood landfill. Flusco landfill is not located adjacent to the M6 motorway. The M6 motorway is located approximately 3.5km northeast of Flusco Landfill.

8. Mud and Litter on Roads:

Increased traffic levels will exacerbate existing issues. The application should include a plan for road cleanliness and vehicle containment.

We do not have a standalone plan for road cleanliness and vehicle containment in the application. Increased vehicle movements may increase the risk of mud and on local roads. Mitigation includes regular use of a wheel wash, and deployment of a road sweeper to clear roads when mud is observed being tracked from Site. The frequency of these measures being implemented may increase as a result of the proposed changes and increase in the number of vehicles visiting the site. The updated ERA (ERA V2) addresses these impacts and the associated mitigation measures.

I am assuming that “vehicle containment” refers to the containment of waste within vehicles during transport to Site. All vehicles delivering waste to Site must be sheeted. This is a measure that is implemented on Site at all times and will continue to be implemented.

The EMS contains a Mud, Litter and Debris Procedure which implements measures for clearing mud from local roads and the sheeting of vehicles. This has been included in the resubmission.

9. Odour Management:

The absence of detailed waste acceptance criteria undermines odour control claims. A self-imposed limit on sulphate content in incoming waste should be included. There is no assessment of whether the current gas management or leachate treatment infrastructure can handle the increased load. A revised Gas Management Plan (GMP) and infrastructure modelling are required.

Detailed waste acceptance criteria for the Site are included and implemented on site via the waste acceptance procedure in the EMS. This waste acceptance procedure clearly states that no malodorous wastes or wastes containing high sulphate content (such as gypsum) will be accepted.

Landfill regulations set a limit of 50,000mg per kg for the sulphur content of non-hazardous waste being deposited at landfill. A more conservative limit of 10,000mg per kg has been set for this Site, and will be implemented through the waste acceptance procedure. The waste acceptance procedure has been included in the resubmission.

A Gas Management Plan (GMP) was produced in September 2023. Due to the changes in Operator at the Site and over tipping of existing waste an updated Gas Management Plan is being prepared at this time by SLR Consulting Ltd. It is not considered that the proposed changes will have an impact on the ability of the gas infrastructure to handle the gas levels produced by the landfill as there is no proposed increase to overall tonnage.

10. Vehicle Suitability:

Articulated walking floor wagons, commonly used for long-distance waste transport, may not be suitable for the landfill surface, making proposed control measures impractical.

Vehicles used for long-distance waste transport will not access the landfill surface. Vehicles delivering waste to the Site will access the Site via the access road to the south, and will deposit the waste on a concrete pad. In this way, they do not traverse the landfill surface.

11. Scavenging Birds and Wildlife:

You must clearly detail what elements of the 'strict waste acceptance criteria' limit the risk of these pests. If a risk assessment is dependent on another document, it should also be included with any application.

The updated ERA (ERA V2) addresses the risk of pests and the impact that the proposed changes have on the risk of pests. Waste acceptance criteria includes ensuring that only permitted wastes are accepted at Site, and contravening waste is removed from Site as soon as practicable. This minimises the risk of stored contravening wastes attracting pests and scavenging animals.

12. Fire Risk:

A significant increase in waste input will increase the area and volume of combustible material. Fire prevention and response plans must be updated accordingly.

A Fire Prevention Plan (FPP) has been prepared and submitted with the resubmission of the application. This FPP accounts for the volume of combustible waste stored on Site at any one time, before being deposited in the landfill, in line with the proposed changes to annual input limits.

13. Surface Water and Habitat Impact:

The information surrounding this is not site-specific. The site is a former quarry with little off site drainage.

It is reported in the latest Surface Water Management Plan that surface water from the northern part the Site drains to the two ponds. Water is either abstracted from these ponds for operational use, such as dust suppression, or naturally percolates through the underlying bedrock. Surface water in the southern part of the Site flows through a series of settling lagoons and weirs that allow sediment to settle before water drains to a ditch, where it percolates through limestone fissures along the eastern boundary. Surface water, such as rainwater, that has been in contact with waste in operational areas or completed cells is managed separately via the leachate management system. This prevents water that has been in contact with waste from drain to the ponds or surface waters. The updated ERA (ERA V2) addresses this.

Thank you for providing your feedback on the initial variation application. This has helped greatly in preparing the application for resubmission. The variation application has now been resubmitted to the PSC team.

Yours sincerely,



Sian Wilcox
Client Services Coordinator