

APPENDIX 1

DETAILS OF PRE-APPLICATION DISCUSSIONS WITH NATURAL RESOURCE WALES

Graham Peacock

From: Griffiths, David <David.Griffiths@cyfoethnaturiolcymru.gov.uk>
Sent: 12 August 2016 10:46
To: Graham Peacock
Subject: RE: Viking Place WML 30190

Thanks Graham

I'm awaiting clarification from our Permitting department regarding application fee and will contact you shortly. In the meantime you can prepare the application forms

Dave

From: Graham Peacock [mailto:graham.peacock@biffa.co.uk]
Sent: 11 August 2016 15:41
To: Griffiths, David <David.Griffiths@cyfoethnaturiolcymru.gov.uk>
Cc: Kathryn Sampson <kathryn.sampson@biffa.co.uk>
Subject: FW: Viking Place WML 30190

David

I've been discussing this internally concerning our approach.

Cardiff Viking Place is one of a number of permits held by companies other than Biffa Waste Services Limited. There are in fact across the UK quite a number of companies, in addition to Biffa Waste Services Limited, that are owned by Biffa Group Limited, UK Waste Management Limited being only one of these. The other companies between them continue to hold quite a number of our permits.

We have previously discussed with the Environment Agency (I think in pre-NRW days) the aspect of whether or not these permits need to be transferred to Biffa Waste Services Limited. The position we had agreed previously was that as these companies were still trading companies and could demonstrate control over the operations on site, it was in order for them to continue to hold these permits. Whilst these companies hold the permit, we had nonetheless used the strong parent Biffa brand for marketing purposes. Nonetheless, you will still note if you were to audit waste transfer notes for the Viking Place site that these correctly declare UK Waste Management Limited to be the permit holder.

I am aware that we had discussed this same aspect with the EA/NRW some time ago specifically in relation to Viking Place. We did also submit a review of the working plan for the site, to replace a much older UK Waste Management version, and this submission also documented the status of permit holder for clarification. I think that the compliance officer at the time left the EA/NRW and later to so did our site manager, so approval of what was a more up to date document stalled, although it may be an opportune time to re-submit this and get the document signed off.

Whilst we had agreed previously that the permit did not have to be transferred to Biffa Waste Services, I note that there is provision within NRW's charging scheme for the transfer to be effected, and it is in fact covered on page 22 of the charging scheme, that there will not be a charge for the permit transfer if -

- i) Your permit used to be a waste management licence and you (*the proposed new permit holder*) were, on 6th April 2008, the operator by reason of Regulation 69(2) of the Environmental Permitting (England and Wales) Regulations 2007 (The holder of a waste management licence which became an environmental permit under those Regulations was to be treated as the operator); and
- ii) We have agreed the transfer is desirable for regulatory reasons.

(My italics above)

In this case, the directors of both UK Waste Management and Biffa were the same, and Biffa were in effect the operator, UK Waste having been purchased by Biffa prior to April 2008. We have only recently transferred another permit in England to Biffa on the same basis.

I am assuming from your e-mail below that it would be desirable on your part for regulatory reasons for the permit to be transferred to Biffa, and therefore if you are in agreement I will submit the relevant permit transfer forms to NRW for this to be effected. The application should be relatively straightforward as the directors (relevant persons) are the same, relevant convictions are the same (it is the same list that we always supply) and the management system will be the same.

Regards
Graham Peacock
Environmental Regulation Manager

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From: Griffiths, David [<mailto:David.Griffiths@cyfoethnaturiolcymru.gov.uk>]

Sent: 11 August 2016 14:27

To: Kathryn Sampson <kathryn.sampson@biffa.co.uk>

Subject: RE: Viking Place WML 30190

Thanks Kathryn

I will summarise this in a CAR Form hopefully tomorrow, apologies for the delay but was awaiting legal advice on the Permit status. Finally we got a way forward and look forward to catching you the week after next.

Dave

From: Kathryn Sampson [<mailto:kathryn.sampson@biffa.co.uk>]

Sent: 11 August 2016 14:02

To: Griffiths, David <David.Griffiths@cyfoethnaturiolcymru.gov.uk>

Subject: RE: Viking Place WML 30190

Hi Dave, thanks for this. I have sent this email over to the environmental department who will be in contact shortly.

Kathryn

From: Griffiths, David [<mailto:David.Griffiths@cyfoethnaturiolcymru.gov.uk>]

Sent: 10 August 2016 12:57

To: Kathryn Sampson <kathryn.sampson@biffa.co.uk>

Subject: Viking Place WML 30190

Good Afternoon Kathryn

Hope you had a good holiday and you are well.

Over the past few weeks I've been looking at the current Permit and what we need to do to get it updated to the modern EPR Conditions. So please can you action the following:

1. Contact Graham Peacock to apply to transfer the current Permit (Uk Waste Management WML 30190) into Biffa Waste Services Ltd, there is an application fee associated with this.
2. NRW will then be able to update the Permit to modern conditions EPR, however the modern conditions will only reflect what's in the current WML (this will be free of charge and put on a list awaiting review). Please note if you require anything different e.g. different waste types, increased waste storage you will need to apply for a variation which has a fee associated to it, which Biffa will have to pay for. This will be a quicker process.

It's worth having a good chat with Graham and your Managers to understand and ensure what is required at site and the Permit Reflects your operations.

Im on leave next week so hopefully catch up after that regarding site operations.

Dave

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