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Nine Mile Point Waste Transfer Facility – Permit Variation Application Decision Document

EPR/AB3695CH

Application for a Bespoke Permit Variation

The application number is: PAN-016095

The Applicant / Operator is: Drumcastle Limited

The Installation is located at: Nine Mile Point Waste Transfer Facility, Nine Mile Point Industrial Estate, Cwmfelinfach, Caerphilly, NP11 7H

The variation number is: EPR/AB3695CH/V004

We have decided to issue the permit variation for Nine Mile Point Waste Transfer Facility operated by Drumcastle Limited.

We consider in reaching this 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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

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Key issues of the decision

The application was for a normal variation to the existing Environmental Permit, for the removal of the combustion of natural gas for drying of waste in a drum dryer. This combustion process would have used the ventilation air from inside the building in the combustion process thus achieving a secondary purpose with the resultant removal and destruction by combustion of odour from the indoor air, with combustion gases being released at the discharge to atmosphere. This application therefore also proposes to add the use of an activated carbon air filter to reduce potential odour levels in the site extracted ventilation air, prior to its release to atmosphere. These are the only changes proposed within this variation and as such our determination of the application focuses solely on these matters and not on matters already permitted.

The key issue in this determination relates to the potential for odour pollution off site.

Therefore we have carried out a detailed review of the application in this regard. The relevant issues can be divided into two categories, the infrastructure and operational practices to minimise odour and the modelling and risk assessments which examine the likelihood of off site odour pollution.

The application included:

- the Nine Mile Point Waste Processing Facility PPC Variation Odour Management Plan, received on 19/11/2021;
- the Nine Mile Point Waste Processing Facility PPC Variation Operational Techniques and Monitoring Plan, received on 19/11/2021;
- Nine Mile Point Waste Processing Facility PPC Variation Environmental Risk Assessment, received on 01/03/2022;
- Modelling files, received on 01/03/2022; Odour Assessment Note: Nine Mile Point, Caerphilly April 2022, received on 27/04/2022;
- Modelling files, received on 27/04/2022; email describing expected odour emissions, received on 10/05/2022;
- Odour Assessment Schedule 5 Responses: Nine Mile Point, Caerphilly May 2022, received on 13/05/2022;
- Modelling files, received on 13/05/2022;

- letter entitled Re: Odour performance Nine Mile Point Odour control system, dated 10th May 2022 received on 13/05/2022; Nine Mile Point:
- Additional Odour Modelling in response to Natural Resource Wales comments received 27th May, June 2022, received on 27 June 2022;
- Modelling files, received on 27/06/2022.

We have reviewed and considered all of this information during the determination process.

Our investigation into the potential for off-site odour pollution considered the sensitivity of the submitted modelling approach to a number of parameters and the subsequent effect on predicted impacts. This included giving detailed consideration to the meteorological data used in the modelling, the valley topography and the potential for cold drainage flow/ temperature inversions as well as the flow rate of the emission, as produced by the fan which draws in the air from within the building.

The conclusion that we reached after detailed consideration of the proposed odour management and control, and of the odour modelling carried out was that the predicted odour concentrations as a result of odour emissions from the proposed odour control unit (composed of activated carbon filter) are unlikely to exceed the 1.5 OUE/m³ 98th percentile hourly mean benchmark level at sensitive residential receptors as per H4 guidance. Short term maximum odour events that result in annoyance cannot be ruled out. Note: OUE/m³ is the unit of odour concentration in the air, measured as odour units per cubic metre.

In reaching this conclusion we recognised that domestic residences are some of the most sensitive receptors to potential odours while other occupiers of industrial estates are less sensitive.

In this conclusion we have referenced the figure of 1.5 OUE/m³. The figure of 1.5 odour units is used to benchmark the concentration of the most offensive types of odours. When moderately offensive odours are modelled the benchmark figure of 3 odour units is used, and for less offensive odours a benchmark figure of 6 odour units is used. As a precautionary measure, we have treated the odours from this site as being in the

most offensive category, to ensure that the highest standards are being met. However in reality the odours may not be in that category, in which case the potential impact is further reduced.

We are satisfied that the infrastructure and operating techniques proposed by the operator will achieve the necessary standard to control odour and prevent off site odour pollution.

1 Our proposed decision

This decision document explains how we have considered the Applicant's Application, and why we have varied the consolidated permit we are issuing to the Applicant. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our position. Unless the document explains otherwise, we have accepted the Applicant's proposals.

We try to explain our decision as accurately, comprehensively and plainly as possible.

Based on the information we received we are issuing a permit variation to the Applicant. This will, allow the operator to make the changes they have applied for, subject to the conditions in the Permit.

We consider that, in reaching this decision, we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

The permit contains many conditions taken from our standard Environmental Permit template including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they

are included in the permit, we have considered the Application and accepted the details are sufficient and satisfactory to make the standard conditions appropriate.

This document should be read in conjunction with the application and supporting information and permit.

2 How we reached our decision

2.1 Receipt of Application

The Application was accepted as duly made on 01 March 2022. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

The Applicant made no claim for commercial confidentiality. We have not received information in relation to the Application that appears to be confidential in relation to any party.

2.2 Consultation on the Application

We carried out consultation on the Application in accordance with the Environment Permitting Regulations (EPR), our statutory Public Participation Statement (PPS) and our Regulatory Guidance Note RGN6 for Determinations involving Sites of High Public Interest.

Furthermore we have also considered the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 during our assessment process.

We advertised the Application by a notice placed on our website and via citizen space, including advising people where and when they could see a copy of the Application. The consultation started 28/03/2022 and ended 25/04/2022.

A copy of the Application and all other documents relevant to our determination are available for the public to view. Anyone wishing to see these documents could arrange for copies to be made.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 3. We have taken all relevant representations into consideration in reaching our determination.

2.2.1 Draft Permit Consultation

We advertised the draft decision by a notice placed on our website and via citizen space, including advising people where and when they could see a copy of the decision. This consultation began on 30 August 2022 and ended on 26 September 2022.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 3. We have taken all relevant representations into consideration in reaching our determination.

2.3 Requests for Further Information

In order for us to be able to consider the Application duly made, we needed more information. We requested further information relating to the OPRA profile, the scale of the variation, the non-technical summary, the environmental risk assessment and the odour modelling data files. Upon receipt of this information we were able to consider the application Duly Made.

Further information was also requested by way of a Schedule 5 Notice requiring information on the odour assessment. The Schedule 5 Notice was sent on 8 April 2022. The Applicants initial response to the Schedule 5 Notice was provided on 27 April 2022, with further information being provided on 13 May 2022 and on 27 June 2022. The complete additional information supplied satisfied the requirements of the Schedule 5 notice.

A copy of the information notice and e-mails requesting further information were placed on our public register as were the responses when received.

3 The Legal Framework

The variation will be issued, under Regulation 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 which also have to be addressed.

We address the legal requirements directly where relevant in the body of this document. NRW is satisfied that this decision is consistent with its general purpose of pursuing the sustainable management of natural resources (SMNR) in relation to Wales, and applying the principles of SMNR. In particular, NRW acknowledges that it is a principle of sustainable management to take action to prevent significant damage to ecosystems. We consider that, in granting the Permit a high level of protection will

be delivered for the environment and human health through the operation of the Installation in accordance with the permit conditions. NRW is satisfied that this decision is compatible with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources.

4 The Installation

4.1 Description of the Installation and related issues

4.1.1 The permitted activities

The Installation is subject to the EPR because it carries out an activity listed in Part 1 of Schedule 1 of the EPR:

- Section 5.4 A1 (b)(ii) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities and excluding activities covered by Council Directive 91/271/EEC –
(ii) Pre-treatment of waste for incineration or co-incineration.

Consisting of treatment of waste to produce Solid Recovered Fuel (SRF) and Refuse Derived Fuel (RDF). Waste will be sorted and shredded prior to baling and storage.

An installation may also comprise “directly associated activities”, which at this Installation included The combustion of natural gas for drying of waste to increase calorific value in a 6.75 MWth Drum dryer. However this application requests the removal of this directly associated activity. This will also allow the operation of the installation without the associated emissions to atmosphere of combustion gases from this activity.

4.1.2 The Site

This proposed variation makes no change to the installation boundary.

4.2 Operation of the Installation – general issues

4.2.1 Administrative issues

The Applicant is the sole Operator of the Installation, which remains unchanged.

4.2.2 Operating techniques

The operating techniques have been updated to reflect the proposed change.

We consider that the emission limits included in the permit reflect the BAT for the installation.

We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.

These are specified in the Operating Techniques table in the permit.

4.2.3 Energy efficiency

We are satisfied that the Applicant will ensure that energy is used as efficiently as possible.

The removal of the gas fired drying process will significantly reduce energy use on site.

5 Minimising the Installation's environmental impact

As described above in the key issues section, the potential for odour pollution was the potential risk from this proposed variation.

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

5.1 Fugitive emissions

This proposed variation does not change the fugitive emissions.

5.2 Assessment of odour impact

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where not practicable to minimise the emission and impact of odour.

The permit continues to contain the relevant condition to prevent off site odour pollution.

See the key issues section above for more comment on odour.

5.3 Noise Assessment

Noise has previously been considered in the original permit determination and is also the subject of improvement condition 2, which will be assessed separately from this variation determination.

This variation removes the drum drying, and combustion process and adds an activated carbon air filter. Activated carbon air filters are widely used in a variety of different industrial settings, they are non-mechanical, in that there are no moving parts and are not regarded as significant sources of noise. The fans used to draw the air through the system are the same as were to be used with the natural gas fired Regenerative Thermal Oxidiser.

While the drum dryer and associated natural gas fired Regenerative Thermal Oxidiser were not expected to generate unsatisfactory noise levels, they did have the potential to generate some noise. Their removal and replacement with an activated carbon air filter does not pose a significant noise risk and further assessment for the variation is not needed.

Separately the permit already includes a noise improvement condition, as well as the standard noise condition requiring that noise pollution is not permitted outside the site.

5.4 Impact on Habitats sites, SSSIs, non-statutory conservation sites etc

The emissions to atmosphere of combustion by-products (e.g. CO, NO_x etc) are being reduced as a result of this proposed variation and as such there is no potential impact on habitat sites.

6 Setting ELVs and other Permit conditions

We have decided that emission limits should be set for the parameters listed in the permit.

As discussed previously in the key issues section of this document, the odour assessment of the operator concluded that their emissions to air will not cause odour pollution at sensitive receptors. They based their assessment on maintaining odour emission concentrations from the stack at concentrations that can vary from 300 OU_E/m³ to a maximum of 1,000 OU_E/m³. They have also described how the activated carbon filter will have an expected 12 months of operation between replacing the activated carbon media. The permit therefore includes an emission limit of 1,000 OU_E/m³ from the stack.

6.1 Translating BAT into Permit conditions

Article 14(3) of IED states that BAT conclusions shall be the reference for permit conditions. Article 15(3) further requires that under normal operating conditions; emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions.

The best available techniques are detailed in the document: COMMISSION IMPLEMENTING DECISION (EU) 2018/1147 of 10 August 2018 establishing best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council.

The permitted activity to be undertaken on site is the Pre-treatment of waste for incineration or co-incineration, and the variation proposed is for a change to the odour treatment of ventilation air.

Discussion of BAT:

BAT 10 which requires the periodic monitoring of odour emissions is only applicable where an odour nuisance at sensitive receptors is expected and/or has been

substantiated. The modelling supplied with this application indicates that predicted odour concentrations as a result of odour emissions from the proposed OCU (odour control unit composed of activated carbon filter) are unlikely to exceed the 1.5 ouE/m³ benchmark level of 98th percentile of hourly average concentrations at sensitive residential receptors. The permitted site is not yet operational and so there is no possibility for potential odour nuisance to be substantiated. Therefore BAT 10 is not applicable in this case.

However the operator has proposed appropriate monitoring of the emission from the activated carbon filter. Given the importance of this to the potential for odour pollution, we have included additional monitoring along with an odour emission compliance limit in table S3.1.

BAT 12 which requires the set up, implement and regularly review an odour management plan, is also only applicable where an odour nuisance at sensitive receptors is expected and/or has been substantiated. For the same reason as with BAT 10 above, BAT 12 is therefore also not applicable in this case.

However the operator has produced an odour management plan.

BAT 13 lists potential odour reduction techniques which are not applicable in the case of this specific proposed variation.

BAT 14 to prevent or where that is not practicable, to reduce diffuse emissions to air is not applicable in the case of this specific proposed variation – the building ventilation/extraction system is designed to minimise diffuse emissions and treat channeled emisisions.

There is no BAT-AEL for odour for this type of facility, and any emission limits (as detailed above) are therefore determined solely on a site specific basis.

6.2 Monitoring

We have added the monitoring of odour concentration to the parameters listed in Schedule 3 of the permit using the methods and to the frequencies specified in those tables.

These monitoring requirements have been imposed in order to demonstrate compliance with the emissions limits in the permit. The activated carbon abatement system has a finite capacity to absorb and retain odourous chemicals, and is therefore periodically replaced as detailed above. The monitoring regime reflects this.

The operator has also detailed daily on site odour monitoring by site personnel and weekly monitoring of the activated carbon in their odour management plan and their operational techniques and monitoring plan, which are incorporated via the operating techniques table of the permit.

6.3 Reporting

We have specified the reporting requirements in Schedule 4 of the Permit to ensure data is reported to enable timely review by Natural Resources Wales to ensure compliance with permit conditions and to monitor the efficiency of material use and waste recovery at the installation.

OPRA

The agreed OPRA score at the installation is 69. This will form the basis for ongoing subsistence fees.

ANNEX 1: Pre-Operational Conditions

No new pre-operational conditions are being added as a result of this permit variation.

Pre-operational condition 11 has been updated to remove the reference to waste gas streams, following this variation which removes the process generating the waste gas stream.

ANNEX 2: Improvement Conditions

No new improvement conditions are being added as a result of this permit variation.

ANNEX 3: Consultation Responses

A) Consultation on the Application

The Application has been advertised and consulted upon. *We do not normally consult on normal variations but have decided, by exception to do so, owing to the significant public interest in the site.* The results of our consultation and how we have taken consultation responses into account in reaching our decision is summarised in this Annex.

1) Consultation Responses from Members of the Public and Community Organisations

A number of the issues raised during the consultation process are outside Natural Resources Wales remit in reaching its permitting decisions. We are only able to take into account those issues, which fall within regulatory scope of the Environmental Permitting Regulations and which are relevant to the application being determined. In this case the installation is already permitted and our decision to grant a permit has therefore been made. The scope of the decision in this case relates solely to the removal of the combustion process and addition of activated carbon scrubber for alternative odour abatement.

a) Representations from Community and Other Organisations

Response Received from Lower Sirhowy Valley Communities Partnership	
Issues raised:	Summary of action taken / how this has been covered
We would request that the waste haulage transport through the Lower Sirhowy Valley that is required for this waste transfer and processing installation should be considered an integral activity and considered as part of the permit. The environment as a whole should be considered.	The vehicle movements to and from the site are not within the scope of this permit variation or the Environmental Permitting Regulations.
Our supporting reasons: - the removal of the dryer will cause the exports of material to increase from 80,700 tonnes pa to 100,000 tonnes pa (a 24% increase)	The proposed variation makes no change to the annual quantity of waste permitted to be processed at the site. This response quoted guidance (Environment Agency RGN 2,

<p>adding something like 1,500 extra one way OGV 2 movements pa.</p> <ul style="list-style-type: none"> - there is an existing “7.5 tonne except for access” restriction on the B4251, this is a new development that will create additional HGV road traffic specifically to serve this development. - The plant will be serviced by OGV 2 vehicles (articulated and/or 4 or more axles). The last (only) census at DFT traffic point 811854 in Wattsville was in 2019 and showed the Average Annualised Daily Flow (AADF) for OGV 2 vehicles was 24. The removal of the dryer will add 5 one way OGV 2 movements per day, an increase of 21% on an already congested road. Overall, the plant will now generate an additional 57 one way OGV 2 movements per day, more than trebling the current volume. - Concerns over the air monitoring undertaken in the valley and that national Air Quality Objectives are currently close to being breached. - When the decision to approve this development was taken in 2015 the Planning committee did not have the consultation reports of Public Health Wales, National Resources Wales or the council Environmental Health Officer. We therefore do not believe that matters concerning the volume of traffic or emissions associated from transport have been considered under any other process. <p>With reference to the Environment Agency RGN 2, Appendix 2 on the Environmental Permitting Regulations:</p> <p>A2.13.Transport on national or multi-user systems (which include the public road system, the rail system, the National Grid, the public gas supply system, canals, public sewer</p>	<p>Appendix 2 on the Environmental Permitting Regulations:).</p> <p>[note that this section of guidance relates to establishing if two parts of a site, separated by a multi user system such as roads can be considered the same site for permitting purposes, and there is no such other part of the site in this case].</p> <p>The traffic movements are not a directly associated activity.</p> <p>The planning permission is not relevant to this determination.</p> <p>Paragraph 32 from the original permit determination Appeal Decision:</p> <p><i>The scope of the regulatory role under the environmental permitting regime is contained in the Environmental Permitting (England and Wales) Regulations 2016 (EPR). The Regulations require that certain “regulated activities” must be controlled by permit. The activity in question here is an “installation”, which is defined at Schedule 1. “Installation” covers a stationary technical unit where one or more activities are carried on, and any other location on the same site (my emphasis) where other directly associated activities are carried on. Traffic movement outside of the site does not constitute an activity on the site. Furthermore, for EPR purposes only emissions from sources in the installation are regulated. Emissions from traffic outside of the installation do not count for EPR permitting purposes.</i></p> <p>Annex 1 of original decision document produced by NRW identify potential impacts upon local air quality from on-site emissions and</p>
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<p>or private sewer with multiple users which then discharge into the public sewer) would normally break the technical connection between units or activities. However, public roads, rail or canals may not break the connection where frequent movements are conducted by specialist vehicles (such as works vehicles or silage tankers used at farms) over a short distance between units or activities. Where the total amount of material transferred by the system is large compared to the total used or supplied to the unit in question the connection is more likely to be broken.</p> <p>It is considered that there is no comparative activity operating on the B4251 between Wyllie and Wattsville.</p> <p>The LSVCP requests that a Limb (ii) test is undertaken and evidenced to determine whether the transport associated with the facility at Nine Mile Point amounts to a directly associated activity.</p> <p>With reference to Appendix 2 section A2.17.</p> <p>Three criteria are proposed for the purpose of determining whether an activity satisfies the second limb– (2A) the activity must be directly associated with the stationary technical unit; (2B) the activity must have a technical connection with the listed activities carried out in or by the stationary technical unit; and (2C) the activity must be capable of having an effect on emissions.'</p> <p>In terms of vehicle movements from the facility at Nine Mile Point and through the B4251 between Wattsville and Wyllie, it is suggested that the following be taken into account:</p>	<p>process generated traffic. Emissions resulting from exhaust fumes from traffic movements outside the site boundary are planning consent matters outside of the jurisdiction of EPR.</p> <p>The only relevant change to emissions from the installation as a result of the variation is the removal of combustion and associated combustion gases, which will result in a small reduction in potential atmospheric concentrations of NO_x, CO etc arising from the permitted facility, with a small resultant positive impact on relevant AQO's.</p>
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- the facility is reliant on the service of vehicles in a manner that is distinct to its function and that is not typical of a similar scale industrial estate unit.
- The HGVs serving the building have dedicated site access points and vehicle circulation routes that dominate the site area outside of the building footprint.
- there are no large scale vehicle entry points to the facility building, indicative of the integral nature of vehicles to the operation of the facility. Both HGVs transferring waste to the facility and removing residues and bales will enter the main building, as indicated on plan drawings and in the Operational Techniques and Monitoring Plan (V00) prepared by the applicant.
- As indicated in the Operational Techniques and Monitoring Plan (V00) there are no unscheduled deliveries, pre-acceptance conditions would be in place for imported waste and waste transfer movements would be under pre-agreed contracts.
- There is a fuel point at the site.
- The vehicles involved are operating as dedicated haulage for both import and export of waste. For import vehicles the Nine Mile Point facility is the only destination. For exporting from the Nine Mile Point facility the vehicles streams for residues or bales will have single point destinations.
- The dedicated haulage required for the Nine Mile Point facility is dependant upon the B4251 road between Wattsville and Wyllie. In the context of this area of the B4251 there is currently no complete information as to pre-existing traffic levels, traffic generated by the facility, emissions or the traffic restriction in force on this area of the road.

Again, with reference to Appendix 2: A2.23 the Part A Guidance stresses that other activities must be “an integral part” of the Activity in order to establish the necessary “technical connection” required before they can be regarded as a DAA. This suggests that the connection must be clear and significant. Further guidance on the meaning of “technical connection” is set out in paragraphs A2.7 to A2.14 above A2.24. The Part A Guidance provides the following additional guidance about criterion (2C): ‘2.16. Criterion (2C) covers both activities which have an effect on emissions and pollution from the listed activities with which they are associated and activities which have such an effect in their own right.’ A2.25. Criterion (2C) reflects the fact that the purpose of including DAAs within the Installation is to ensure that the environment as a whole is protected.

Please note the planning requirement (approval 15/0601/FULL condition 13) for a Delivery Management Plan for deliveries to and from the site has not been discharged.

A Transport Statement was submitted to CCBC in 2015 and a Delivery Management Plan submitted March 2022. The Delivery Management Plan focuses on deliveries to the facility only. Based on the information available it is understood that larger HGVs would be required for the onward movement of bales, as the Transport Statement, section 5.3.2:

‘...the transfer of material off site in terms of residues or RDF/SRF bales will largely be transported into shipping containers on 44 tonne (16.5m) articulated vehicles.’

Information provided to CCBC to discharge a transport condition on Delivery Management does not

provide information on the size and volume of HGVs collecting bales and sorted waste for output, only information on the smaller input delivery HGVs.

The submitted information under the Environmental Permit variation does not include information on the volume and scale of vehicles required to service the facility.

There has been no traffic count / survey submitted under this application or planning concerning the existing traffic through Wattsville. A traffic survey was submitted in 2015 for the northern section of the B4251 around Wyllie but there is nothing to suggest that this traffic is representative of traffic throughout the valley or at Wattsville. Basic observation would conclude that Wattsville presents the most concerns for HGV transport yet it is through this village that the larger vehicles collecting bales are likely to pass as the applicant has advised these are to be transferred to Newport docks.

The Blackvein Industrial estate by comparison is serviced by an improved section of the B4251 such that HGV's can access the site shortly after exiting the Full Moon roundabout without entering the restrictive residential areas of the B4251 road.

It is noted that an appeal against a previous Permit Refusal for this facility, (Ref: ENV/3172985 11 December 2017), was supported by the planning inspectorate.

The Permit Refusal noted that a key concern raised by Public Health Wales was:

To confirm that vehicle movements will not impact upon air quality and road safety.

The appeal inspector did indicate that in his opinion traffic emissions beyond the site boundary were not necessarily within the scope of the Environmental Permit, but nonetheless devoted large areas of the appeal report to a detailed discussion on AQO in Wattsville, the B4251 and the health of the Ynysddu ward. Comment was made that an air quality monitoring location in Wattsville was not necessarily typical of the locality and was closer to the road than some properties. The location referred to in the report shares the same building line on the pavement proximity to the road as approximately 35 other terrace houses at the street, however it is not typical in that it is adjacent to the end of a terrace property where there is approximately a 40m gap in the terrace that would allow dispersal of traffic emissions from the street.

It is noted that the following opinion from the inspector was based on the information available at the time: 'my overall judgement that the predicted air quality impacts of the installation are acceptable.'

It is also noted that:

- CCBC have selected the AQO monitoring points
- in this instance the AQO monitoring point was someone's house, despite the inspector's judgement, it is not clear how many residents would need to be affected by poor air quality for the development to become unacceptable.
- The comments made simply indicate that comprehensive AQO monitoring has not been undertaken.

Air Quality Wales monitors air quality near 80 Islwyn Road, Wattsville, which has shown high levels of

pollution. Here are the results for the past year.

Comment was made that the facility proposed could equally be replaced by another unit on the industrial estate so that road transport was not a specific issue. This does not allow for the following points:

- The proposal involves a significant haulage operation by public road to service the development in supplying waste for sorting and for removal of bales and sorted residual waste. It does not appear that this is a typical industrial unit but is a waste transfer and processing facility that does require an Environmental Permit to operate.
- The LSVCP consider that there is no comparative activity operating on the B4251 between Wyllie and Wattsville.
- There has been no pre-existing development at this site since the removal of the Nine Mile Point colliery in the 1960s, therefore any traffic generated by this facility is additional.
- Any consideration given during the planning process and an associated Environmental Impact Assessment screening was undertaken on the basis that this was a typical unit on an industrial estate.

There would be justification for considering the bespoke haulage required to operate this waste installation as a limb activity under the Environmental Permitting regulations. It is considered that there is no comparative activity operating on the B4251 between Wyllie and Wattsville and that factor has not been addressed. A number of basic logistical matters have not been addressed:

<ul style="list-style-type: none"> - There is a tonnage restriction on the B4251. The reasons for this have not been stated, but it is understood that the reasons could be structural and /or environmental. - There is no control imposed by planning over the size, volume or transport route of traffic servicing the facility. There is no current and comprehensive information available that identifies these matters. - It has not been established that the B4251 in the residential areas is suitable for an increased volume of large HGVs or for HGVs traveling in opposing directions. <p>Local residents feel they are being routinely ignored by the authorities in raising such obvious issues.</p> <p>Concerns with - off-site transport issues.</p>	
<p>We remain concerned that there are issues that are not being properly addressed through this permit process or other processes such as planning applications. It is the absence of these issues in this permit consultation that is of concern. These issues will also be raised in subsequent points, in summary they are:</p> <ul style="list-style-type: none"> - Conflicting information on the location of mineshaft entries, located on and adjacent to the waste transfer site. - Conflicting information on the estimation of mine shaft collapse zones and how the waste transfer site can operate safely around them. - Testing for mine gas at the mineshaft entries has not been evidenced. <p>Caerphilly Borough Council appear to have 'Off set' several matters from full</p>	<p>The determination of this permit variation application does not affect and is not directly affected by any planning conditions. This document relates to the permit variation application, the scope of which is described above and not to wider planning or permitting concerns.</p> <p>Concerns over mineshafts or coal deposits are not relevant to permit variation to remove a combustion source or introduce an activated carbon filter for odour abatement.</p>

<p>consideration on the planning application: 21/0974/Full.</p> <p>It is believed they were advised that several environmental matters would be dealt with by the Environmental Permit, land stability matters by Building Control and that building over mine shaft entry points and a variety of coal mining legacy risks should be referred (presumably by the applicant) to the Coal Authority.</p> <p>In addressing the planning committee and responding to Jan Jones, Lower Sirhowy Valley Communities Partnerships 'Nine Mile Point: Comments - December 2021' report (see attached), CCBC Planning department stated that the following matters would be requirements of a permit regulated by NRW:</p> <p>*</p> <p>The Coal Authority was not consulted on this application either. However, a Coal Mining report 11 January 2022, that was not submitted for scrutiny as part of the application but was subsequently provided to the council, stated:</p> <p>'The Coal Authority advises the developer undertake a detailed Gas Risk Assessment where proposed development occurs over shallow coal reserves as is the case here.'</p>	
<p>'Dwr Cymru/ Welsh Water (DCWW) have not been consulted on the current application however they were consulted on the previous application. It is not considered that the development of the sprinkler tank and pump house would raise any material planning issues in this respect.* However, as the construction area exceeds 100 square metres, the development requires Sustainable Drainage Approval (SAB approval) and the sprinkler tank and pump house would</p>	<p>The site drainage plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The fire suppression system is not being changed as part of this variation application and does not form part of this determination process.</p>

<p>also require a permit regulated by Natural Resources Wales.'</p> <p>'The retention and removal of fire water is not a material planning consideration and would not be controlled by the Local Planning Authority. This would be a requirement of the permit regulated by Natural Resources Wales.'</p> <p>The council's land drainage officer recommended that DCWW should be consulted on the 21/0974/full application and regarding the previous application DCWW stated that any changes to the then current plans, (which did not then feature a fire suppression system or water storage structure), should be referred to them.</p> <p>There are concerns that DCWW have not been consulted or are even aware of changes to the drainage proposals. However, this development is now connected to public drainage in the estate road that discharges to the River Sirhowy.</p> <p>There has been no demonstration on submitted plan proposals of how the black water arising from deployment of the fire suppression system within the waste facility could be contained or accessed for removal.</p> <p>No information on the submitted plans as to how fire water would be drained into the surface water storage.</p> <p>A reduction in surface water storage from the approved volumes.</p>	
<ul style="list-style-type: none"> - extending the hours beyond those stated in the planning permission for HGV traffic to move through the valley to service this waste transfer facility. - The relocation of a weighbridge onto a mineshaft cap in order to make the bale storage area functional. 	<p>The determination of this permit variation application does not affect any planning conditions. This document relates to the permit variation application and not to wider planning or permitting concerns.</p>

<ul style="list-style-type: none"> - The inclusion of a fuelling point adjacent the bales storage area. - An increased bale storage area. 	<p>The site drainage plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>4.1 - Transport: Mon – Friday permitted hours deliveries / transport From the submitted Section 4.4 Waste deliveries to the site will remain unchanged from the approved Permit. These are:</p> <ul style="list-style-type: none"> Monday – Friday 07:30 – 18:30 Saturday 07:30 – 13:00 <p>No handling operations will take place on Sundays or Public/Bank Holidays.</p> <p>This varies from planning permission 15/0601/full condition 04: There shall be no Heavy Goods Vehicle deliveries to or from the site outside the following times: 07:30 - 18:00hrs Monday to Friday, 07:30 - 13:00hrs Saturdays; and no such deliveries on Sunday or Bank Holidays.</p>	<p>The determination of this permit variation application does not affect any planning conditions. This document relates to the permit variation application and not to wider planning or permitting concerns.</p>
<p>4.2 – Transport: on site vehicle circulation.</p> <p>The LSVCP have concerns that the area to the north of the building has a number of physical restrictions and associated hazards and cannot operate in a safe manner.</p> <p>The layout below was produced January 2022 further to the LSVCP submission to the council that suggested the area to the north of the building had become too congested for adequate vehicle circulation. From the documents now submitted under the permit variation it would appear that this area will also be required to accommodate an increased bale store area, an increased size pumphouse, a new quarantine area, a diesel tank, a fire</p>	<p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The determination of this permit variation application does not affect any planning conditions. This document relates to the permit variation application and not to wider planning or permitting concerns.</p>

<p>wall and a revised weighbridge position.</p> <p>It is noted that the site layout, above, indicates a shorter 15.5m length HGV turning the north-east corner of the main building. This is achieved by driving up, over and off a raised kerb area.</p> <p>From the plan submitted under this application it is not clear how a 15.5m or 16.5m length HGV can circulate the rear of the building.</p> <ul style="list-style-type: none"> -There are three vehicle entry points to the main building accessed from this area for the removal of waste and bales. - A fuel tank installed on site is not indicated. - Mine shaft access points, shaft caps and collapse zones are not indicated. - A quarantine area has been introduced. <p>How the variety of HGVs active in servicing the building, together with on-site plant vehicles can circulate and operate in this area has not been demonstrated.</p>	
<p>Noise and vibration hazard: mine shafts / collapse zones are not identified as potential hazards either from vibration or physical loading. The mine shaft cap at 001 does appear on submitted drawings, however it is not identified as a shaft cap and collapse zones are not indicated.</p> <p>Drawings submitted under the Environmental Permit variation indicate the weigh bridge at the site vehicle exit as positioned in part on the shaft cap to mine entry shaft 319191-001 which contravenes the position shown on both approved layouts for planning permission 15/0601/full and</p>	<p>Mine shaft zones and mine safety are not within the scope of this variation.</p> <p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p>

21/0974/Full. The approved position for the weighbridge avoids the collapse zone. The installation on site appears to confirm that the weighbridge has been installed as shown on the drawing now submitted under the Environmental Permit variation such that HGVs exiting the site via the weighbridge would drive over the shaft cap at mine entry shaft 01. Similarly, it is not clear what would prevent vehicles using the north end of the building and bale storage area from driving over the mine shaft.

As a general point the condition of the mine shafts has not been verified and local knowledge indicates that they have not been properly investigated or located. Further information is provided within this section.

It is noted that the information submitted under this permit variation application includes variations in the layout and infrastructure to the north end of the site. The locations of known mine shaft entries and their potential collapse zones are not indicated. There is no assessment of associated risk from vibration or physical loading. There is no assessment of the risk of mine gas.

Three entry points for the former Nine Mile Point colliery are recorded by the Coal Authority: 319191-001, 002 and 003. 001 is located on the development site and 002 is located to the East of the site boundary. 003 is the furthest from the development. The HSE advised in a letter to Chris Evans MP in 2021 that the shaft cap at 003 had been fitted with a test point. Someone routinely tests for gas in the area to the rear of units adjacent to the development site, which would be in the vicinity of 002 and 003. It is not known who is undertaking the testing. The HSE

stated in the letter that CCBC have ownership of the mine shafts.

Prior to development commencing the shaft 002 location was also photographed with what appear to be tubes in place.

In January 2022, the LSVCP submitted a letter of concerns to CCBC over this development that included inaccuracies in the location of the mineshafts and the fact that there were access manholes located on the mineshaft caps. In seven years of planning consideration and reports by three different consultants on the subject this had never been mentioned. The day after receipt by the council of the LSVCP letter, the applicant obtained a report from the consulting department of the Coal Authority advising of reduced collapse zones based upon the certainty of location of the mineshafts that were located by the position of the access manholes. However the Coal Authority Report contains an assumption that the access points are located at the centre point of the mine shaft caps. Visual observation of the access point and shaft cap to 001 indicates that this is not the case and the access point does not appear on any survey information or plan submitted under planning or environmental permit.

The area around the 002 shaft cap has not been disturbed and it is not part of the site or under the applicant's ownership.

Further to the Coal Authority report, residents investigated the access point to shaft 02, with the landowner's permission, and located the access point. It clearly had not been accessed for some time and there was no discernable way of relating its

position on the shaft cap without clearing the area and surveying it.

- Geo-Environment Report ref. CRM.414.002 GE R 0001, Land at Nine Mile Point Industrial Estate NP11 7HZ, April 2014.

In section 4.21 of their Geo-Environmental Report, Enzygo 'recommended a 14.25m no construction zone is given from the centre of the shaft'

Gas section 8.12 Ground gas was being monitored from the adjacent site during the investigation resulting from the high methane being recorded.

FurtherWorks

11.1 Based on the ground investigation undertaken it has been concluded that

Due to thickness of Made Ground that a piled foundation is required which will require deep boreholes to prove piling parameters beyond the depth of the current investigation trial pitting.

11.2 Similarly whilst carrying out the site works a potential ground gas issue was observed in the adjacent site, and although there is no evidence of gas generating materials occurring within site it is recommended that installations should be monitored from the boreholes on three occasions.

11.3 The mine shaft cap has been proved on site, however it is recommended that this mine shaft cap be surveyed so it can accurately demonstrate that this mine shaft cap does not affect the proposed building and is at least 11m away.

Recommendations

7.9 It is recommended that an intrusive ground investigation is

undertaken to determine the position of the mine shaft.

ESP Nine Mile Point Industrial Estate, Cwmfelinfach Proposed Industrial Development Geo-Environmental and Geotechnical Report, Reference: ESP.7435d.3388 Final September 2020.

Concerning the location of mineshafts ESP refer to Enzygo's previous report and regarding their own site investigations state:

The coordinates shown on the investigation point records were surveyed on completion using a GPS with an accuracy of around 3 to 5m.

Section 2.10.1.5, 'We consider subsidence risks associated with the on-site and off-site shafts are High.'

Section 8.1.3 'A mine shaft capped at shallow depth based on previous investigation information (around 0.2m to 0.3m bgl) is also located in the north portion. This is not to be disturbed/damaged and we understand a fenced stand off zone will be adopted around it.'

Section 8.2.2.2 states that a stand off zone is required around the on-site shaft, calculated from the ground investigation results as 19.25m from the centre. This would extend the radius of the former zone by around 5m.

The report states:

'Whilst outside of the Client's ownership, a similar zone would also be required around the shaft to the east of the site, therefore this would encroach in the east portion of the site. It should be noted that the location of the cap on this shaft has not been proven as it is outside of the investigation area. This should be considered to confirm the zone of

influence and to reduce design uncertainty (see Section 9).'

A further comment is made in the same section:

'The shaft is indicated to be filled and capped, however these works are unlikely to satisfy contemporary standards and therefore the standard to which they were undertaken would need to be confirmed. If proven to be treated to current standards, fencing the risk zone may be considered part of a suitable solution'.

A preliminary evaluation of the resulting risks and any remedial measures potentially required to mitigate identified unacceptable risks from contamination and hazardous ground gas is included in Sections 6 and 7. However, it should be appreciated that this is a preliminary evaluation only, and will not generally meet the requirements of the Options Appraisal report of CLR11.

9 Recommendations

We consider that the specified investigation is sufficient to progress the design of the development. We consider that the following further investigation and assessment would be required or prudent prior to development.

Required Further Actions:

- We understand that all development will be positioned away from the mine shaft on-site, if this is to change, consideration of mine gasses egressing from the shaft will be needed and ground gas protection may be needed.

Appendix L to the ESP report indicates that two monitoring events concerning ground gas were undertaken, none were taken at the mine shaft.

WDR and RT Taggart. This consultant re-submitted information

relating to gas testing (as above) and recalculated the mine shaft collapse zones.

Taggart's subsequently submitted, in November 2020, a document to the council that stated 'The ESP Report September 2020 confirms that 6 rounds of gas monitoring were undertaken as part of the site investigation. The gas monitoring round number and frequency was undertaken in accordance with the requirements of CIRIA C665.'

It is not clear how this interpretation can be supported given ESP's own submission and comments.

Coal Authority

A Coal Mining report dated 11 January 2022, that was not submitted for scrutiny as part of the application but was subsequently provided to the council, stated:

'The Coal Authority advises the developer undertake a detailed Gas Risk Assessment where proposed development occurs over shallow coal reserves as is the case here.'

Gas monitoring was undertaken in 2020 in various areas of the development site by ESP, however none of the positions related to the access chambers on the shaft caps of the mine shaft entry points which would seem to be the most obvious position to test for mine gas.

Based upon survey co-ordinates for the access covers the Coal authority calculated the following
the zone of influence for these entries can be assumed to be a distance of 14.35m for mine entry 319191-001 and 14.90m for mine entry 319191-002 and 24.90m for 319191-003, from the recorded positions detailed above.

It should be noted that following the Coal Authority Report in January 2022, in February 2022 residents cleared and excavated the access cover for shaft 002. It is not clear how the access cover could have been recently surveyed prior to this.

To the north of the building now constructed at this site a shallow tunnel was uncovered (see photo below) shortly after construction commenced at the site in 2021.

The Coal Authority also identified a recorded geological fault line crossing the site, located approximately from the site road exit and extending across the north-east corner of the new building.

Given the above it is not clear why the following Coal Authority advice (11 January 2022) does not appear to have been taken:

‘There are no recorded past gas emissions recorded in the surrounding area, however, coal seams and coal mine workings pose a potential gas risk which should be considered in any future investigations and development. At development sites with shallow coal workings, probable shallow coal mine workings, or pathway features such as mine entries and geological disturbances on or nearby the site, the Coal Authority recommends that a more detailed gas risk assessment to be undertaken in accordance with relevant guidance.

The Consultants Coal Mining Report records mine entry 319191-003 to have had works undertaken to it, with it recording “These works were undertaken to allow heavy concentrations of Methane gas being produced in the underground workings to be vented safely into the atmosphere”. It should therefore be

considered that elevated levels of mine gasses may be present around the mine entries.'

It is noted that the Coal authority advice appears to conflict on the matter of recorded gas emissions in the surrounding area, however it is felt that should support a requirement for a clear assessment of gas risk and establishing an ongoing monitoring regime.

It is of concern to LSVCP that in an area with recorded mine gas issues the matter has not been investigated, particularly given the available test points that the mine shaft access manholes provide.

It should be noted that when indicating the mine shaft collapse zone the location of the West shaft 001 is shown in different locations on the plan drawings of ESP and Taggart as compared to Enzygo.

How can a collapse zone located around the centre of a mineshaft shown in 2015 at 15m radius and 'touching' a boundary, in 2020 be located such that an 18.95m radius zone is located clear of the boundary? It appears that the centre-point has moved to the north-east by several metres.

It appears to residents that the location of the mine shaft entries and the area of the collapse zones have changed on a number of occasions – not to ensure a safe approach to development but to suit changes in the development layout. It is not clear why the location and nature / condition of the cap treatment for both the on-site and off-site mine entries 001 and 002 were not physically investigated and surveyed as a pre-commencement matter in

<p>order to establish any areas that were not suitable for development. The LSVCP is of the opinion that this has not been undertaken.</p>	
<p>4.1 - Accidental fire hazard: mine shaft gas emissions are not identified as potential hazards.</p> <p>Despite the Coal Authority recommendations to undertake gas testing (January 2022) there is no record available of gas testing at the mine shaft entry points and therefore no evidence that mine shaft gas emissions have been considered.</p> <p>Local residents including former miners recall that the former colliery area was leveled into an area created by straightening the River Sirhowy. It is believed that this was undertaken to eradicate spontaneous ground fires and smoldering that had gone on for years after the colliery was cleared.</p> <p>Local people can also remember when an extension was built onto the Curtis Wright factory (adjacent to the Waste transfer plant) and workmen caused a ground fire when escaping methane from the Rock Vein Shaft 319191-003, ignited.</p> <p>Curtis Wright was then advised to install a concrete Grasscrete carpark, to allow escaping Methane from the mine to safely escape through the holes in the Grasscrete. Curtis Wright also have Methane Monitors throughout their building monitoring Methane.</p> <p>One of the directors of Hywel NMP Ltd – Kieran Mark BYRNE owned a recycling company in Belfast, called Wastebeaters, which had a major fire in September 2016, where twelve firefighting units and 75 firefighters were deployed to fight the blaze https://rb.gy/knidi7</p>	<p>Mine shaft zones and mine safety are not within the scope of this variation. Nor are risks of fire, which are not material affected by the removal of a permitted natural gas combustion process, and addition of an activated carbon odour abatement system.</p>

<p>There is a concern among locals that history will repeat itself, where a highly flammable industry (recycling waste) operates on a 'High Risk Area'.</p> <p>There are over a 1,000 people working on Nine Mile Point Industrial Estate and the Lower Sirhowy Valley Residents Group have grave concerns about the safety of people working and visiting this industrial estate if Hywel NMP Ltd operates.</p>	
<p>Accidental fire hazard: a fuel tank next to the bales store area has not been identified as a potential hazard. Below extract from PAN-016095 - 20001-403 Site Drainage drawing submitted under the permit variation application:</p> <p>The bales store and the access cover to mine shaft entry 001 are in close proximity to the fuel tank, but are not indicated on this drawing.</p> <p>An above ground diesel fuel tank located by the bales storage area has been installed at the site, does not appear on all the submitted drawings or form part of any planning application.</p> <p>There is no identification of hazard or risk associated with this fuel tank, whereas a smaller fuel store adjacent the administration offices was clearly assessed under the earlier permit application</p>	<p>The accident management plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The fire prevention and mitigation plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>Accidental fire hazard: the bales store area has not been identified as a potential hazard.</p> <p>A fire wall is identified between the bales store area and the water tank. It is not understood why a similar fire wall or compartment is not indicated between the bales store and fuel tank. The bales store is located at the north boundary of the site - it does not appear that consideration of a fire</p>	<p>The accident management plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The fire prevention and mitigation plan is not being changed as part of this variation application and does not form part of this determination process.</p>

<p>wall has been given to protect the neighbouring property.</p> <p>The bales store is also larger in size than indicated on planning submissions where on-site vehicle movement was raised as a concern. This larger store area conflicts with the vehicle circulation previously indicated.</p> <p>The LSVCP understanding of the situation under consideration is that a bales store of unknown arrangement is located next to an undisclosed fuel tank near to an access manhole on a mineshaft. A quarantine area 'for hot loads' is also to be located close by. This location is where several types of vehicle – the container HGVs removing bales, waste transporters both importing and removing waste and on-site loading vehicles – all have to negotiate the north end of the facility in order to operate at the facility or to exit the site. No collapse zone for mine shaft 001 is indicated.</p> <p>The Environment Agency points out there were more than 300 fires at waste and recycling plants each year in England between 2001 and 2013 (http://www.cfoa.org.uk/17512) – this roughly equates to 1 fire nearly every day for 13 years. The Environment Agency recognises the combustibility of materials destined for recycling centres: plastic, paper, wood, cardboard and so on. This means it's impossible for waste businesses to take too many precautions to prevent fires.</p> <p>Fire water containment: External fire event is assessed as a hazard, however an internal fire event is not specifically assessed. The strategy for containment of deployed firefighting water is described as containment in the surface water system that would be isolated until</p>	<p>The site drainage plan is not being changed as part of this variation application and does not form part of this determination process.</p>
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removed. It is assumed that the water storage that would be required to hold both deployed water from an internal fire event and a period of surface water run-off without discharge from the site until fire water can be removed, would need to be demonstrated. There is however no information on the submitted drainage drawing as to how internal areas are drained.

It is also not clear how run-off from routine hosing down of internal or external areas would be prevented from entering the surface water system.

There is no linear / channel type drainage at vehicle access points to the site to prevent run-off to the highway drainage which subsequently discharges to the Sirhowy.

Drainage drawings were approved under planning permission 15/0601/full prior to the introduction of a water tower and pump house to the facility. However, the drainage drawings submitted under the Environmental Permit variation appear to show a reduction in water storage attenuation from the approved drainage drawings submitted under the planning permission and there is nothing shown as to how the internal floor area of the building might be drained on any of the drainage drawings.

There are concerns that DCWW were not consulted on planning application 21/0974/FULL (concerning the introduction of the fire suppression system and associated water storage) or are even aware of changes to the drainage proposals. However, this development is now connected to public drainage in the

estate road that discharges to the River Sirhowy.	
Weather data from Cardiff Airport is being used to justify this application. Weather conditions at the airport are NOT representative of meteorological conditions of this valley. Cardiff Airport is situated on a coastal plain, with coastal winds to blow odour/pollution away. Nine Mile Point is situated in a steep sided deep valley, which suffers from Temperature Inversion, where air (and odour) lingers in the valley.	See comments on Odour in the key issues section of this decision document.
<p>By removing the RTO (Regenerative Thermal Oxidizer), the odours generated can therefore not be captured and maintained under negative pressure and treated in the odour treatment system - especially with the doors to the waste plant constantly opening and shutting to accommodate at the high quantity of vehicles moving 100,000 tonnes of waste per year.</p> <p>The RTO is considered as the best method of dealing with odour. The applicant believes that because the nature of the waste they plan to treat has changed, it will be less odorous so they can get away with a less expensive solution. There are offices close by and business that require air to be filtered into their premises - will the charcoal system be adequate in removing odours, as nearby businesses could be badly affected and potentially jobs lost ?</p> <p>Neighbouring factories Mollertec, Curtis Wright and Billington Foods are large employers at Nine Mile Point Industrial Estate. Hywel NMP Ltd will employ under 30 personnel.</p> <p>A food producing business operating at Nine Mile Point Industrial Estate, currently emits cooking smells, which linger in the valley. It would be</p>	<p>See comments on Odour in the key issues section of this decision document.</p> <p>The same fan which would have drawn air from inside the building into the RTO will now draw the air into the activated carbon filter.</p> <p>We consider that carbon absorption is BAT for odour control.</p>

unacceptable for odour from decomposing waste to traverse the valley as well.	
The previous comments on the mineshaft collapse zones are relevant as it is not clear how HGV's and site vehicles can circulate and exit the facility without encroaching on the mine shaft collapse zone. No information has been made available under any application or permit as to how infrastructure can be built on the shaft cap and collapse zones and HGVs allowed to drive over them.	<p>Mine shaft zones and mine safety are not within the scope of this variation.</p> <p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>it is not clear how the bale storage area can operate. The LSVCP believe that the introduction of the water tank and pump house has reduced the operational area such that it is compromised. The bales storage area and pump house building have increased from those shown on a planning application decided January 2022 and there is also a fuel tank and quarantine area now to be located in the vehicle circulation space.</p> <p>Difficulties in vehicle circulation are demonstrated as the applicant indicates that the mine shaft on site will be driven over on a frequent basis and HGV's turning around the North-East corner of the building are shown as mounting a raised kerb in order to make the turn.</p>	<p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p>
The increasing concentration of hazards – mine gas, quarantine area for hot loads, fuel tank, limited vehicle circulation – around the bales store area to the north of the building appears to be the polar opposite of managing fire prevention and safe operation of the facility.	<p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The fire prevention and mitigation plan is not being changed as part of this variation application and does not form part of this determination process.</p>

<p>In the submitted Fire Prevention Plan, Table 6.2 Combustible Waste Types and Storage Capacities, the applicant indicates that approximately 600 bales will be stored externally.</p> <p>Table 6.4 Indicates the Maximum Pile Sizes for bale storage. No plan layout or other demonstration appears to have been submitted as to how 600 bales can be stored externally at this location.</p> <p>The external bale storage area appears to be about 17m sq in overall footprint, with access restricted by the North boundary, a fire barrier / water tower to the east and a fuel tank to the west. There is also a quarantine area and a weighbridge to the south. Reference to NRW Fire Prevention & Mitigation Plan Guidance – Waste Management Guidance Note 16, suggests that this arrangement does not constitute good access for fire fighting and the maximum bale stack width should be a 10m maximum.</p>	<p>The fire prevention and mitigation plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>At a number of instances within the submitted Fire Prevention Plan the applicant states, as follows at 6.37</p> <p>The SRF will be continually turned and blended to ensure that the moisture and calorific value of the material meets the specification of the end user. The material will only be stored for 5 working days and will be dispatched on a daily basis to ensure that there is sufficient capacity in the storage bay to ensure the processing of waste can continue.</p> <p>There is a planning restriction on vehicle movement to and from the site that would prevent removal of any materials or bales on a Sunday / public holidays and restrict movements on other days. This appears incompatible with the information now submitted.</p>	<p>The fire prevention and mitigation plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The determination of this permit variation application does not affect any planning conditions. This document relates to the permit variation application and not to wider planning or permitting concerns.</p>
<p>Fire Water Run-off</p> <p>Table 6.9 Actions in the Event of a Fire, attempts to address how fire-</p>	<p>The fire prevention and mitigation plan is not being changed as part of this variation application and does not</p>

<p>water run-off will be contained without polluting the local receiving environment. The suggested actions are closing the penstock valves located on the foul and storm drainage outlet pipes and ensuring that flood barriers are installed at the site access/egress locations.</p> <p>The fire suppression systems at the NMP facility will be served by a 1,450m³ sprinkler tank. The sprinkler tank will provide water for 120 minutes system operation in a fire condition.</p> <p>The submitted Fire Prevention Plan drawing 0001-404, indicates the areas covered by the fire detection system within the building: it does not identify any compartmentation, barriers, or the locations of fire-fighting equipment. It does not comment on external areas and most of the external site area is not shown.</p> <p>The submitted Site Layout drawing 20001-402, indicates the position of fire – hydrants within the site and a firewall between the bale store and the sprinkler tank. It does not show the position of any flood barriers at access/egress locations. Nowhere is it considered how flood barriers at the main vehicle access points to the site might restrict the Fire Service in attending any incident or accessing the fire hydrants within the site.</p>	<p>form part of this determination process.</p> <p>The site drainage plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>The response also included</p> <ol style="list-style-type: none"> 1, a copy of a letter dated 10 January 2022 to Caerphilly County Borough Council, 2, a document entitled “Nine Mile Point: Comments - December 2021” which relates to the planning application 21/0974/FULL and, 3, a spreadsheet of names and dates. 	<p>These documents were not within scope of the present permit variation determination.</p>

b) Representations from Individual Members of the Public

Response Received from Members of the Public and local business	
Issues raised:	Summary of action taken / how this has been covered
<p>The factory is being built on a shaft going down into the grounds 100's of feet. If you walk round the side by the river you can see orange stuff? Leaching out into the river, which can smell quite gassy at times. The council have given them permission to build a furnace on top of this? Please look into previous use of the Ind area. I can supply photos and maps of the mines on there before the factories existed.</p> <p>I don't think it's safe to build this type of business on top of an old mining area and I'm flabbergasted that the council didn't even know this was there previously before granting planning permission.</p>	<p>The planning permission and previous land use issues are not within the scope of this permit variation application.</p>
<p>I'm concerned that weather data from Cardiff Airport is being used to to justify this application. Weather conditions at the airport are NOT representative of meteorological conditions of this valley. Cardiff Airport is situated on a coastal plain, with coastal winds to blow odour/pollution away. Nine Mile Point is situated in a steep sided deep valley, which suffers from Temperature Inversion, where air (and odour) lingers in the valley.</p>	<p>See comments on Odour in the key issues section of this decision document.</p>
<p>By removing the RTO, the odours generated can therefore not be captured and maintained under negative pressure and treated in the odour treatment system.</p> <p>The RTO is considered as the best method of dealing with odour. The applicant believes that because the nature of the waste they plan to treat has changed, it will be less odorous so they can get away with a less</p>	<p>The fan which would have drawn air from inside the building into the RTO will now draw the air into the activated carbon filter.</p> <p>Activated carbon filters are a recognised appropriate odour abatement process and are considered BAT in this case.</p>

<p>expensive solution. There are offices close by and business that require air to be filtered into their premises - will the charcoal system for removing odours, as nearby businesses could be badly affected and potentially jobs lost ?</p>	<p>See comments on Odour in the key issues section of this decision document.</p>
<p>The company asking for a variation is not the same company that raised the original permit request.</p> <p>The building site operated by the original applicant sold the site to a third party</p> <p>As this is not the same company and the process is not the same, I'd ask that the company submit a request for a permit under their own organisation.</p>	<p>The permit was transferred to the new operator in January 2022.</p>
<p>The permit was granted against the wishes of local residents, and the vehicular access will increase emissions in a rural country park, which are already noted at dangerous levels.</p> <p>The location of this waste disposal is poorly chosen. Passing hgv's through villages will eventually result in a terrible accident and damage to roads that are not designed for this. The emissions by the significant hgv movement is unforgivable. The main road going through wattsville has a victorian built bridge which I suspect will suffer greatly from the increase of the hgv's.</p> <p>The emissions by the significant hgv movement is unforgivable. The constant changing of its operating system is questionable and the maths for the amount of tonnes of waste/hgv is incorrect.</p> <p>The roads going into wattsville already exceed the emissions limit as they do in cwmfelfinch.</p> <p>The road network surrounding the area is not suitable for this. Locating</p>	<p>The permit already exists and this determination relates to a specific variation only as described above and not to wider permitting issues not within scope of the present permit variation determination.</p> <p>Vehicle movements on roads leading to the site are outside of the scope of the determination.</p>

<p>this site amongst villages is beyond ridiculous and shows a complete lack of consideration to the surrounding communities who will have to endure it.</p>	
<p>The valley location is not suitable for this waste disposal site. The factor of temperature inversion highlights the air flow is considerably different to that of a coastal environment in which the permits data compares and relies on. This will effect the health of the surrounding villages, the school and the elderly especially.</p>	<p>See comments on Odour in the key issues section of this decision document.</p>
<p>This site is also very close to the sirhowy valley river. Use of the drainage system and harmful pollutants leaching into the environment is inexcusable. The location for this site is poorly chosen.</p>	<p>The site drainage plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>I am very concerned with this facility once operating for many reasons. I am concerned that the smells omitting from the facility will be foul and we could see an increase of flies in summer months, this has been the case for a neighbouring village and recycling facility. I am concerned that the added traffic (HGVs) that will service this facility will have a serious impact on the already high pollution in the village of Wattsville. I also have concerns that the bridge in Wattsville, which pre dates the traffic we already see in the village, will not cope with the added stress of the 104 HGVs that will go over it daily. If this bridge were to collapse my property, along with my family and neighbours would be cut off completely as this bridge spans over our access lane. I already see HGVs travelling through the village and on occasion stopping traffic. These village roads are not designed for such traffic and certain sections of pavement in Wattsville are very narrow, thereby putting pedestrians at risk, especially</p>	<p>See comments on Odour in the key issues section of this decision document.</p> <p>Flies controls in permit remain unchanged under "pests".</p> <p>The vehicle movements to and from the site are not within the scope of this permit variation.</p>

children who are eye level with HGV wheels.	
<p>a) The applicant relies on a report from Air Quality Consultants to consider odour.</p> <p>1. This models the dispersion of odour using weather data from Cardiff Airport. In 2017, NRW rejected this approach when applied to NOx dispersion.</p> <p>2. The software model used by Air Quality Consultants (ADMS) does not handle cold drainage flow (temperature inversions). Despite the report's claims to the contrary, cold drainage flow is a common weather phenomenon in this locale and can have a significant impact on dispersion. NRW rejected the use of this modelling software in 2017 when applied to NOx dispersion.</p> <p>3. In 2017, instead of asking the then applicant to perform its modelling again taking account of NRW's criticisms, NRW undertook the modelling itself. This is unsafe. NRW's role is to check what the applicant does, not to undertake the applicant's work for it. If NRW perform the modelling themselves, then it is not subject to any independent check.</p>	<p>See comments on Odour in the key issues section of this decision document.</p> <p>This determination is considering the proposed variation only and is not re-considering other matters that have been previously determined.</p>
<p>a) The limit on Odour (1,000 per m3) achieves nothing without a corresponding limit on the volume of odorous air emitted. NRW should place limits both on the odour per unit volume (1,000/m3) and the volume of odorous emissions (22.22 m3/s), or more simply odour units per second.</p> <p>b) Monitoring odour twice a year is inadequate. NRW should require more frequent monitoring of odour emissions until the plant has demonstrated its ability to meet the limits imposed.</p>	<p>See comments on Odour in the key issues section of this decision document.</p> <p>The operating techniques proposed by the operator include daily monitoring by site staff. The permit includes additional compliance monitoring.</p>
Drawings 20001-402 Site Layout and 20001-403 Site Drainage – These show the out weighbridge aligned diagonally over the Zone of Potential	The site layout plan is not being changed as part of this variation application and does not form part of this determination process.

<p>Collapse of the West Mine Shaft. This conflicts with drawing 20001-065 Rev A which is a condition of the Planning Permission 21/1041/NMA. The applicant should provide drawings in line with the development as consented.</p>	<p>The site drainage plan is not being changed as part of this variation application and does not form part of this determination process. (</p> <p>The determination of this permit variation application does not affect any planning conditions. This document relates to the permit variation application and not to wider planning or permitting concerns.</p>
<p>Noise: The applicant refers to a Noise Assessment performed in 2015. The removal of the dryer and RTO coincides with a change in the supplier of process equipment from the plant as originally permitted. Drumcastle now intend to use Stadler equipment. The Noise Assessment performed in 2015 by Enzygo was predicated on the original equipment supplier (Machinex). The sister plant to this, Oakleaf Recycling near Heathrow, uses Stadler equipment and was obliged to construct an 8m high clay bund around their entire site to protect local residents from noise. The applicant has modified the building design since 2015 so that it now has 3 extra doors. Doors let through more noise than walls so the modelling done in 2015 is out of date. The applicant has added 3 dust silos to East face of the building. The noise from these new structures needs to be taken into account. The applicant should be required to repeat this noise assessment allowing for the new process equipment. This new noise assessment should also take into account the additional doors added since 2015. Since the building is now extant, the assessment should used actual measured attenuation figures rather than the assumed - 25dB for walls and the roof and -15dB for doors.</p>	<p>Noise has previously been considered in the permit determination and is also the subject of improvement condition 2, which will be assessed separately. The removal of the combustion process and addition of an odour abatement unit, which are under consideration in this variation, will not have a material impact on noise emissions.</p>

<p>The applicant has installed 3 new dust silos to the East of the building. These structures seem to have significant exhausts. What will these exhausts be putting out? Will any emissions via these silos be treated for odour? Will these emissions for odour in the same way as the stack? Have the emissions from these new structures been modelled to gauge their impact on the environment?</p>	<p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>See comments on Odour in the key issues section of this decision document.</p>
<p>I can't see any analysis on what the environmental impact of a serious fire would be.</p> <p>Drawings 20001-402 Site Layout and 20001-403 Site Drainage – These show the out weighbridge aligned diagonally over the Zone of Potential Collapse of the West Mine Shaft. This conflicts with drawing 20001-065 Rev A which is a condition of the Planning Permission 21/1041/NMA. The applicant should confirm that it will implement the planning consent as granted and provide drawings in line with the development as consented.</p> <p>No measures are in place to prevent fully laden HGVs passing over the Zone of Potential Collapse of the West Mine Shaft (to the north of the main building). In fact, the installation of the Sprinkler Tank and Pump House force HGVs onto that zone. Since this is a potential risk to life, have NRW consulted with the Coal Authority and/or Health and Safety Executive to confirm that those bodies are happy with the proposed operating methods.</p>	<p>The permit already exists and this determination relates to a specific variation only and not to wider permitting issues not within scope of the present permit variation determination.</p> <p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>4.26 - Key potential hazards identified include, on site hazards from machinery and vehicles, fires resulting from arson and vandalism and accidental fires. Although these are recognised as potential risks the likelihood of them occurring remains low.</p>	<p>The permit already exists and this determination relates to a specific variation only and not to wider permitting issues not within scope of the present permit variation determination.</p> <p>The fire prevention and mitigation plan is not being changed as part of</p>

<p>There have been three fires in recycling plants in the county in the last 12 months, I disagree with the ERA that the risk of fire is low, on average in the UK at least one recycling plant catches fire every day, when this plant eventually catches fire the smoke will impact on my right to live in an area to be free from toxic fumes.</p> <p>The ERA notes that vehicles will have their wheels washed down prior to exiting the plant, where is this material being washed into? The sewerage system or will it be going into the nearby Sirhowy River, there is enough raw sewage pumped into that river by Welsh Water, we do not need a new plant pumping waste into it!</p>	<p>this variation application and does not form part of this determination process.</p> <p>The site drainage plan is not being changed as part of this variation application and does not form part of this determination process.</p>
<p>Release into the Atmosphere Extracted air treated with a carbon filter and released to the atmosphere via stack.</p> <p>The plant is located in a steep sided valley, below the main road and below the height of the village, the height of the stack will barely reach the height of the main road and will be contained within the level of the village, due to temperature inversion in the valley odours will remain trapped under the temperature inversion blanket and will stink out the village.</p>	<p>See comments on Odour in the key issues section of this decision document.</p>
<p>Odour: Weather data from Cardiff Airport is being used to justify this application. Weather conditions at the airport are NOT representative of meteorological conditions of this valley. Cardiff Airport is situated on a coastal plain, with coastal winds to blow odour/pollution away. Nine Mile Point is situated in a steep sided deep valley, which suffers from Temperature Inversion, where air (and odour) lingers in the valley.</p>	<p>See comments on Odour in the key issues section of this decision document.</p> <p>The fan which would have drawn air from inside the building into the RTO will now draw the air into the activated carbon filter.</p> <p>Activated carbon filters are a recognised appropriate odour abatement process.</p>

<p>By removing the RTO (Regenerative Thermal Oxidizer), the odours generated can therefore not be captured and maintained under negative pressure and treated in the odour treatment system - especially with the doors to the waste plant constantly opening and shutting to accommodate at the high quantity of vehicles moving 100,000 tonnes of waste per year.</p> <p>The RTO is considered as the best method of dealing with odour. The applicant believes that because the nature of the waste they plan to treat has changed, it will be less odorous so they can get away with a less expensive solution. There are offices close by and business that require air to be filtered into their premises - will the charcoal system for removing odours, as nearby businesses could be badly affected and potentially jobs lost ?</p> <p>Neighbouring factories Mollertec, Curtis Wright and Billington Foods are large employers at Nine Mile Point Industrial Estate. Hywel NMP Ltd will employ under 30 personnel.</p> <p>A food producing business operating at Nine Mile Point Industrial Estate, currently emits cooking smells, which linger in the valley. It would be unacceptable for odour from decomposing waste traverse the valley as well.</p>	
<p>The previous comments on the mineshaft collapse zones are relevant as it is not clear how HGV's and site vehicles can circulate and exit the facility without encroaching on the mine shaft collapse zone. Similarly it is not clear how the bale storage area can operate. We believe that the introduction of the water tank and pump house has reduced the operational area such that it is</p>	<p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>Mine shaft zones and mine safety are not within the scope of this variation.</p>

<p>compromised. This is demonstrated as the applicant indicates that the mine shaft on site will be driven over on a frequent basis and HGV's turning around the North-East corner of the building are shown as mounting a raised kerb in order to make the turn.</p>	
<p>CONTINUED OPPOSITION TO THE WASTE TRANSFER PLANT</p> <p>PLANNING INQUIRY</p> <p>January 2017, Natural Resources Wales turned down a permit application from the plant's operators, Hazrem Environmental Ltd, after raising concerns over the prospective health of neighbouring communities to the Nine Mile Point Industrial Estate. However, Hazrem submitted an appeal over the decision which the environmental agency decided not to contest, citing "extra technical information" included by the developer. The campaign group Lower Sirhowy Valley Residents Group, called for a Planning Inquiry, but December 2017 the Planning Inspectorate report to the Planning Inquiry concluded NRW had based its decision on "worst case scenario" figures.</p>	<p>The determination of this permit variation application does not affect any planning conditions. This document relates to the permit variation application and not to wider planning or permitting concerns.</p> <p>The permit already exists and this determination relates to a specific variation only and not to wider permitting issues not within scope of the present permit variation determination.</p>
<p>With regards to noise, The removal of the dryer and RTO are being achieved by changing the company who will supply the process equipment from Machinex to Stadler. The noise assessment performed in 2015 was based on the static plant noise data based on the Machinex equipment (see paragraph 6.3.1 of that assessment). This noise data will require updating because of the change in equipment. We understand that the sister site (Oakleaf Recycling near Heathrow) also uses Stadler and had to build an 8 metre high clay bund around their facility to protect local businesses</p>	<p>The permit already exists and this determination relates to a specific variation only and not to wider permitting issues not within scope of the present permit variation determination.</p> <p>Noise has previously been considered in the permit determination and is also the subject of improvement condition 2, which will be assessed separately.</p>

<p>and residents from noise. This protection is not being used here.</p> <p>The addition of three extra openings in the building will change the acoustic characteristics of the building.</p> <p>We ask that NRW require a revised noise assessment based on the replacement plant.</p>	
<p>Regarding odour, The RTO is being replaced by a system of carbon filters.</p> <p>1, The consultants that have produced the odour modelling report also performed the modelling for NOx in 2015 which NRW rejected as flawed.</p> <p>2, The modelling is based on weather data from Cardiff airport. This data is not representative and NRW rejected this approach in 2017 when applied to NOx.</p> <p>3, The report relies on ADMS software which is not capable of modelling cold drainage flow (temperature inversions)</p> <p>4, The report classifies our facility as industrial and therefore having a low sensitivity. We have significant office space and should therefore be classified as a place of work with medium sensitivity.</p> <p>5, The report ignores a large food processing factory on Nine Mile Point, this should be treated as a high sensitivity receptor.</p> <p>6, To make modelling robust, the proposed limit of 1000 odour units per m³ should be accompanied by a limit of 22.22 m³/s of exhaust.</p> <p>7, Testing odour twice a year is not enough to ensure compliance. When first operating it should be tested at least weekly until it is established it can routinely achieve the agreed limits.</p>	<p>See comments on Odour in the key issues section of this decision document.</p> <p>The permit already exists and this determination relates to a specific variation only and not to wider permitting issues not within scope of the present permit variation determination.</p> <p>This variation application has been determined on its own merits, and the odour modelling has been found to be fit for purpose.</p>

<p>We ask that you ask Drumcastle to submit a revised report on the dispersion of odour.</p>	
<p>With regard to dust, it seems likely that if the feed stock is drier, then processing it will generate more dust. We can see no discussion of how the dust suppression systems have been improved to compensate.</p> <p>Please ask Drumcastle to provide evidence that they will have adequate controls in place to prevent dust from being a nuisance.</p>	<p>The existing permit allows dry waste to be imported. The drier would have dried the waste, thus making it drier. The dust control systems remain unchanged by this variation and do not require re-assessment.</p>
<p>What concerns me about the above firms being on the Industrial Estate is the council giving them planning permission by saying there were no previous industrial uses of the site, when every local person knows it was an ex mine/coal field. The factory is being built on a shaft going down into the grounds 100's of feet. If you walk round the side by the river you can see orange stuff? Leaching out into the river, which can smell quite gassy at times. The council have given them permission to build a furnace on top of this? Please look into previous use of the Ind area. I can supply photos and maps of the mines on there before the factories existed. Please look into this as I don't think it's safe to build this type of business on top of an old mining area and I'm flabbergasted that the council didn't even know this was there previously before granting planning permission.</p>	<p>Mine shaft zones and mine safety are not within the scope of this variation.</p>

B) Consultation on the Draft Decision

Consultation was conducted on the draft decision from 30 August 2022 until 26 September 2022, as described in the “Consultation on the application” section above.

2) Consultation Responses from Members of the Public and Community Organisations

a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils

Response Received from Chris Evans Member of Parliament for Islwyn	
Issues raised:	Summary of action taken / how this has been covered
<p>I am writing to you following the announcement that Natural Resources Wales are to begin a second consultation on the Nine Mile Point Waste Facility.</p> <p>As you know, I have strongly opposed the opening of the waste plant facility since the original plans were announced and I believe that the original permit should never have been granted.</p> <p>The community feels the plans have now changed so dramatically that the original permit should once again be reviewed. Constituents have raised serious concerns regarding noise level and odour.</p> <p>I worry that because the original permit was granted all changes are simply being waved through however, had the plant been</p>	<p>This determination relates solely to the proposed variation, and not to wider issues of the granting of the original permit.</p> <p>This variation itself is not a major change, it removes the drum drying and associated combustion process with its emissions to atmosphere and adds an activated carbon filter to reduce odours from building ventilation air. This variation has been judged on its own merits and determined accordingly.</p> <p>For comments on noise and odour, please see the relevant sections in the main section of the decision document above.</p> <p>This determination is based on evidence.</p>

<p>presented in this way at the time of the original permit it would not have been granted.</p> <p>We are now in a situation where the communities' concerns for health and wellbeing are being ignored and drowned out by yet another consultation.</p> <p>I want to take this opportunity to reiterate my support for the Lower Sirhowy Valley Residents Group in their fight against the opening of this waste plant.</p> <p>The plans outlined in the draft decision, have understandably caused concerns in the community, including heavier traffic going to and from the site, the levels of odour that can be released and that the plant, as built, does not comply with the planning permission that has been granted. These are serious concerns that must be addressed.</p> <p>It is clear that the opposition to this plant is total, yet despite this being expressed again and again my constituents voices are not being heard. You say in your letter to me you are minded to grant the permit, this means my constituents can not help but feel this consultation is simply a box ticking exercise.</p> <p>I hope that the strength of feeling in the community will be taken into account and that the changes to the permit will not be granted.</p>	<p>This determination process has involved two separate public consultations. The points raised by the residents have been captured within the document and alongside are the response we make to those comments.</p> <p>The vehicle movements to and from the site are not within the scope of this permit variation.</p> <p>The determination of this permit variation application does not affect any planning conditions. This document relates to the permit variation application and not to wider planning or permitting concerns.</p>

Response Received from Cllr Jan Jones and Cllr Janine Reed

Issues raised:	Summary of action taken / how this has been covered
<p>The Company, now called Drumcastle, have applied to Natural Resources Wales (NRW) for a Variation of Permit.</p> <p>Odour is an issue. We have been told Drumcastle are no longer drying waste which means less emissions via the chimney, however this means there is now an odour issue which is why Drumcastle have put in a carbon filter. We have been told by NRW that short term maximum odour events that result in annoyance cannot be ruled out. What is classed at 'short term'. Are NRW saying residents just have to put up with it???</p> <p>A question that has never been answered, if the company is not drying waste, where does the dry waste come from? Seven years from the original application and we still do not know where the waste is coming from. Can we please have an answer?</p> <p>Noise is an issue. Drumcastle have changed the structure, i.e. put in more doors, different equipment to that that of the original application. NRW have said they will not be looking to doing a noise assessment on the new equipment before going into production. We have been told that NRW will look at the site in production and will observe and investigate complaints. We are told that NRW officers will do regular visits and check Drumcastle's management have good procedures in place once production is underway. We ask are these planned visits, where Drumcastle have plenty of time to prepare, or will they be unannounced?</p>	<p>For comments on odour, please see the Key Issues section of this decision document and for comments on noise, please see section 5.3 of this decision document above.</p> <p>The odour modelling report and its review looked at 1 hour time intervals in order to compare against the H4 odour benchmark level. This benchmark level is based on a 98th percentile of hourly averages across the year.</p> <p>This variation makes no change to permitted waste types which can be brought to the site. The source of the waste is not controlled by the permit, only the types of waste are controlled.</p> <p>For comments on noise and odour, please see the relevant sections in the main section of the decision document above.</p> <p>With regard to the question about the site operating near Heathrow, we have liaised with counterparts in the Environment Agency. We have established that the site sits in a small industrial area alongside other operators, including an outdoor waste management operation. We have established that the site has not been required to install a noise bund and that the existing bund which encompasses the entire area and not just the Drumcastle site was installed due to noise from a predecessor operation and not from the Drumcastle Limited site.</p> <p>We have also identified that the site near Heathrow does not operate to negative air pressure (drawing air into the building) and nor does it use an activated carbon air filter before discharging through a single</p>

<p>A similar waste plant by the same company is operating near Heathrow. We asked NRW were they aware of the complaints from neighbouring communities about that factory. At the time of asking this question NRW could not give us an answer. We were told NRW would take this back to the applicant to look into this. For NRW to permit the plant to start operating without confidence that it will not cause nuisance to local residents, would be unlawful.</p> <p>We have been told by NRW that they are confident the company can make the changes (to vary the permit) without adversely impacting on local people or the environment. We have also been told NRW are minded to permit this variation of permit even though the consultation was still continuing. What is the purpose of a consultation of residents if NRW are mindful of issuing the variation of permit?</p> <p>We can assure NRW that the community remain concerned and are primed and ready to go to court if the waste plant starts up and causes a nuisance.</p>	<p>emission point above the roof. Therefore we can conclude that the site near Heathrow is significantly different from the Nine Mile Point site and direct comparison is not appropriate.</p>
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b) Representations from Community and Other Organisations

Response Received from Lower Sirhowy Valley Communities Partnership	
Issues raised:	Summary of action taken / how this has been covered
<p>"The regulator should satisfy itself that the operator's assessment of the risk is sufficiently robust. In particular, any assumptions that the operator has made about its proposals must be clearly justified." - Environmental permitting: Core guidance For the Environmental Permitting (England</p>	<p>For comments on odour, please see the Key Issues section of this decision document and for comments on noise, please see section 5.3 of this decision document above.</p> <p>This variation application does not include application to change the processing equipment from</p>

<p>and Wales) Regulations 2016 (SI 2016 No 1154)</p> <p>The operator's assessment of risk in respect of noise and odour is far from robust and NRW cannot reasonably be satisfied with it.</p> <p>1. Noise Assessment</p> <p>The operator has performed no noise assessment of the operation as varied (see 5.3 of the Decision). Rather it asks NRW to rely on the assessment undertaken in 2015 (the 2015 Noise Assessment) to support the original permit application. NRW wishes the applicant to perform a new noise assessment once the plant is up and running (Improvement Condition 2). This is unacceptable for at least the following reasons:-</p> <p>i. In the absence of an up to date and relevant noise assessment reflecting the facility as varied, NRW cannot satisfy itself that the operator's assessment of the risk with respect to noise pollution is robust. Were NRW to collude with the operator to delay the assessment of the risk posed by noise until after the grant of a varied permit, NRW would be acting unlawfully.</p> <p>ii. NRW have concluded that the addition of the odour abatement unit (the carbon filter) "will not have a material impact on noise emissions" (p 55 of the decision). There seems to be no evidence from the operator to support this conclusion. The 2015 Noise Assessment assumed that the external plant would have a noise intensity below 75 dB(A) at 1m (6.3.1 of that document). Have NRW seen any evidence that this assumption is robust with regard to the new carbon odour abatement system?</p>	<p>Machinex plant to equipment provided by Stadler.</p> <p>The permitted waste types remain unchanged and dry wastes have always been permitted to be deposited and processed on site. Also post the drying process, the processing of dry wastes would have been undertaken.</p> <p>Addition of dust silos does not form part of this variation application.</p> <p>Changes to the number or locations of doors into the building do not form part of this variation application.</p> <p>With regard to the question about the site operating near Heathrow, we have liaised with counterparts in the Environment Agency. We have established that the site sits in a small industrial area alongside other operators, including an outdoor waste management operation. We have established that the site has not been required to install a noise bund and that the existing bund which encompasses the entire area and not just the Drumcastle site was installed due to noise from a predecessor operation and not from the Drumcastle Limited site.</p> <p>We have also identified that the site near Heathrow does not operate to negative air pressure (drawing air into the building) and nor does it use an activated carbon air filter before discharging through a single emission point above the roof. Therefore we can conclude that the site near Heathrow is significantly different from the Nine Mile Point site and direct comparison is not appropriate.</p>
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iii. The change being considered here is from a process that handled “wet” material to one that handles “dry” material. This is why the drier is no longer required. However, the change also involves:-

a) A switch from Machinex plant to handle wet material to equipment provided by Stadler to handle drier feedstock. The 2015 Noise Assessment was predicated on the noise characteristics of the Machinex equipment (6.3.1 of that assessment). The change to Stadler means that assumptions underlying the 2015 Noise Assessment are no longer valid. The operator relying on an a now irrelevant noise assessment cannot reasonably be regarded as “robust” by NRW.

b) The handling of drier feedstock requires the addition of 3 dust silos to the East face of the building. Hywel obtained planning permission for these dust silos in 2022 in the same application that removed the drier. The 2015 Noise Assessment and permit assumed no equipment on the East face of the building. That assumption is no longer valid. The operator has provided NRW with no evidence as to the noise characteristics of the dust silos. Effectively, the operator is expecting NRW to ignore a change to the plant that may have an adverse environmental impact. NRW cannot lawfully do this.

iv. In the 2015 Noise Assessment, the consultant properly allowed for the openings to the plant by differentiating between walls (Rw of -25 dB) and doors (Rw of -15 dB) (see 6.3.1 again). When it applied for Planning Permission to remove the drier, Hywel also asked for and received permission to add three extra doors. These doors have since

been incorporated into the building. The 2015 Noise Assessment assumed a certain number of openings. The variation has introduced three more openings so the assumption is no longer valid. Despite this, the operator is asking NRW to accept that the 2015 Noise Assessment is robust when applied to the varied facility. It is not robust and it would be unreasonable for NRW to conclude otherwise.

v. In the “Noise and Vibration Management” Guidance, published by you and the EA in January 2022, you recommend the use of “comparable sites” rather than mathematical modelling to assess noise. The 2015 Noise Assessment relies heavily on mathematical modelling of how the noises from the original facility would propagate. This goes against the guidance. The parent company of Hywel have another SRF/RDF site, Oakleaf Recycling, near Heathrow. It operates without a drier, just like the varied plant here will. It too is operated by Drumcastle. It uses Stadler equipment just like here. WDR and RT Taggart were involved in its construction, just like here. Yet the operator has provided no evidence of the noise characteristics of Oakleaf to NRW, contrary to NRW’s guidance. The operator has not explained why the authorities in England insisted on an 8m high clay bund to protect residents from noise, but one is not required here in Wales. NRW cannot allow the operator to go against NRW’s own guidance and fail to look at comparable sites. At the very least, the operator needs to provide NRW with a reasoned argument as to why such comparable sites do not exist. NRW cannot conclude that the assessment provided by the operator is robust

when it has not been compared with reality nor when such a comparison has been shown to be impossible.

2. Odour Assessment

i. The comment 1.v. above applies equally to odour assessment. Document “H4 Odour Management” recommends the consideration of “evidence of other similar operations carried out in similar circumstances”. Why has the operator provided NRW with an assessment based entirely on desk based modelling when a potentially comparable site (Oakleaf) is operating 2 hours drive to the east under the operator’s direct control? The operator is aware that its Oakleaf plant has been subject to complaints about odour and that the Environment Agency has demanded an improved Odour Management Plan. What argument has the operator put forward to convince NRW that history will not repeat itself at Nine Mile Point? NRW should start from the premise that the topographical and climatic conditions at Nine Mile Point will conspire to make things worse and ask to be convinced otherwise by robust counter argument.

ii. NRW conclude (C541-RP01 3.1.18) “Our investigation does not preclude short term maximum predicted odour concentrations (modelled hourly percentiles above the 98th percentile) at residential receptors greater than 1.5 ouE/m3.” The draft decision states “Short term maximum odour events that result in annoyance cannot be ruled out.” Thus NRW accept that, based on the evidence it has seen, it is quite possible that the plant will cause statutory nuisance to residents. There is readily available evidence (from Oakleaf) that has not been

taken into account. There is evidence of issues with odour at that facility. It is up to the operator to convince NRW that statutory nuisance is very unlikely to occur. It has not done so yet and it would be unlawful for NRW to issue a varied permit in such circumstances.

iii. The Odour Analysis provided by the operator classifies the neighbouring factories as Industrial and therefore of the lowest sensitivity to odour. Since those factories are a mix of production and office space, they are more properly categorised as “places of work” which are of medium sensitivity. Accordingly, the predicted level of 2.4 ouE/m³ at receptor 9 cannot be regarded as negligible. The predicted level of 0.5 ouE/m³ at receptors 11 and 14 also exceed the levels regarded as negligible (see Table 5 of the applicant’s Odour Assessment). The operator’s conclusion (at 5.2) that “The modelling study has demonstrated that the effects of odours from the stack on all nearby, sensitive land uses will be negligible” is not borne out by their own analysis and is in no way “robust”. NRW cannot permit a plant they believe will have even “slight” effects on neighbouring businesses and residents and require robust evidence from the applicant that it won’t.

3. Conclusions

The evidence provided to NRW by the operator is far from robust. The evidence on noise is 7 years old, lacking in empirical data and relates to a plant very different from the one they have now constructed and wish NRW to permit. The evidence on odour is flawed, lacking in empirical data and even then concludes that

statutory nuisance is a real possibility. Should NRW issue the requested varied permit without further evidence from the operator, then:

i. NRW would be acting unlawfully and would leave itself open to challenge via Judicial Review with all the costs, delays and damage to reputation that would entail. The local community have shown that it is not afraid to take such drastic action.

ii. NRW would be permitting a plant to start operating with no confidence that it will not cause local residents statutory nuisance in terms of noise. If that turns out to be the case, local residents and companies may well decide NRW are part of the problem rather than part of the solution and seek protection via the courts. The reputational damage to NRW could be substantial.

iii. NRW have already concluded there is a non-negligible chance that the plant as varied will cause statutory nuisance with regard to odours. Again, if this happens (as it appears to be happening near Heathrow) residents and local companies may well look elsewhere for the protection NRW is supposed to provide and this will reflect badly on NRW.

I respectfully ask NRW to go back to the operator to demand a robust assessment of risk and that NRW refuse to provide the requested permit variation until such an assessment is received. That assessment must demonstrate that the modified facility represents an acceptable level of risk to the environment and to the people working and living nearby, as

required by the Environmental Permitting Regulations.	
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c) Representations from Individual Members of the Public

Response Received from Members of the Public	
Issues raised:	Summary of action taken / how this has been covered
Bending the law to suite	The determination of this variation is following all relevant laws..
Any air pollutants should not be allowed on this site as the health of the inhabitants in the valley is threatened	This variation makes no change to waste types permitted to be received and processed at the site. By removing the drum drying and associated combustion process it does reduce the emissions to the environment.
They are building a waste disposal site which involves burning on top of an old disused mine. It's an accident waiting to happen.	This variation removes the combustion process, no burning is to be carried out on site.
If you walk down by the river round the industrial estate the water/streams are orange with the old mine workings.	Previous land use issues are not within the scope of this permit variation application.
The valley will hold any smells into it. They used a consultation from Barry which is on the coast and would instantly be blown away. The mountains on every side of the village hold in smells especially with fog inversions, it is not blown away. We get smells from Bar Foods which is a food company by this incinerator and they stay in the valleys for days. The same will happen to anything released from this new firm.	For comments on odour, please see the Key Issues section of this decision document.
To say nothing of the extra 100 odd lorries a day commuting through the village adding to the subsidence issues.	The vehicle movements to and from the site are not within the scope of this permit variation.
Your article says that you would grant the permit if 'the operator is able to demonstrate that they can carry out the activity without significant risk to the environment or human health'. Surely there should be NO risk to the environment or human health? So "moderate" or "high" risk would be	The word "significant" is used in direct contrast to the term "insignificant". Therefore by not being significant, risks are insignificant.

acceptable so long as it isn't "significant"?	
The temperature inversions that regularly occur in this valley will hold down any emissions this plant will produce along with the increased traffic of large vehicle on narrow roads which is also narrowed with traffic calming measures. Theis should not allowed at nine mile point	<p>For comments on odour, please see the Key Issues section of this decision document.</p> <p>The vehicle movements to and from the site are not within the scope of this permit variation.</p>
We are concerned with the exposure to harmful gasses, the increase in traffic and noise pollution in our area	<p>This variation removes the previously permitted combustion process and thereby also removes the associated emission of combustion exhaust gases.</p> <p>The vehicle movements to and from the site are not within the scope of this permit variation.</p> <p>For comments on noise, please see the section 5.3 of this decision document above.</p>
My Daughter has Cystic Fibrosis. The increased levels of Nitrogen Dioxide the plant will produce means we will have to leave the Valley as our paediatric consultant insists the effects on her life expectancy will be catastrophic.	This variation removes the previously permitted combustion process and thereby also removes the associated emission of combustion exhaust gases (including the Nitrogen Dioxide).
The environmental of impact of large hgv's travelling through small will not only increase pollution but also will increase chances of accidents. The steep sided valley is susceptible to temperature inversions thus keeping any omissions within the valley that will effect the physical and mental health of local residents.	<p>The vehicle movements to and from the site are not within the scope of this permit variation.</p> <p>For comments on odour, please see the Key Issues section of this decision document.</p>
<p>Transport</p> <p>Given that the operator has not updated the Transport Management Plan of 2015 and has currently indicated only the nature of vehicle transfer into the site and not from it, then there is no up to date assessment of waste transfer into and from this site. NRW have stated</p>	The vehicle movements to and from the site are not within the scope of this permit variation.

<p>an installation may also comprise “directly associated activities”. However NRW can not know whether or not waste transfer associated with this operation is appropriate or detrimental to the local environment because the transport information has not been made available. How can NRW consider the operation of a waste transfer facility without being satisfied that waste can even be transferred via the local roads without a detrimental effect to the environment?</p>	
<p>Mine Gas The operator has made no assessment of mine gas at the two mine shaft entry points, despite a recommendation from the Coal Authority dated 11 January 2022. Given that operations are indicated as directly over one mineshaft entry point and in close proximity to another mineshaft entry, and that there are records of mine gas fires associated with this former colliery site, why has no assessment or gas testing been undertaken?</p>	<p>Mine shaft zones and mine safety are not within the scope of this variation.</p>
<p>Driving over Mine Shaft The operator has made no assessment of the effects of vehicle traffic now indicated as taking place over a mine shaft cap to the north of the main building. (The mine shaft entry is indicated as a stand –off zone on the site layout plan attached to the permit). Why are operations directly over a mineshaft entry point being permitted without any assessment of the risk of collapse?</p>	<p>Mine shaft zones and mine safety are not within the scope of this variation.</p>
<p>Fire Risk The operator has made no assessment of any fire risk between a storage area for waste fuel bales, a hot load quarantine area and a vehicle fuel store / fuel point. These are all located in close proximity, as</p>	<p>The site layout plan is not being changed as part of this variation application and does not form part of this determination process.</p> <p>The fire prevention and mitigation plan is not being changed as part of</p>

is the mine shaft access point. Why has this obvious fire risk no been assessed?	this variation application and does not form part of this determination process.
<p>Fire Prevention Plan</p> <p>The Fire Prevention Plan submitted by the applicant appears to show fire detection zones, i.e. it is a fire alarm zones drawing and does not deal with the issues of fire prevention or fire safety in the event of a fire. The submitted plan does not show the full site area or all site installations, does not show fire separation or the protection rating of any elements of structure, does not identify any escape routes and does not show the locations of fire safety equipment or equipment to be deployed in the event of a fire. Where is the fire safety plan?</p>	The fire prevention and mitigation plan is not being changed as part of this variation application and does not form part of this determination process.
<p>Surface Water</p> <p>Surface water from this site and the adjacent access roads discharges to the Sirhowy from an outfall from the public sewer. DCWW were not consulted on the planning permission (January 2022) concerning the introduction of a water tower to service a fire suppression system, despite a recommendation to consult from the local authority SuDS body and a previous statement from DCWW that they should be consulted on any changes to the site drainage proposals. In the event of deployment of the fire suppression system. How is fire water to be contained on this site without entering either the on-site or access road surface water systems?</p>	The site drainage plan is not being changed as part of this variation application and does not form part of this determination process.