

Natural Resources Wales permitting decisions

Bespoke permit variation

The variation number is: PAN-005576-V003

The Applicant / Operator is: Dragon Fruit Holdings Limited

The Facility is located at: Edward Business Park, Llantrisant, Pontyclun CF72 8QZ

We have decided to issue the variation for Parc Busnes Edwards Biomass Boiler operated by Dragon Fruit Holdings Limited. The variation number is PAN-005576-V003

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- Highlights key issues in the determination
- Summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account

Unless the decision document specifies otherwise, we have accepted the applicant's proposals. Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

Our decision includes but is not limited to the following:

- Air quality

This will be discussed separately in this decision document.

1 Our decision

We consider that, in reaching that 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.

This Application is to operate a regulated facility which is subject principally to the Environmental Permitting Regulations 2016 (EPR), Medium Combustion Plant Directive (MCPD)

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 EPR 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 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:

- plant as described by Schedule 25A covering the Medium Combustion Plant Directive (MCPD)
- 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.

This normal variation is for additional or third biomass boiler to the two currently permitted by NRW and operated by Dragon Fruit Holdings Limited on the Edwards Business Park Llantrisant. The additional boiler will be a Hargassner Magno-SR 1200 boiler to provide a further 1.2 MWth giving a combined thermal input of 3.6 MWth with the two already in place. The boilers are virgin wood fired and will operate continuously except during periods of maintenance (8,760 hrs/yr). The additional boiler along with the two in place all have a 9m high stack (from ground level).

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 Facility 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.

Environment Wales Act 2016 – Biodiversity and resilience of ecosystems duty

Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a

manner that is consistent with the proper exercise of our functions. NRW is satisfied that in this case we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for an EPR permit.

3 Air Quality

For this kind of regulated activity, the principal emissions are emissions to air. There are no permit conditions for water, land, energy efficiency, odour or noise and BAT does not apply.

The next sections of this document explain how we have approached the critical issue of assessing the likely impact of air emissions from the facility on human health and the environment and what measures we are requiring to ensure a high level of protection.

We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.

3.1 Assessment of Impact on Air Quality

This section of the decision document deals primarily with the dispersion modelling of emissions to air from the stack(s) and its impact on local air quality.

The Applicant has assessed the facility's potential emissions to air against the relevant air quality standards, and the potential impact upon human health. These assessments predict the potential effects on local air quality through stack emissions from the site.

The air impact assessments, and the dispersion modelling has been based on the plant operating continuously (8760 hrs/yr) at the relevant long-term or short-term emission limit values, i.e. the maximum permitted emission rate.

We are in agreement with this approach. The assumptions underpinning the model have been checked and are reasonably precautionary.

This facility is not located in an air quality management area nor an area identified in the Clean Air Plan for Wales.

The applicant has calculated process contributions (PC) and predicted environmental concentrations (PEC) at locations identified as sensitive receptor locations. The modelling results for NO_x and particulate matter will be discussed separately below.

Oxides of nitrogen (NO_x)

A long-term critical level of 40 µg/m³ (annual) and short-term critical level of 200 µg/m³ (hourly) was assumed for NO_x. At sensitive receptor locations the maximum predicted long-term PC was >1 % (9%) and the long-term PEC was <70 % (55%) of the long-term critical level. Therefore, in accordance with NRW guidance the long-term impacts from NO_x can be considered as insignificant. At sensitive receptor locations the maximum predicted short-term PC was >10 % (15%) and the short-term PEC was 31 % of the short-term critical level. Therefore, there is unlikely to be an exceedance of the short-term critical level and the short-term impacts from NO_x can be considered not significant.

Particulate matter

It was found through our assessment that we are in agreement with the applicants air quality assessment report and found that both the short term- and long-term EQS for particulate matter was not exceeded at any assessment receptor. Any impacts at modelled receptors were screened out as insignificant.

3.2 Impact on Habitats sites, SSSIs, non-statutory conservation sites

3.2.1 National Site Network¹ / Ramsar sites

The regulated facility is not considered '*relevant*' for assessment under NRW procedures which cover the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). This was determined by referring to the guidance 'AQTAG14: Guidance on identifying *relevance* for assessment under the Habitats Regulations for combustion processes.' There are no National Site Network / Ramsar sites within the relevant screening distance a Habitats Regulations Assessment (HRA) is not required because there is no conceivable impact pathway to any National Site Network / Ramsar site.

3.2.2 SSSI Assessment

There are two Sites of Special Scientific Interest (SSSIs) within the relevant screening distance (as per AQTAG14):

- Llantrisant Common and Pastures SSSI
- Rhos Tonyrefail SSSI

An Appendix 4 Form was completed to assess the potential to affect the SSSI site, this is available to view on the public register. The assessment concluded the facility is not likely to damage any of the features of the SSSI site.

3.2.3 Non-statutory conservation sites

¹ National Site Network means the networks of sites in the United Kingdom's territory consisting of such sites as – (a) immediately before exit day formed part of Natura 2000; or (b) at any time on or after exit day are European sites, European marine sites and European offshore marine sites for the purposes of any of the retained transposing regulations.

There is one local wildlife site within the screening distance (as per AQTAG14) for non-statutory conservation sites:

- Nant Muchudd

The applicant did not include this non statutory site within the air quality modelling. When considering the screening for the statutory sites also located close to the new point source emission and the process contribution is far below 100% it is reasonable to assume that it too screens out for the non-statutory site as insignificant.

There are no non-statutory conservation sites within the relevant screening distance (as per AQTAG14) therefore no further assessment is required.

Decision checklist

Aspect considered	Decision
Receipt of application	
Duly making	The Application was accepted as duly made on 06/02/2023. 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.
Confidential application	The Applicant made no claim for commercial confidentiality.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Requests for 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 type of variation that was being applied for and a copy of the air quality modelling report which was omitted from the application supporting document. Upon receipt of this information, we were able to consider the application Duly Made. See letter for further information dated 06/02/2023.
Operator	
Control of the facility	We are satisfied that the Applicant (now the Operator) is the person who will have control over the operation of the facility after the grant of the permit. We are satisfied that the Applicant will be able to operate the facility so as to comply with the conditions included in the permit. This decision was taken in accordance with current guidance on legal operator for environmental permits.
Operator competence	
Management system	The Applicant has stated in the Application that they will implement an Environmental Management System (EMS) that will meet the requirements for an EMS in our " <i>How to comply with your environmental permit guidance</i> ". The Applicant submitted a summary of the EMS with

	<p>their application/the applicant has an EMS which is externally certified to ISO14001.</p> <p>We are satisfied that appropriate management systems and management structures will be in place for this facility, and that sufficient resources are available to the Operator to ensure compliance with all the permit conditions.</p>
The facility	
The regulated facility	<p>The regulated facility is subject to EPR because it carries out an activity as described in Schedule 25A Medium Combustion Plant:</p> <ul style="list-style-type: none"> One new Medium Combustion Plant aggregated to <50 MWth at a specified location <p>The Operator has provided the grid reference for the emission points from the plant and the activity is defined in Table S1.1 of the permit.</p>
Annex I of MCPD	The information contained within Annex I of MCPD has been provided by the Operator and incorporated into the permit in Schedule 7.
The site	
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of nature conservation or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation or habitats identified in the screening as part of the permitting process.</p> <p>We have assessed the Operator's air emissions impact modelling report and consider that emissions will not affect any sites of nature conservation or habitats identified. See Key Issues section above.</p>
Environmental risk assessment	
Environmental risk	For this kind of regulated activity, the principal emissions are emissions to air. We have reviewed the Operator's assessment of the environmental risk from the facility. The Operator's risk assessment is satisfactory. See Key Issues section above.
Operating techniques	
Operating techniques	We have specified the operating techniques and the operator must use the operating techniques specified in Table S1.2A
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	<p>Emission limit value(s) (ELV) have been set for the following substances:</p> <ul style="list-style-type: none"> Oxides of Nitrogen (NO & NO₂ expressed as NO₂) Dust <p>Emission limit values are defined at a temperature of 273.15 K, a pressure of 101.3 kPa</p>

	<p>and after correction for the water vapour content of the waste gases and at a standardised O₂ content of 15 % for engines and gas turbines, 6 % for solid fuels and 3 % for all other MCPs.</p> <p>The ELV(s) have been set in line with the requirements specified within Schedule 25A</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>The monitoring requirements have been imposed in order to the Operator to demonstrate compliance with the emission limits specified in the permit, as per the ELV and monitoring frequency requirements specified within Schedules 25A and technical guidance notes.</p> <p>The Operator will carry out monitoring in accordance with the relevant MCERTS methods.</p> <p>These decisions have been made in line with current relevant guidance including TGN M5 and Monitoring stack emissions: low risk MCPs and specified generators - GOV.UK (www.gov.uk)</p>
Reporting	<p>We have specified the reporting requirements in Schedule 4 of the permit to ensure data is reported to enable timely review by NRW to ensure compliance with permit conditions.</p>
MCPD/SG charges and subsistence fees	<p>The type of application regarding MCPD will have an associated charge. The MCPD application type and number of plant will also form the basis for ongoing subsistence fees. More information on this can be found in our charging scheme on our website.</p>