

Natural Resources Wales permitting decisions

# Novera Energy Generation No.2 Ltd Silent Valley Generation Plant

## Decision Document

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## Permit Surrender

<b>The permit surrender number is:</b>	EPR-ZP3535SQ/S001
<b>The applicant /operator is:</b>	Novera Energy Generation No.2 Ltd
<b>The Installation is located at:</b>	Silent Valley Generation Plant, Silent Valley, Cwm, Ebbw Vale, NP23 6PZ

We have decided to accept the full surrender of the permit for Silent Valley Generation Plant operated by Novera Energy Generation No.2 Ltd.

We are satisfied that the necessary measures have been taken to avoid pollution risk and to return the site to a satisfactory state at permit surrender.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

### Purpose of this document

This decision document:

- explains how the application has been determined;
- provides a record of the decision-making process; and
- shows how all relevant factors have been taken into account.

## **Key issues of the decision**

### **Receipt of application**

#### **Confidential information**

A claim for commercial or industrial confidentiality has not been made.

#### **Identifying confidential information**

We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.

#### **Legislation**

This permit surrender is issued under Regulation 25 of the Environmental Permitting (England & Wales) Regulations 2016 (as amended) (EPR). The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope.

We address the legal requirements directly where relevant in the body of this document.

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

#### **Extent of the surrender application**

The operator has applied to surrender the permit in full.

## The Site

The Silent Valley Generation Plant Permit (EPR/ZP3535SQ) is a landfill gas compound/Gas Utilisation Plant (GUP) which is located to the South east of Merthyr Tydfil, just off the A4046 nr Waun. The site is centred on OS grid reference: SO 18270 07278. The site is accessed via the road to the landfill site off Cemetery Road from Cwm Road (the A4046).

Two areas of woodland located within 1km to the east and south of the landfill are designated as a Site of Specific Scientific Interest (SSSI) and the area encompassing the woodland is also a nature reserve.

The nearest town Ebbw Vale is located approximately 4km north of the site via the A4046 road.

The GUP site sits within two environmental permit boundaries. The site footprint overlaps the regulated activities to which this permit surrender relates to (i.e. Silent Valley Generation Plant (EPR/ZP3535SQ)), as well as a second site being Silent Valley Landfill Site (EPR/MP3835SV), which is operated by Blaenau Gwent County Borough Council.

## Permitted Activities

The Silent Valley Generation Plant Permit (EPR/ZP3535SQ) landfill gas compound/GUP was originally permitted in May 2005. The GUP was under a sublease agreement with the operator of the landfill site. Since 2005, the permit has undergone a number of variations, with the most recent variation issued in November 2013. The sublease agreement has also now ended.

Permitted activities relate to a Directly Associated Activity (DAA) for the burning of waste as a fuel, by way of combustion of landfill gas for the purpose of electricity generation. The DAA was directly linked to the adjacent landfill site, with permitted

activities limited to the utilisation of landfill gas arising from the Silent Valley Landfill site only.

The site comprised of 2No. gas engines and 1No. transformer, along with ancillary equipment and infrastructure, including bunded clean and waste oil storage tank, above and below ground pipework, electrical wiring and LV and HV Rooms.

## Site Surrender Condition Report

All permitted activities have ceased at the site, and in December 2022 the operator decommissioned the plant and removed above ground infrastructure associated with permitted activities including engines and bunded clean and waste oil storage tanks. Concrete plinth foundations remain in place in areas across the site used to support equipment. The remainder of the site remains gravel, with underground pipework and electrical connections still remaining in place. The palisade fencing around the perimeter of the site also remains.

The operator no longer has access to the site and the landowner has confirmed that they will not allow the operator to re-occupy of the site.

The operator has provided a description of the condition of the site at permit surrender stage and described known history of contamination or pollution of the site to be surrendered.

The landfill gas utilisation plant overlies a section of the closed Silent Valley co-disposal landfill (now grassed over), which was historically used for inert waste disposal.

Operational records refer to an area of historical oily staining on the concrete plinth around one of the engines, that was identified during a site walkover in 2007. The stain was considered to be associated with a high-pressure oil escape from the engine container via the air vent. While intrusive investigations were proposed at the time, no records were submitted of this having ever been undertaken, nor any

evidence of remedial action being carried out. Although the site surrender condition report describes the process for site closure and decommissioning, the report does not contain records of the decommissioning process as it was carried out, or confirmation if infrastructure which remains has been fully decommissioning.

This would normally prevent NRW from accepting the full surrender of a permitted site, however in this instance where two permits overlap the same footprint of land, and where the landfill site operator has committed to taking on full liability for any residual pollution risks remaining with the land associated with the Silent Valley Generation Plant Permit, we are able to accept the site surrender condition report as presented.

While an area of historical oily staining has previously been observed, the landfill operator has agreed (in writing to NRW), to taking on full liability. No intrusive investigations have therefore been undertaken to support this surrender application.

Although the agreement in writing was not submitted as evidence in support of this surrender application, NRW are satisfied that the operator of Silent Valley Landfill (EPR/MP3835SV) have accepted all liability for the land which both permits currently overlap. We consider this position satisfactory, and sufficient for us to accept the surrender of the landfill GUP permit.

The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5). The Local Environment Area Team were consulted and they advised that they would not undertake a final site inspection visit, as it was considered not necessary given previous inspections and ongoing dialogue with the operator.

## Pollution Risk

We have assessed the application as a low-risk surrender.

We are satisfied that the necessary measures have been taken to minimise pollution risk resulting from the operation of the regulated facility, and where risks remain, the liability for these fall to the permit holder of the existing landfill site permit, whose permit boundary overlaps the land associated with this surrender.

As all permitted activities have ceased in this area, and all primary equipment used for the permitted activities decommissioned and removed from site, we are satisfied that responsibility for any residual pollution risk remaining from ancillary equipment and infrastructure within the land to be surrendered will fall under the legal obligations of the landfill site permit (EPR/MP3835SV).

## Satisfactory State

We are satisfied that the necessary measures have been taken to minimise pollution risk resulting from the operation of the regulated facility.

We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state and that the landfill operator has agreed to take on the liability of the footprint of land in its current condition under the existing permit EPR/MP3835SV.

In coming to this decision we have had regard to the state of the site before the facility was put into operation.