

**Natural Resources Wales Permitting Decisions**

**Biogen Waen Limited  
(Waen Anaerobic Digestion Site)**

**Decision Document**

## Application for a Normal Variation

**The application number: PAN-02351**

**The permit variation number: EPR/DP3735NP/V004**

**The applicant / operator: Biogen Waen Limited**

**The Installation is located at: Waen Anaerobic Digestion Site, Holywell Road, St Asaph, Denbighshire, LL17 0DS**

### 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.

## Contents

Contents .....	1
1. Executive summary .....	2
1.1. Application summary .....	2
1.2. Our decision .....	2
2. Receipt of the application .....	2
5. Consultation .....	4
6. Requests for information .....	4
7. The Installation .....	4
7.1. The permitted activities .....	4
7.2. Changes to the installation .....	5
8. Operation of the installation .....	5
8.1. Environmental Management System .....	5
8.2. Operating techniques .....	6
8.3. Improvement Conditions .....	7
9. The Site .....	7
9.1. Site Plan .....	7
9.2. Site Condition Report .....	7
10. Environmental Risk Assessment .....	7
10.1. Assessment of impact on air quality .....	8
10.2. Assessment of impact to surface and ground water .....	8
10.3. Emissions to sewer .....	8
10.4. Fugitive emissions .....	8
10.5. Assessment of odour impact .....	9
10.6. Noise and vibration assessment .....	9
11. OPRA .....	10

# 1. Executive summary

## 1.1. Application summary

The operator is applying to vary their permit to increase the maximum total quantity of waste to be accepted at the site for Anaerobic Digestion processing from 22,500 tonnes per year to 26,500 tonnes per year.

## 1.2. Our decision

We have decided to issue the permit variation for Waen Anaerobic Digestion Site operated by Biogen Waen Limited.

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.

# 2. Receipt of the application

The application was received on 11/10/2023. In order for us to be able to consider the application duly made, we needed more information. We requested the following:

- Site Plan;
- Updated Environmental Risk Assessment;
- Clarification of what activities the applicant wanted to vary within their permit;
- Updated Mass Balance as evidence of compliance with BAT 38 of Waste Treatment BREF BAT Conclusions;
- Information relating to resource efficiency and climate change;
- Information relating to Medium Combustion Plant and/or specified generators on site;
- Information relating to hazard and non-hazardous waste recovery and disposal procedures.

A letter requesting this information was sent to the applicant on 11/01/2024. Upon receipt of this information, on 08/02/2024, we were able to consider the application duly made. 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.

### 3. Confidential information

The applicant has made no claim for commercial confidentiality, and we have not received information in relation to the application that appears to be confidential in relation to any party.

### 4. Legislation

The variation will be issued, under Regulation 20 of the Environmental Permitting (England and 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. 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 the decision on this application 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 issuing the variation 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.

As the EPR regulator in Wales, NRW are required to determine any duly made permit application. This means that we must decide either to grant, or to refuse the variation based upon an objective assessment of the proposals against the detailed legal

requirements of EPR. Our public participation statement<sup>1</sup> gives more information on what can, and cannot, be taken into account when making our permitting decision.

The application, and this decision document, only considers the permitting of the facility under EPR as described throughout the document. We only assess the installation and its impacts and cannot take into consideration indirect impacts which are not as a direct result of activity within the installation boundary.

Any proposed development and wider associated activities will be required to be compliant with all relevant and applicable law, for example, environmental law, health and safety law, planning law. This other legislation acts largely independently of EPR (although they may be inter-related). Such other matters are beyond both the scope of this document, and of our regulatory remit and expertise and are not relevant to our EPR permitting decision. Ensuring compliance with all other regulation and obtaining any required consents (such as planning permission) is the responsibility of those undertaking the development and is regulated by the relevant appropriate authority for each.

## 5. Consultation

No consultation has been carried out on this application as this is not required for normal variations for sites which are not of High Public Interest. This decision was made in accordance the EPR, our statutory Public Participation Statement<sup>2</sup> and our Regulatory Guidance.

## 6. Requests for information

No requests for further information were required during the determination process.

## 7. The Installation

### 7.1. The permitted activities

The installation is located on land at the former abattoir site at Waen, near St. Asaph in Denbighshire, and is surrounded by agricultural fields to the west, north and east.

---

<sup>1</sup> [Natural Resources Wales / Public participation: how you can take part in our permit and licence consultations](#)

<sup>2</sup> [Natural Resources Wales / Public participation: how you can take part in our permit and licence consultations](#)

The site covers an area of approximately 1.2 hectares with the centre of the site located at National Grid Reference SJ 05597 75105. The nearest residential receptor is approximately 600 metres from the site.

The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the EPR:

- Section 5.4A(1)(b)(i) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one or more of the following activities: Biological Treatment.

The principle regulated activities undertaken at the site include anaerobic digestion of wastes and the combustion of the resultant biogas. Permitted wastes are non-hazardous biodegradable wastes including those controlled by the Animal-By-Products Regulations (ABPR). Feedstock accepted at the site is predominantly source segregated food waste from households, commercial and industrial sources. Hazardous wastes are not permitted. Renewable energy is generated using the resultant biogas through the combined heat and power engine (CHP) with the liquid and solid intended for recovery to agricultural land as a biofertiliser. Uncontaminated discharges from site shall be collected from areas in connection with the storage and treatment of waste via the existing surface water system providing they have been tested and confirmed to be free of ammonia.

## **7.2. Changes to the installation**

This variation incorporates the changes requested by the operator to increase the maximum total quantity of waste to be accepted at the site for Anaerobic Digestion processing from 22,500 tonnes per year to 26,500 tonnes per year.

There are no other changes to the permit as a result of this variation.

## **8. Operation of the installation**

### **8.1. Environmental Management System**

The applicant has stated in the application that they will implement an updated Environmental Management System (EMS) that incorporates the changes to the

permitted activities, and meets the requirements for an EMS in our “How to comply with your environmental permit” guidance<sup>3</sup>.

The applicant has submitted a summary of the EMS with their application.

We have reviewed the application and are satisfied that appropriate management systems and management structures are in place for this Installation, and that sufficient resources are available to the Operator to ensure compliance with all the Permit conditions.

## 8.2. Operating techniques

### Installation activities and assessment of Best Available Techniques

The applicant has described how the changes proposed to the Installation will not result in any changes to the existing plant design capacity; site infrastructure; containment or the process controls currently in place. The Operator has provided updated Operating Techniques documents (including an updated Mass Balance) to reflect the increased throughput capacity at the site. The Operator has also submitted evidence to demonstrate where existing Operating Techniques remain fit for purpose and appropriate, in order to accept, treat and process an additional 4,000 tonnes of feedstock per annum.

The Operator has undertaken an assessment of the changes proposed to the permit, and has compared these against the relevant Best Available Techniques conclusions (BATc) which for an installation of this type is Best Available Techniques (BAT) Reference Document (BRef) for Waste Treatment; Industrial Emission Directive 2010/75/EU) Integrated Pollution Prevention and Control) as published in the Official Journal of the European Commission Article on 4 December 2018.<sup>4</sup>

We have reviewed these techniques and consider them in line with them to represent BAT at this installation.

We have specified that the applicant must operate the permit in accordance with descriptions in the application. Table S1.2 within the updated permit references

---

<sup>3</sup> [Natural Resources Wales / Guidance to help you comply with your environmental permit](#)

<sup>4</sup> [Waste Treatment BAT Conclusions](#)

operating technique documents which contain information on how the operator will apply BAT at the installation.

Schedule 3 and 4 of the permit have been updated to remove Schedule 3a and Schedule 4a, which contained Emissions, monitoring and reporting requirements applicable to the site, prior to the Waste Treatment BREF compliance deadline of 17 August 2022. As this deadline has now passed, the redundant tables within Schedule 3a and Schedule 4a have been deleted.

### **8.3. Improvement Conditions**

A number of Improvement Conditions (IC1 through to IC7) were included within the permit following Natural Resources Wales initiated review and variation of the permit following the publication of the revised Best Available Techniques (BAT) Reference Document (BRef) for Waste Treatment. All 7 improvement conditions have since been fully satisfied and all IC responses approved. As a result, Table S1.3 has been updated to reflect the completion of IC1, IC2, IC3, IC4, IC5, IC6 and IC7. Table S1.2 has also been updated to reference Operational Techniques and Monitoring documents approved under IC7. Table S3.3 has also been updated to reference the approved monitoring methodology in accordance with IC7.

## **9. The Site**

### **9.1. Site Plan**

The changes proposed as part of this variation application do not result in any changes required to the sites existing layout.

The existing site layout plan and point source emissions plan remain fit-for-purpose and unchanged as a result of this variation application.

### **9.2. Site Condition Report**

The proposal does not include the addition of any land and so a Site Condition Report was not required to support this application.

## **10. Environmental Risk Assessment**

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

In line with our guidance, the applicant has provided an environmental risk assessment with the application which identifies and the sources of key risks from the changes proposed within this variation, as well as possible pathways and receptors. This risk assessment and further assessments provided by the applicant and/or completed by NRW will be discussed in further detail below.

### **10.1. Assessment of impact on air quality**

There are no changes proposed to point source emissions to atmosphere as part of this variation application. The Operator has submitted evidence to demonstrate that existing infrastructure, including all primary and secondary gas consumers, are sufficiently sized to accommodate an increase in gas yields generated by the increase in feedstock throughput capacity at the Installation.

No further assessment of impact to air has thus been undertaken as part of this variation.

### **10.2. Assessment of impact to surface and ground water**

There are no changes proposed to direct discharge to surface waters or ground water as part of this variation application, therefore no assessment of impact has been undertaken as part of this variation.

### **10.3. Emissions to sewer**

There are no direct discharges to sewer at this Installation, therefore no assessment of impact has been undertaken as part of this variation.

### **10.4. Fugitive emissions**

Processes which are likely to produce potential fugitive emissions are either undertaken within buildings serviced with air extraction and abatement, or processes

undertaken within sealed tanks. The Operator has submitted evidence to demonstrate that the Installations existing control measures remain fit for purpose, and the small potential increased risk of impact from additional fugitive emissions can be considered negligible, as a result of this variation. A copy of the Installations existing Fugitive Emissions Management Plan was submitted with the application.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise fugitive emissions and to prevent pollution from fugitive emissions.

### **10.5. Assessment of odour impact**

The proposed increase in throughput capacity at the Installation does have the potential to increase the risk of potential odorous emissions at the site. The Operator has submitted evidence within their application to demonstrate that the sites existing Odour abatement techniques and control measures remain fit for purpose, and that the potential increased risk of impact from odours can be considered negligible as a result of the proposed increased throughput capacity. No further assessment has thus been deemed required. A copy of the Installations existing Odour Management Plan was submitted with the application.

Based upon the information contained within the application, we are satisfied that the operators existing measures can be considered appropriate to prevent or where not practicable to minimise the effects of odour.

### **10.6. Noise and vibration assessment**

The only changes proposed under this variation which represent a potential increase in noise emissions from the Installation are from additional vehicle movements across the site, as a result of receiving, handling and removing additional feedstocks and waste outputs. The Operator has submitted evidence within their application to demonstrate that the sites existing noise abatement techniques and control measures remain fit for purpose, and that the potential increased risk of impact from odours can be considered negligible as a result of the proposed increased throughput capacity. No further assessment has thus been deemed required.

A copy of the Installations existing Noise Management Plan was submitted with the application.

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 effects of noise.

## **11. OPRA**

The OPRA score has not been changed as a result of this variation and remains as 36. This will form the basis for ongoing subsistence fees.