

# **Natural Resources Wales permitting decisions**

## **Low impact installation**

We have decided to grant the permit for Birdport Waste Storage Facility operated by Cargo Services (UK) Ltd.

The permit number is EPR/AB3192ZW.

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:

- 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.

## **Structure of this document**

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## **Key issues of the decision**

### **Habitats assessment**

We reviewed the application in relation to potential impacts on habitats due to the proximity of those habitats. The River Usk SAC (also designated as the River Usk SSSI) being 110 metres west from the site, the Severn Estuary (Wales) SPA (also designated as a Ramsar and as an SSSI) being approximately 1.6 km south west from the site, the Gwent levels SSSI being 1.3km East from the site, the Newport Wetlands SSSI being 1.6 km south from the site and an ancient woodland being 1.1km East from the site.

However as the site has zero emissions to water, land or air, we concluded that there is no likelihood of significant effect on any of the European Sites (SAC, SPA or Ramsar) and that the operation of the installation is not likely to

damage any of the features of the SSSI and that the operation of the installation is not likely to cause significant pollution at the ancient woodland.

### **Flood Risk**

We reviewed the application in terms of flood risk and specifically looked at the risk of a 1 in 200 year flood. We determined that while the site is at risk of flooding in a 1 in 200 year flood, the extent of the flood is not likely to have a significant effect on the wastes stored within the site. This is due to the fact that the wastes are to be stored in a building and that the waste is stored in one tone sealed bags and as such is not prone to being at risk of being washed away in any floodwaters.

## Annex 1: decision checklist

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

| Aspect                                        | Justification / Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Consultation</b>                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Scope of consultation                         | <p>The consultation requirements were identified and implemented. The decision was taken in accordance with EPR RGN 6 “Determinations Involving Sites of High Public Interest”, , our Public Participation Statement and our Working Together Agreements.</p> <p>This was sent out on 9 May to:</p> <ul style="list-style-type: none"><li>• Newport City Council (Environmental Health and Planning Departments)</li><li>• Public Health Wales</li><li>• The Aneurin Bevan Health Board, and,</li><li>• The Health and Safety Executive</li></ul> |
| Responses to consultation and web publicising | <p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Operator</b>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Control of the facility                       | <p>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. The decision was taken in accordance with EPR RGN 1 “Understanding the meaning of operator”.</p>                                                                                                                                                                                                                                                                                  |
| <b>European directives</b>                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Applicable directives                         | <p>All applicable European directives have been considered in the determination of the application.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>The site</b>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Extent of the site of the facility            | <p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>                                                                                                                                                                                                                                                                                     |
| Site condition report                         | <p>The operator has provided a description of the condition of the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Aspect                                                               | Justification / Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                      | <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).</p>                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>Biodiversity, Heritage, Landscape and Nature Conservation</p>     | <p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .</p> <p>A full assessment of the application and its potential to affect the habitats has been carried out as part of the permitting process. We consider that the application will not affect the features of the site habitats.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>See comments on Habitats in “Key Issues” section above.</p> |
| <p><b>Environmental Risk Assessment and operating techniques</b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Environmental risk</p>                                            | <p>We have reviewed the operator’s assessment of the environmental risk from the facility.</p> <p>There are no releases from the proposed installation to air, water or land.</p> <p>The operator’s risk assessment is satisfactory.</p> <p>See comments on Flood Risk in "Key Issues" section above.</p>                                                                                                                                                                                                                                                                        |
| <p><b>The permit conditions</b></p>                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Waste types</p>                                                   | <p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons: the wastes are delivered in sealed bags, stored in these bags, and removed in the same bags, having undergone no processing or treatment of any kind.</p>                                                                                                                                                                                             |
| <p>Reporting</p>                                                     | <p>We have specified reporting in the permit.</p> <p>The only reporting that has been required is the quarterly throughput of wastes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Aspect                        | Justification / Detail                                                                                                                                                                                                              |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Operator competence</b>    |                                                                                                                                                                                                                                     |
| Environment Management System | There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with EPR RGN 5 on "Operator Competence".        |
| Technical competence          | Technical competency is required for activities permitted. The operator will continue to make use of the grace period to obtain the correct award. This commenced during their previous site in December 2015 and is still ongoing. |
| Relevant convictions          | <p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p>                                                                    |
| Financial provision           | There is no known reason to consider that the operator will not be financially able to comply with the standard rules. The decision was taken in accordance with EPR RGN 5 on "Operator Competence".                                |

## Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

|                                                            |
|------------------------------------------------------------|
| Response received from                                     |
| HSE                                                        |
| Brief summary of issues raised                             |
| Response received on 12 May 2016 and no issues were raised |
| Summary of actions taken or show how this has been covered |
| N/A                                                        |

|                                                            |
|------------------------------------------------------------|
| Response received from                                     |
| Newport City Council (Environmental Health)                |
| Brief summary of issues raised                             |
| Response received on 12 May 2016 and no issues were raised |
| Summary of actions taken or show how this has been covered |
| N/A                                                        |

|                                                                                                  |
|--------------------------------------------------------------------------------------------------|
| Response received from                                                                           |
| Public Health Wales                                                                              |
| Brief summary of issues raised                                                                   |
| Response received on 16 May 2016 which said that any comments would be made by the health board. |
| Summary of actions taken or show how this has been covered                                       |
| N/A                                                                                              |

|                                                            |
|------------------------------------------------------------|
| Response received from                                     |
| Newport City Council (Planning)                            |
| Brief summary of issues raised                             |
| Response received on 17 May 2016 and no issues were raised |
| Summary of actions taken or show how this has been covered |
| N/A                                                        |

|                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Response received from                                                                                                                                                              |
| The Aneurin Bevan University Health Board                                                                                                                                           |
| Brief summary of issues raised                                                                                                                                                      |
| No objection.<br><br>It was noted that associated traffic has not been addressed in sufficient depth.<br><br>Potential pollution from shipping using the dock has also been raised. |

The applicant not operating an accredited EMS was also raised.

Summary of actions taken or show how this has been covered

The associated traffic movements are a matter for consideration by the planning authority and not by NRW and no further action is needed on this issue.

The permit does not control the shipping using the adjacent dock, which is outside the installation boundary, therefore no further action can be taken regarding potential pollution from that shipping.

The permit includes the standard condition regarding appropriate management. In addition technically competent management is also required. As such this issue has been addressed in the permit.

Response received from

Web advertising of application

Brief summary of issues raised

None. No responses to the web advert were received

Summary of actions taken or show how this has been covered

N/A

Response received from

Web Advertising of draft decision

Brief summary of issues raised

None. No responses to the web advert were received

Summary of actions taken or show how this has been covered

N/A