

Natural Resources Wales Permitting Decisions

3C Waste Limited (Llanddulas Landfill Site)

Decision Document

Application for a Normal Variation

The application number is: PAN-023276

The permit variation number is: EPR/BU0800IZ/V014

The applicant / operator is: 3C Waste Limited

**The Installation is located at: Llanddulas Landfill Site, Abergele Road,
Llanddulas, Conwy, North Wales, LL22 8HP**

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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1. Executive summary

1.1. Application summary

The site is an operational non-hazardous landfill. This variation adds a deposit for recovery activity to the permit. The operator can now accept inert waste for the purpose of restoring the site to agreed restoration contours as agreed with the local planning authority.

1.2. Our decision

We have decided to issue the variation for Llanddulas Landfill Site operated by 3C Waste 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 15/09/2023. In order for us to be able to consider the application duly made, we needed more information. We requested the following:

- Clarification on the quantity of waste being applied for
- Clarification on the type of recovery activity code being applied for

A letter requesting this information was sent to the applicant on 20/12/2023. Upon receipt of this information, on 21/12/2023, 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 made a claim for 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 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:

- 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 statement¹ 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.

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

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 because it is not required for this type of variation application. We do not consider there to be an increase in risk and therefore did not seek consultation. This decision was made in accordance the Environment Permitting Regulations (EPR), our statutory Public Participation Statement² and our Regulatory Guidance.

6. Requests for information

Further information was requested during determination by way of a Schedule 5 Notice requiring the applicant to provide further information relating to an updated void space calculation and a clear plan showing the proposed area for waste recovery. The Schedule 5 Notice was sent on 11/01/2024 with a deadline for response of 02/02/2024.

The applicant's response to the Schedule 5 Notice was provided on 02/02/2024. The additional information supplied satisfied the requirements of the Schedule 5 Notice.

7. The Installation

7.1. The permitted activities

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

The regulated facility is currently an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations along with a number of directly associated activities:

- Section 5.2 Part A(1)(a) The disposal of waste in a landfill
- S5.4 Part A(1)(a) Leachate Treatment Plant with a capacity exceeding 50 tonnes per day

7.2. Changes to the installation

The operator applied to include deposit of waste for recovery operations R5 and R10. This variation adds this activity. The other activities and directly associated activities in the permit are unaffected by this additional activity. The details of the deposit of waste for recovery are laid out in the Waste Recovery Plan dated 31 January 2024. The Waste Recovery Plan is also incorporated into the operating techniques.

8. Operation of the installation

8.1. Operator competence

The applicant is the sole operator of the Installation. We are satisfied that the applicant is the person who will have control over the operation of the Installation after the variation is issued; and that they will be able to operate the Installation so as to comply with the conditions included in the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator³.

Financial Provision

The applicant has declared they have no current or past bankruptcy or insolvency proceeding against them.

There is no known reason to consider that the operator will not be financially able to comply with the permit. The decision was taken in accordance with RGN 5 on Operator Competence.

³ [RGN 1 Understanding the meaning of 'operator' \(naturalresources.wales\)](#)

For landfills, applicants are required to show us that they are financially capable of meeting the obligations of closure and aftercare of the site. We have not varied the current Financial Provision agreement for this site as there is no material increase in risk.

8.2. Environmental 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 “How to comply with your environmental permit” guidance⁴.

The operator holds a current ISO 14001:2015 certificate and submitted a copy of this certificate with their application.

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

8.3. Operating techniques

Installation activities and assessment of Best Available Techniques

The applicant has described the proposed equipment and operating techniques and compared these against the relevant guidance for the deposit of waste for recovery. We have reviewed the techniques proposed and consider them in line with them to be appropriate.

We have specified that the applicant must operate the permit in accordance with descriptions in the application.

⁴ [Natural Resources Wales / Guidance to help you comply with your environmental permit](#)

9. The site

9.1. Site Plan

The applicant has provided an updated plan which we consider is satisfactory, showing the extent of the site of the facility and the monitoring points.

The updated plan will be included in the permit and the operator will be required to carry on the permitted activities within the site boundary.

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

Regulated activities can present different types of risk to the environment, these include odour, noise and vibration; accidents, fugitive emissions to air and water; as well as point source releases to air, water, sewer and discharges to ground or groundwater, global warming potential and generation of waste. All these factors have been considered during the determination and the relevant risks from this proposal are discussed in this and other sections of this document.

The next sections of this document explain how we have approached the critical issue of assessing the likely impact of emissions from 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 variation, 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.

There is no material change to the physical operations undertaken on site as this variation simply recategorizes some operations recovery instead of disposal. As a result of this we do not consider there to be a change of risk in relation to groundwater or surface water pollution, odour pollution, noise and vibration emissions or emissions of dust.

11. Impact on National Site Network Sites, SSSIs and non-statutory sites

The physical operations on site remain unchanged. This variation simply re-categorises some of the operations. Therefore there is no change to the risk of adverse affect on any protected sites.

As there is no proposed changes to site operations there is no requirement to undertake a Habitats Regulations Assessment (HRA) or undertaken an assessment on the impact on any SSSI.

12. The Permit Conditions

There have been no changes to limits and associated monitoring and reporting requirements for this site as a result of this variation as no change to emissions are proposed.

12.1. Incorporating the variation

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

These descriptions have been specified in the Operating Techniques table in the permit.

12.2. Waste Types

The permit now allows five waste codes to be deposited for the necessary recovery operation. These waste codes, detailed in the notice of variation meet the necessary criteria and will only be permitted if deposited in accordance with the waste recovery plan. The waste types are appropriate for this activity and are not additional to those that were already permitted to be deposited for disposal.

13. OPRA

The OPRA score has not been changed as a result of this variation and remains as 117. This will form the basis for ongoing subsistence fees.