

Natural Resources Wales permitting decisions

Bespoke permit

We have decided to grant the permit for Pembrokeshire Eco Park operated by Pembrokeshire County Council.

The permit number is EPR/DB3299FV.

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
- 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.

Structure of this document

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

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
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. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. Hazardous waste treatment and storage are activities under the Industrial Emissions Directive. Therefore, daily storage capacity limits have been set in Table S1.1 of the permit.	✓
Sustainable Management of Natural Resources (SMNR)		
Considerations of SMNR - Compliance with our General Purpose	We are satisfied that this decision is compatible with our 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		
Consideration of Section 6	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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	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.	
The site		
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> <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>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has identified suitable measures in accordance with the relevant technical guidance note for waste activities; 'How to comply with your environmental permit'.</p> <p>The operator submitted an Odour Management Plan (OMP), Dust Management Plan (DMP), Noise Management Plan (NMP), Pest Management Plan and Fire Prevention & Mitigation Plan (FPMP) detailing measures used to prevent or minimise the risk of emissions from the activity.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The measures included in the OMP, DMP, NMP, PMP and FPMP have been assessed and are considered as suitable to control the risk of emissions from the activity and the risk of fire. These were assessed in accordance with 'H4 Odour Management - how to comply with your environmental permit', 'How to comply with your environmental permit', 'Noise and vibration management: environmental permits', 'Fly management: how to comply with your environmental permit' and 'Fire prevention and mitigation plan - waste management Guidance No. 16.'</p>	
The permit conditions		
Waste types	<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:</p> <ul style="list-style-type: none"> • The proposed waste types are suitable for the nature of the permitted facility • The operator has suitable waste acceptance, storage and treatment procedures in place • Appropriate measures are in place to prevent/reduce fugitive emissions <p>We have excluded the following wastes for the following reasons</p> <ul style="list-style-type: none"> • consisting solely or mainly of dusts, powders or loose fibres • delivered in unmarked sealed drums • sludges <p>because the exclusions will ensure risk from the activity is contained and that measures used on site remain appropriate for the actual permitted activity.</p> <p>We made these decisions with respect to waste types in accordance with waste facility technical guidance note 'How to comply with your environmental permit', and after full assessment of the operating techniques used on site to control the risks from the activity.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed an improvement condition to carry out a Noise Impact Assessment within 6 months of permit issue. The NIA is required to confirm the predictions in the modelling and the conclusions are correct once the facility is fully operational.</p> <p>We have imposed an improvement condition to update the Noise Management Plan, to follow our guidance Noise and Vibration management: environmental permits. This is to be carried out following the conclusions of the NIA referenced above.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Operator Competence		
Environment management system	<p>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.</p> <p>The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓
Technical competence	<p>Technical competency is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Relevant convictions	<p>Our Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p> <p>The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓

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
Pembrokeshire County Council Planning
Brief summary of issues raised
None
Summary of actions taken or show how this has been covered
None

Response received from
Public Health Wales (PHW)
Brief summary of issues raised
<u>Management controls and storage of wastes</u> Subject to the application of Best Available Techniques (BAT) to control emissions and provided the site is operated in line with current sector guidance, PHW have no public health concerns associated with the proposed development. However, PHW recommend that NRW is completely satisfied with the proposed storage and management controls of both hazardous and non-hazardous wastes on site. An explosion or fire resulting from in-adequate management could impact on the locale, and receptors in close proximity. We also recommend the regulator is satisfied that cumulative impacts have been appropriately considered and will not have adverse offsite impacts.
<u>Fire</u> The risk of fire is PHWs main concern with sites that store and manage waste. Where fires do occur, they can present a potentially serious risk to public health and the environment. Therefore, PHW request that we (the regulator) make sure that the operations are managed in accordance with current guidance and refer specifically to the WISH 'Reducing Fire Risk at Waste Management Sites' Guidance. Additionally, PHW recommend that a competent contractor be pre-agreed in order to dispose of contaminated fire water responsibly.
<u>Air quality</u> PHW note that certain accepted wastes and activities may give rise to dusts and fugitive emissions. PHW emphasise that all management controls and Waste Acceptance Procedures (WAP) are strictly adhered to. This will prevent the likelihood of fugitive dusts and accidents and emergencies, including fires, which can result in an increase in emissions and hazardous smoke which can impact the locale. Additionally, PHW would encourage consideration of wider air quality impacts such as changes in traffic volumes.
<u>Odour</u> PHW note that some wastes represent a source of odour, and that whilst odour is often linked to nuisance it can also cause secondary health effects

i.e. stress, which may lead to headaches etc. Additionally, the source from which the odour originates may or may not have health risks. Some chemicals with odour properties can have toxic effects on humans. To ensure control of the above hazards PHW would emphasise that stringent control measures are adopted to which we (the regulator) is satisfied. And PHW recommend offsite monitoring capabilities be available should it be needed.

Noise

PHW notes that noise and vibration may give rise to nuisance issues which may result in secondary health effects i.e. stress, which may lead to headaches etc. In view of this and the proximity of the nearest receptors, we (the regulator) should be satisfied that management controls are implemented, and any complaints are addressed promptly in accordance with the complaint procedure outlined.

Pests

PHW note that given the nature of the proposed permitted activities, there is the potential for issues with pests. We (the regulator) must ensure that the operations are managed in accordance with current guidance.

Summary of actions taken or show how this has been covered

Management controls and storage of wastes

The applicant has an Environmental Management System in place, including Operating Techniques and Waste acceptance procedures. We have reviewed these against our guidance 'How to comply with your environmental permit' and we are satisfied with the acceptance and storage procedures.

Fire

The applicant has supplied a Fire Prevention and Mitigation Plan (FPMP), we have assessed this in line with our guidance 'Fire prevention and mitigation plan - waste management Guidance No. 16'. This guidance has been produced in conjunction with the FRS and is informed by the WISH guidance. We are satisfied that the FPMP meet the standards set out in our guidance and have incorporated the FPMP into the permit in Table S1.2.

Air quality

The applicant has supplied a Dust and Emissions Management Plan (DEMP), we have assessed this in line with our guidance. We are satisfied that the DEMP meet the standards set out in our guidance and have incorporated the DEMP into the permit in Table S1.2.

Additionally, we have reviewed the applicant waste acceptance procedures against our guidance and are satisfied they meet the relevant standards. These procedures have also been incorporated into the permit in Table S1.2 and must be adhered to.

Odour

The applicant has supplied an Odour Impact Assessment (OIA) and Odour Management Plan (OMP), we have assessed this in line with our guidance. We are satisfied that the OMP meet the standards set out in our guidance,

including monitoring requirements, and have incorporated the OMP into the permit in Table S1.2.

Noise

The applicant has supplied a Noise Impact Assessment (NIA) and Noise Management Plan (NMP), we have assessed this in line with our guidance and the relevant standard BS4142. We are satisfied that the NIA and NMP meet the relevant standard and our guidance, and have incorporated the NIA and NMP into the permit in Table S1.2.

Pests

The applicant has supplied a Pest Management Plan (PMP), we have assessed this in line with relevant guidance. We are satisfied that the PMP meet the standards set out in the guidance and have incorporated the PMP into the permit in Table S1.2.

Response received from

Mid & West Fire & Rescue Service

Brief summary of issues raised

Queries raised regarding

- availability of drivers for mobile plant 24hrs a day
- the connections for the water storage tank and if the FRS can supply water to the tank to ensure a steady supply
- if the site will be storing lithium-ion batteries

Summary of actions taken or show how this has been covered

The queries were raised with the applicant in a Schedule 5 Notice. The response confirmed that plant drivers could be contacted 24hrs a day if required, and that the FRS could top up the water storage tank to ensure a steady supply if required, additionally images were supplied of the tank connections.

Whilst the applicant was not asked directly if they would store lithium-ion batteries, the waste codes applied for would not prevent them from doing so and therefore could be received and stored.

These responses have been supplied to the FRS.