

Natural Resources Wales Permitting Decisions

FCC Waste Services (UK) Limited (Pwllfawatkin Landfill) Decision Document

Application for a Normal Variation

The application number is: PAN-023949

The permit variation number is: EPR/BU8819IV/V013

The applicant / operator is: FCC Waste Services (UK) Limited

The Installation is located at: Pwllfawatkin Landfill Site, Pontardawe, Swansea, West Glamorgan, SA8 4RX

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. Variation application summary

Pwllfawatkin Landfill, operated by FCC Waste Services (UK) Limited, is located in Neath Porth Talbot, 15km north east of Swansea and 5km north west of Pontardawe (at National Grid Reference SN 269817 208799). The landfill, which has been active since 1970s, is formed of 3 former coal spoil tips of the former Abernant Colliery and occupies an area of approximately 25 hectares.

The landfill is currently permitted under environmental permit number EPR/BU8819IV/V012 and the Operator has applied for a normal variation to this permit to add a waste recovery activity (R5 recovery activity) to complete restoration of the site (this includes a proposal for a capping support soils buttress as part of capping works in one of the landfills cells). A new list of waste types for restoration (listed in Table S2.3) has also been applied for to align the permitted wastes with those included in the Waste Recovery Plan prepared by the operator.

Changes to application scope

The original application also proposed revised ammoniacal nitrogen groundwater limits. Further evidence was requested from the operator (see section 6 for more information) but following this request the operator decided to withdraw this aspect of the application.

Originally the application was to add waste code 19 12 09 (minerals e.g. sand, stones) and 19 02 06 (sludges from physico/chemical treatment). Further evidence was requested to support the inclusion on 19 02 06 (sludges from physico/chemical treatment) as it was not a listed typical waste for recovery. However, the applicant decided to withdraw the request for this waste type to be added.

During determination it was noted that waste 19 02 09 (minerals e.g. sand, stones) was already listed on the permit in Table S2.3. It was also noted that wastes listed for restoration in the current permit (in Table S2.3) were not suitable for recovery when

assessed against current guidance¹ and the Waste Recovery Plan also listed new waste types that the applicant had not requested to be added to the permit. We asked the operator to review the list of waste types to be added to the permit by way of Schedule 5 Notice (see section 6 for more detail) and a new list of new waste types was proposed which are discussed in section 10.2 and 13.2.

1.2. Our decision

We have decided to grant the variation for Pwllfawatkin Landfill operated by FCC Waste Services (UK) 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 23/11/2023 and was determined to be duly made upon allocation to a Permitting Officer. This means we considered the application was submitted 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 granted 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:

- a *landfill* as described by the Landfill Directive

¹ [Natural Resources Wales / Check waste types used in a typical deposit for recovery activity](#)

- 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 statement² 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

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

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

We have not carried out consultation on the application as the application is for a normal variation. This decision has been made in accordance with the Environment Permitting Regulations (EPR), our statutory Public Participation Statement¹ and our Regulatory Guidance.

6. Requests for information

Further information was requested during determination by both informal email requests and a Schedule 5 Notice. Please see below table for summary:

Information request type	Date	Request summary	Date response received	Response summary
Informal information request via email	20/06/2024	- Confirmation that references in the application to 'Table S3' relate to 'Table S2.3' - Further evidence for the use of waste type 19 02 06 - Further evidence to support the request for revised ammoniacal nitrogen	10/07/2024	Withdrew proposed changes to ammoniacal nitrogen limits
			16/07/2024	Withdrew request to add waste code 12 02 06 and confirmed references to 'Table S3' relate to 'Table S2.3'
			06/08/2024	Updated Waste Recovery Plan (WRP) provided
Schedule 5 Notice (1)	29/08/2024	- Request for updated Stability Risk Assessment (SRA) - Updated drawings to show current topography and	09/10/2024	- Provided rational for not providing an updated SRA - Provided updated WRP including updated drawings

		agreed pre-settlement levels Updated WRP reflected changes to proposal		
Schedule 5 Notice (2)	08/11/2024	Request for list of waste types for recovery to be reviewed*	08/11/2024	Updated WRP provided with updated list of wastes types for recovery
	27/11/2024 (Follow up Email)	Request for updated list of waste types provided to be reviewed to check use will be complaint with restrictions in our guidance and update WRP to detail this*	09/12/2024	Updated WRP which removed one waste type and included detail on how waste use will be compliant with our guidance.

**please refer to section 9 for more detail*

A copy of the information notices and e-mails requesting further information were placed on our public register as were the responses when received.

7. The Installation

7.1. The permitted activities

This section will outline the existing permitted activities at the site and how they will change as a result of the variation. The Installation is subject to the EPR because it carries out an activity listed in Part 1 of Schedule 1 of the EPR:

- Section 5.2 Part A(1) (a), The disposal of waste in a landfill

An installation may also comprise “directly associated activities”, which at this Installation includes:

- Burning waste as a fuel (landfill gas)
- Leachate management www.naturalresourceswales.gov.uk
- Landfill gas flaring
- Discharges of site drainage from the landfill

- Storage of fuel for operation of plant and equipment

There are no changes to these activities as a result of this permit variation.

The facility also includes the following Waste Operations:

- Waste Storage - R13 - Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)
- Waste Treatment - R3 – Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes and R5 – Recycling/reclamation of other inorganic compounds

This variation will add the following new waste operation:

- Deposit of waste for recovery – R5: Recycling/reclamation of other inorganic compounds

Together, these listed, directly associated activities and waste operations comprise the Installation. The rest of this document will discuss how we have technically assessed the changes to the installation proposed by the operator as part of the variation and how the permit has been updated to reflect these changes.

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 of the varied permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator³.

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

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 applicant holds an ISO14001:2015 certificate for their EMS and has submitted a summary of the EMS with their application.

We 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. Relevant Convictions

No relevant convictions have been declared. NRW’s COLINS (Contravention Offence Legal Information Notification System) Database has been checked and no relevant convictions were found.

8.4. Financial Provision

The operator has confirmed there is no current or past bankruptcy or insolvency proceedings against any relevant person or the company to date.

The operator has an overarching financial provision agreement, dated 01/11/2017, with NRW which covers Pwllfawatkin Landfill along with Chirk Landfill, Llandulas Landfill and Rosset Landfill. This agreement is not affected by this variation.

9. The site

The application does not include any changes which involve changing the installation’s site boundary or emission points. Therefore the applicant was not required to submit a Site Condition Report or revised site plan.

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

10. Technical assessment of proposed changes

10.1. Waste Recovery Activity

The applicant has applied for a new waste recovery activity to use recovered waste (89,884m³) to restore and cap of the remaining areas of the landfill. To support this, a Waste Recovery Plan (WRP) has been submitted to demonstrate the activity can be considered a waste recovery activity, not a disposal activity. We have assessed the WRP assessed against the relevant external guidance⁵ and internal guidance (Operational Guidance Note 222 Waste Recovery for Permanent Deposits of Waste).

We agree that the activity is a recovery operation based on the information provided in the Waste Recovery Plan. The applicant has provided sufficient evidence to demonstrate there is a need to use recovered waste as a result of a specific obligation. The waste types proposed are suitable for the function they will be fulfilling and are all typical wastes used for a recovery activity in line with our guidance⁶.

The WRP details a 'Soils for Restoration Assessment' which has been based on arbitrary thresholds (proposed by the operator) of the "Atkins ATRISK soil screening values (for open spaces)" for common soil contaminants . The use of these concentrations to assess if waste can be used in restoration is acceptable and in line with what we have permitted on other landfill sites. There is no guidance to assess if the thresholds of these concentrations proposed in this case are acceptable but following discussion with NRW technical advisors and considering the end use of the land, we consider the thresholds used reasonable in this instance. The applicant has confirmed that recovered waste deposited in place of non-waste topsoil, namely waste codes 17 05 04 (soils and stones) and 17 05 08 (track ballast), will meet the British Standard for Topsoil (BS 3882:2015) which has tighter limits on soil concentrations than the ATRISK values. This has been detailed in the WRP.

See [Waste Recovery Assessment form](#) for further details of our assessment.

⁵ [Natural Resources Wales / Prepare a waste recovery plan](#)

⁶ [Natural Resources Wales / Check waste types used in a typical deposit for recovery activity](#)

10.2. Updated waste types for restoration

As outlined in section 1 there were changes to the proposed list of waste types for restoration/recovery during the application determination.

The finalised list of waste types have been reviewed and we are satisfied that they are suitable for deposit for recovery in line with NRW guidance and the applicant will be using the waste types in accordance with conditions on the waste use⁷. As a result of this variation, Table S2.3 'Permitted wastes for restoration' will be updated so the waste types match the list associated with the WRP. This update includes the removal of waste codes and the addition of new ones. Changes are detailed below.

Existing Table S2.3 as detailed in EPR/BU8819IV/V012:

Table S2.3 Permitted waste types for restoration	
Waste code	Description
01	Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	waste sand and clays
02	Wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing
02 04	wastes from sugar processing
02 04 01	soil from cleaning and washing beet
03	Wastes from wood processing and the production of panels and furniture, pulp, paper and cardboard
03 03	wastes from pulp, paper and cardboard production and processing
03 03 05	de-inking sludges from paper recycling
03 03 09	lime mud waste
17	Construction and demolition wastes (including excavated soil from contaminated sites)
17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil
17 05 04	soil and stones other than those mentioned in 17 05 03
17 05 06	dredging spoil other than those mentioned in 17 05 05

⁷ [Natural Resources Wales / Check waste types used in a typical deposit for recovery activity](#)

Table S2.3 Permitted waste types for restoration	
Waste code	Description
19	Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use
19 05	wastes from aerobic treatment of solid wastes
19 05 03	off-specification compost
19 08	wastes from waste water treatment plants not otherwise specified
19 08 05	sludges from treatment of urban waste water
19 09	wastes from the preparation of water intended for human consumption or water for industrial use
19 09 02	sludges from water clarification
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 09	minerals (for example sand, stones)
19 13	wastes from soil and groundwater remediation
19 13 02	solid wastes from soil remediation other than those mentioned in 19 13 01
19 13 04	sludges from soil remediation other than those mentioned in 19 13 03
20	Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions
20 02	garden and park wastes (including cemetery waste)
20 02 02	soil and stones

Updated Table S2.3 to be listed in EPR/BU8819IV/V013 as a result of this variation:

Table S2.3 Permitted waste types for restoration	
Waste code	Description
01	Wastes resulting from exploration, mining, quarrying, and physical and chemical treatment of minerals
01 01	Waste from mineral excavation
01 01 02	Wastes from non metalliferous excavation
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 08	waste gravel and crushed rocks other than those containing dangerous substances
01 04 09	waste sand and clays
17	Construction and demolition wastes (including excavated soil from contaminated sites)
17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil
17 01 01	concrete
17 01 02	bricks

Table S2.3 Permitted waste types for restoration	
Waste code	Description
17 01 03	tiles and ceramics
17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil
17 05 04	soil and stones (topsoil, peat, subsoil and stones)
17 05 06	dredging spoil
17 05 08	track ballast, soil and stones other than those containing dangerous substances
19	Wastes from waste management facilities, off-site waste water treatment plants and the preparation of water intended for human consumption and water for industrial use
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 09	Minerals (such as sand and stones) from the treatment of waste aggregates that are otherwise naturally occurring minerals. This excludes fines from treatment of any non-hazardous waste or gypsum from recovered plasterboard or residual fines from mechanical treatment of mixed waste at transfer stations
19 12 12	Crushed bricks, tiles, concrete and ceramics, including mixtures of materials. This excludes metal from reinforced concrete and fines from treatment of any non-hazardous waste or gypsum from recovered plasterboard or residual fines from mechanical treatment of mixed waste at transfer stations
20	Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions
20 02	garden and park wastes (including cemetery waste)
20 02 02	Soil and stones (topsoil, peat, subsoil and stones)

10.3. Restoration plan

The application makes reference to revised restoration plan. Note that changes to the permitted pre-settlement contours was assessed during the previous variation (V12). See [Decision Document dated 19/12/2023](#) for details of our previous assessment.

The addition of the capping support soil buttress is detailed in the WRP although the applicant has confirmed recovered waste will not be used for its construction. The buttress is required to extend the width of the bund above the sidewall extension in Cell 4. A Stability Risk Assessment has been submitted which assesses the stability of the buttress. This concluded that stability will be maintained throughout construction and following the rise of water levels in the lagoon it is being constructed within. The Construction Quality Assurance plan for the buttress structure has already been approved under condition 2.6 of the existing permit (conditions relating to landfill

engineering), see [CAR form dated 03/08/2022](#). The WRP detailing the buttress (including the technical drawings) will be incorporated into the permits operating techniques.

11. Environmental Risk Assessment

Further to the environmental considerations discussed above in section 9, we have also considered the likelihood of risk to the environment and human health from odour, noise and vibration, accidents, fugitive emissions to air and water. An accident risk assessment has been provided which identifies the risks associated with the waste recovery activity and control measures to minimise occurrence of these risks, this includes a new dust management plan.

Based on the information in the application we do not consider the proposal to pose an increased risk of pollution.

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

12.1. National Site Network

A Habitats Regulations Assessment (HRA) is not required because there is no conceivable impact pathway to any National Site Network Site (i.e. Special Area of Conservation, Special Area of Protection or Ramsar Site).

12.2. SSSI

The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest of any SSSI as there is no pathway for the features to be affected.

12.3. Non-statutory Sites

The proposed variation is not anticipated to have a negative environmental impact on any surrounding non-statutory sites due to there being no impact pathways from the changes proposed.

13. The Permit Conditions

13.1. Incorporating the variation

We have specified that the applicant must operate the permit in accordance with descriptions in the application by including the control measures detailed in the accident risk assessment, Dust Management Plan and the WRP in the permits Operating Techniques table (table S1.2.).

13.2. Changes to conditions

A condition has been added (condition 2.7.2.) to allow a waste recovery in accordance with the waste recovery plan.

As discussed in section 7, waste recovery has been added as a waste operation to the permits activities table (Table S1.1, as discussed in section 7). We have set limits on this activity to further ensure recovery waste is used appropriately.

The operator has agreed that the new conditions are acceptable.

14. OPRA

The OPRA score has not been changed as a result of this variation and remains as 198. This will form the basis for ongoing subsistence fee's.