

Natural Resources Wales permitting decisions

Bespoke permit

We have decided to grant the permit for Bayliss Metals operated by Bayliss Recovery Limited

The permit number is **BB3192FJ**

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, 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 RGN 6 High Profile Sites, 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.	✓
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"	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is not satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).</p> <p>The Site Condition Report has been produced in 2008 and it is not suitable for the assessment, as it is 10 years old at the issue of the permit. The operator understands the risk of not providing an up to date Site Condition Report.</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 has submitted a noise management plan and a fire prevention and mitigation plan detailing measures used to prevent noise and the risk of fire from the activity.</p> <p>The measures included in the noise management plan and fire prevention and mitigation plan have been assessed and are considered as suitable to control the risk of noise and the risk of fire from the activity.</p> <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN v.8 How to comply with your environmental permit and we consider them to represent appropriate techniques for the facility.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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">• Appropriate management systems are in place.• Appropriate risk assessments are in place.• Suitable infrastructure and drainage is in place. <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• wastes that are in a form which is either sludge or liquid• Notwithstanding the waste types set out in table S.2.1, hazardous waste. <p>We made these decisions with respect to waste types in accordance with “How to Comply with your environmental permit”.</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. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓

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

Annex 2: Consultation responses

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

Response received from
South Wales Fire and Rescue Service (dated xx/xx/xx)
Brief summary of issues raised
Concerns raised over the following measures included in the Fire Prevention and Mitigation Plan: <ul style="list-style-type: none">- Available water supplies and the amount of water required- Fire water containment (including effectiveness of clay bund and the risks involved in constructing a clay bund during a fire incident.)- bays – structure specifications.
Summary of actions taken or show how this has been covered
The details of the available water supplies and the amount of water required have been provided in the applicants revised Fire Prevention and Mitigation Plan (FPMP). The applicant revised their FPMP to include suitable measures to contain fire water runoff and separate waste using walls and bays. The fire prevention and mitigation plan has been assessed in accordance with “Fire Prevention and Mitigation Plan Guidance – Waste Management”. The measures included in the plan meet the standards as set out in the guidance. This management plan has been incorporated into the permit under Table S1.2. The operator must carry out the activities in accordance with this plan.