

# **Natural Resources Wales permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for Bryn Recycling Limited operated by Bryn Recycling Limited.

The permit number is EPR/DB3593CG

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**

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

## Key issues of the decision

### Flood Risk

There are no main river watercourses within close proximity to the site but there are a network of ordinary watercourses that are regulated by the Local Authority as the Lead Local Flood Authority (LLFA). There is no fluvial flood outline that affects the area of the site covered by this application. However, we note that there appears to be a flow path through the centre of the site in relation to a flood risk from Surface Water and Small Watercourse. This is more likely to affect the existing site as opposed elsewhere outside the boundaries of the site due to its rural setting. It is likely that should this low probability event i.e. 0.1% (1 in 1000yr) occur, that this specific flow path would be directed into the existing lagoon immediately to the south within the existing site and during such an event widespread flooding from all sources would be experienced within the catchment in any case.

It is a matter for the local authority as the Lead Local Flood Authority (LLFA) to be satisfied that the flow path through the centre of the site in relation to a flood risk from Surface Water and Small Watercourse will need to be assessed or even considered in terms of the impacts of raising this area and potentially diverting this overland route elsewhere.

We consulted with the Local Authority as part of this application and no response was received. It is noted that the planning application for this site has already been considered and granted 22/0567/FULL.

The application includes information on how surface water run off will be managed, via a series of lagoons, with a hydro-brake managing flows in the watercourse immediately to the south west of the site. These measures have been incorporated into the Permit under Table S1.2 – Operating techniques.

Based on the information provided within the application, that no concerns were raised by the local authority in regards to flood risk and that planning permission has already been granted, we are satisfied.

## 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.	✓
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.	
<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 including discharge points.</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>	✓
Deposit for recovery	We have agreed that the activity is deposit of waste for recovery.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	<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 site has been carried out as part of the permitting process. We consider that the application will not affect the features of the site.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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 a Dust Management Plan (DMP) detailing measures used to prevent or minimise the risk of emissions from the activity.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The measures included in the DMP have been assessed and are considered as suitable to control the risk of emissions from the activity. These were assessed in accordance with 'How to comply with your environmental permit'.	
<b>The permit conditions</b>		
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"> <li>the proposed wastes are suitable for the nature of the permitted activity (assessed under the Waste Recovery Plan and Waste Acceptance Procedures)</li> <li>the appropriate measures are in place to prevent fugitive emissions.</li> </ul> <p>Wastes:</p> <ul style="list-style-type: none"> <li>consisting solely or mainly of dusts, powders or loose fibres</li> <li>sludges</li> <li>wastes from contaminated sites</li> </ul> <p>have been excluded, as the exclusions will ensure risk from the activity is contained and that measures used on site remain appropriate for the 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 NRW's guidance on Waste Recovery Plans and management systems for a deposit of waste for recovery activity, and after full assessment of the risk controls used on site.</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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>The following substances have been identified as being emitted in significant quantities and ELVs have been set for those substances.</p> <p>The substances identified are suspended solids.</p> <p>It is considered that the ELVs described above will ensure that significant pollution of the environment is prevented and a high level of protection for the environment secured.</p>	✓
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to indicate problems with the permitted activity and to provide a record of information upon permit surrender.</p>	✓
Reporting	We have specified reporting in the permit.	✓
<b>Operator Competence</b>		
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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The operator satisfies the criteria in RGN 5 on Operator Competence.	
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
Public Health Wales on 27/11/24
Brief summary of issues raised
<p>The consultation response acknowledges the risk of fugitive emissions including noise, odour, vibration and dust, and the measures set out by the applicant to manage these impacts.</p> <p>The main concern raised by the consultation response is the risk of fire and the lack of fire prevention mitigation plan.</p>
Summary of actions taken or show how this has been covered
<p>The risk of fugitive emissions has been assessed in line with NRW guidance.</p> <p>A dust management plan has been provided by the applicant, and this has been assessed in line with our guidance, this document has been incorporated into the permit.</p> <p>The risk of noise and vibration has been screened out in line with our guidance due to the minimal amount of processing of the waste within the site boundary and due to distance to the nearest sensitive receptors a noise impact assessment and management plan is not considered required for this activity.</p> <p>Due to the inert nature of the waste types to be accepted, an odour management plan is not required.</p> <p>No combustible wastes are to be accepted under the permit and therefore no fire prevention mitigation plan is required in line with our guidance.</p>