

# Natural Resources Wales permitting decisions

## Variation

We have decided to issue the variation for Materials Recovery & Energy Centre operated by Neath Port Talbot County Borough Council.

The variation number is EPR/BJ5775IF/V020

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

## Key issues of the decision

This decision document is for both PAN-024031 and PAN-024032 which were two permit applications that were submitted by the operator to ensure that their permit was reflective of the actual activities being undertaken on site. This included:

- 1) Surrender (without land) of Scheduled Activities leaving the permit as a permitted waste operation. Specifically a Waste Transfer Station with Treatment.
- 2) Add additional waste codes (which included hazardous waste) to permitted to the permit.

### 1. Part Surrender of Installation Activities

The site previously undertook the following Scheduled Activities and Directly Associated Activities and was previously permitted as an installation:

- Section 5.1 A (1) (c): Incineration of non-hazardous waste in an incineration plant with a capacity of 1 tonne per hour.
- Section 5.3 A (1) (c) (ii): Formation of refuse derived fuel pellets.
- Biological waste treatment (aerobic composting and/or biodrying with a maximum throughput of 230 Tonnes per day.
- Various activities for the physical treatment including, crushing, shredding, and pelletising for the purpose of recovery.

All these activities have now stopped and surrendered (without land) the permit activities were amended to reflect the sites current activities as a waste operation.

The Operator applied for a Low Risk Surrender as a result of an assessment of the sites Site Condition Report against the relevant guidance (RGN 9 Surrender and H5: Site Condition Report.).

As the Operator has not requested to surrender land we have not assessed whether the site condition has been returned to suitable condition, this will be undertaken should the Operator surrender the site (including land). However, we have been mindful to consider whether the installation activities could have affected the site condition. As site activities under the installation activity were never operated we consider there is no way in which the site condition could have been affected by Section 5.1 A (1) (c) or Section 5.3 A (1) (c) (ii) activities. Whilst the site was an installation, it has and will continue to operate in line with a waste operation activities as listed in this varied permit. There have been no pollutions incidents. We therefore deem the surrender of these installations activities suitable.

### 2. Addition and removal of wastes from the permitted waste codes list

The Operators application includes the request to accept the following wastes that they were not previously permitted to accept.

There are a number of waste codes that are being brought onto site that were not included within the previous permit waste code list these include:

- 20 01 01 paper and cardboard
- 20 01 02 glass
- 20 01 11 textiles
- 20 01 33\* batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries
- 20 01 34 batteries and accumulators other than those mentioned in 20 01 33
- 20 01 36 discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35
- 20 01 39 plastics
- 20 01 40 metals
- 20 01 99 separately collected fractions of municipal waste (Limited to AHPs and nappies)
- 20 03 03 street-cleansing residues
- 20 03 07 bulky waste

Where the wastes are in green text above then similar wastes were previously permitted to be accepted for treatment on-site but from a different source (eg. Separately collected recyclates and textiles with Chapter 19 waste code instead of Chapter 20 wastes.) This is as a result of the site now being used to store, and treat waste from the municipal waste collections only and all none Chapter 20 wastes have been removed.

However, as the risks associated with these wastes are synonymous with one and other we have not focused our assessment here and instead focussed our assessment on the Battery, Absorbant Hygiene Products, WEEE, and Bulky wastes. As these represent new risk or have specific management needs that are significantly different to those previously permitted and managed on site.

Following our assessment, we are satisfied that the operator can accept these wastes because the storage & Handling methods outlined with in the application documents (eg. Environmental Management System) should mitigate the risk of accepting these wastes on site.

## 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
<b>Yes</b>		
<b>Operator</b>		
Control of the facility	<p>We are satisfied that the applicant the operator is the person who will have control over the operation of the facility after the grant of the permit.</p> <p>The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.</p>	✓
<b>European Directives</b>		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application.</p> <p>Hazardous waste treatment and storage activities under the Industrial Emissions Directive. Therefore, daily treatment / and storage capacity limits have been set in Table S1.1 of the permit.</p>	✓
<b>Sustainable Management of Natural Resources (SMNR)</b>		
Considerations of SMNR - Compliance with our General Purpose	<p>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.</p>	✓
<b>Environment Wales Act 2016 – Biodiversity and resilience of ecosystems duty</b>		
Consideration of Section 6	<p>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 resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions. NRW is satisfied that in this case, <i>(in our separate and distinct capacities as applicant and determining body,)</i> 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.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
<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>	✓
Site condition report	<p>The operator has provided a description of the condition of the site and demonstrated that the plant, machinery and equipment has been adequately decommissioned.</p> <p>We consider this consistent with our guidance.</p> <p>This surrender application was for surrendering activities only and has not removed any land from the permit</p>	✓
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><b>Habitats Regulations Assessment (HRA)</b></p> <p><b>HRA is not required (Stage 1 of OGN200 assessment- Determining the need for a Habitats Regulations Assessment):</b></p> <p>HRA is not required (no FORM 1 has been completed) because the changes proposed by this variation reduce the overall risk to any European site features due to the removal of the all activities associated with Energy from Waste operation on site including the emissions to air.</p> <p>Following this variation, the permitted activities of the site will be for the operation of a waste transfer station with treatment.</p> <p>The site does vent channelled emissions through an emission point via the 'Dust and Odour Abatement Unit' which has been operational on site for some time but has not been permitted until now.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We have chosen to regulate these emissions through permit condition 3.1.1 which states <i>'Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution'</i> as opposed to setting emission limit values in the permit. This is because any release from this emission point should be inherently free of pollution (excluding odour) due to the activities being undertaken on site and the abatement system. This is consistent with how NRW permit similar sites with permitted waste operations.</p> <p>In regards to the potential emissions of odour this is regulated under Permit Condition 3.3 and requires the operator to operate to an approved Odour Management Plan. This OMP has been assessed against our guidance and integrated into the permits operating techniques.</p> <p><b>CroW Act – Appendix 4</b></p> <p><b>Appendix 4 Form and assessment not required.</b></p> <p>We have determined that an Appendix 4 assessment is not required as the overall risk to any Sites of Special Scientific Interest (SSSI) due to the removal of the all activities associated with Energy from Waste operation on site including the emissions to air.</p> <p>activities (eg. Those related to the energy from waste activity) most likely to damage Sites of Special Scientific Interest (SSSI).</p> <p>Our reasoning for this is laid out above in the Habitats Regulations Assessment (HRA) Section and are not repeated here.</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> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>We ave included the following documents (or parts of the following documents into the operating techniques of the permit as they outline specific operations, controls, or procedures which ultimately protect the environment.</p> <p>We have assessed the operators Fire Prevention and Mitigation Plan and assessed this against our GN16: Fire Prevention and Mitigation Plan: Waste guidance. The operators FPMP outlines details regarding how the site will prevent, mitigate, and control a fire on site, as well as essential steps required to become operational agan following a fire. These procedures ensure that a fire on site should beable to addressed in a manner which limits the impact to the environment.</p> <p>We have assessed the operators Odour Management Plan against our H4 Guidance. The operator OMP provides details of how they will prevent and control emissions from site to ensure that odour from the site activities is not experienced outside the site boundary. The procedures outlined in the OMP should ensure that site operations should not impact the environment (or relevant receptors) with odourous emissions.</p> <p>We hace assessed the operators Enivronmental Management Plan (Working Plan) against our How to Comply with your permit guidance. The Operators Working Plan outlines the procedures and policies operational on site that should ensure the site activities do not impact the environment. This includes measures to prevent or control emissions from the site activites (eg. Site buildings, impermeable surfacing on site, sealed drainage to foul sewer).</p>	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation.	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit(s).</p> <p>As we have removed the installations activities from the permit, it should be noted that we have also removed</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>any conditions that related to the installations activities alone.</p> <p>The operator has agreed that the new conditions are acceptable.</p>	
Use of conditions other than those from the template	Based on the information in the application, we consider that we need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.	✓
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We have discussed this in more details in the key issues section above.	✓
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>	✓
<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>	✓