

# Natural Resources Wales permitting decisions

## Variation

We have decided to issue the variation for Pembrokeshire County Council Waste Transfer Station Unit 41 operated by Pembrokeshire County Council.

The variation number is EPR/PB3490HV/V008

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

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## **Glossary of acronyms used in this document**

BAT	Best Available Technique(s)
DCWW	Dŵr Cymru Welsh Water
ECHR	European Convention of Human Rights
EfW	Energy from Waste
EMS	Environmental Management System
EPRT	The Environmental Permitting (England and Wales) Regulations 2016
FPMP	Fire Prevention and Mitigation Plan
FRS	Fire and Rescue Service
HRA	Habitats Risk Assessment
HW	Hazardous waste
LHB	Local Health Board
OMP	Odour Management Plan
OPRA	Operator Performance Risk Appraisal
PCC	Pembrokeshire County Council
PMP	Pest Management Plan
PPS	Public Participation Statement
PR	Public Register
RDF	Refuse Derived Fuel
RCF	Residual Combustible Fuel
RGN	Regulatory Guidance Note
rWFD	Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste
SAC	Special Area of Conservation
SHPI(s)	Site(s) of High Public Interest
SMNR	Sustainable Management of Natural Resources
SRF	Solid Recovered Fuel
SSSI	Site(s) of Special Scientific Interest
TGN	Technical Guidance Note

## **Key issues of the decision**

### **1. Our proposed decision**

This is a decision document, which accompanies a permit. Having carefully considered the application and all other relevant information, we put our draft decision before the public and other interested parties in the form of a draft permit together with this explanatory document on 19/02/2020.

We have considered all relevant representations received in response to our final consultation.

We try to explain our decisions as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future

### **2. How we reached our decision**

#### **2.1 Receipt of application**

Following pre-application discussions with us, Pembrokeshire County Council submitted an application on 04/06/19 (reference PAN-005627). This is a variation application of existing permit EPR-PB3490HV at Unit 41, Pembroke Dock to update the permit to modern conditions, expand the area of land in which it is allowed to store and treat waste to include units 29 and 29a, increase the types of wastes it is allowed to store and treat; and to amend the permitted treatment processes to baling and bulking up of waste only. The site name has also been updated.

This application was duly made on 01/07/19. This means we considered it was 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: see the 'Further information' in [section 2.4](#) of this decision document.

The applicant did not make a claim for confidentiality on any of the information included in the application. We have not received any information in relation to the application that appears to be confidential in relation to any party.

#### **2.2. Consultation on the application**

We consulted on the application in accordance with the Environmental Permitting (England and Wales) Regulations 2016, our Regulatory Public Participation Statement, and Working Together Agreements.

We publicised the application by a notice placed on our website. This notice informed people where and when they could see a copy of the application.

We sent copies of the application to the following bodies, in accordance with our Working Together Agreements:

- Pembrokeshire County Council Planning and Environmental Protection departments
- Pembroke Dock Town Council
- Public Health Wales
- Hywel Dda University Health Board
- Mid and West Wales Fire and Rescue Service

We did not consult with the Local Harbour Authority at this stage, however they have been directly informed during the “minded-to” phase of our determination.

Summaries of the consultation and our response to representations received are detailed in [Annex 2](#) of this document. We did not receive any responses from Pembrokeshire County Council Planning and Environmental Protection departments, Pembroke Dock Town Council or Public Health Wales on the application, so these consultees are not included in [Annex 2](#).

We have taken all relevant representations from consultation and advertising the application into consideration in reaching our final determination. Where representations were duplicated, we have grouped representations by issue and addressed that issue.

### **2.3 Changes to the application**

On 09/10/19 the applicant informed us, by way of a Schedule 5 response, that they wanted to remove a waste code from their application (19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11) as no wastes falling under this waste code will be accepted on site.

We decided not to invite comments to the revised application, as the nature of the change did not materially alter the activity.

### **2.4 Further information**

Although we were able to consider the application duly made on 01/07/19, we needed more information in order to determine it. We issued information notices on 17/09/19 (Schedule 5 Notice). A copy of the information notice was placed on our public register, as were the responses when received.

The applicant submitted amended versions of their Environmental Risk Assessment, Operational Techniques, Drawing WRML - PDOCK34M (updated version of WRML - PDOCK34F), Fire Prevention and Mitigation Plan, Drawing WRML-PDOCK37P (updated version of WRML-PDOCK37N), Drawing 004, and Odour Management Plan. The applicant also supplied a Pest Management Plan and email responses to queries the applicant made to Milford Haven Port Authority and Pembrokeshire County Council Emergency

Planning Unit on firefighting water sources to resolve points raised within the Schedule 5 notice.

We queried some points within the Fire Prevention and Mitigation Plan, Odour Management Plan and Operating Techniques on 23/10/19. The points were clarified, and updated Fire Prevention and Mitigation Plan and Operating Techniques document were provided on 30/10/19.

We queried the content of the Pest Management Plan on 28/11/19. A new Pest Management Plan was supplied, and following further queries was accepted on 21/01/20.

### **3. The legal framework**

The Permit will be issued, if appropriate, under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016. 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 an operation covered by the Waste Framework Directive, because it manages waste.

We consider that the permit will ensure that the operation of the facility complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health. We explain how we have addressed specific statutory requirements more fully in the rest of this document.

### **4. The regulated facility**

#### **4.1 Description of the site and related issues**

##### **4.1.1 Location**

The site is located in Pembroke Dock. Units 29, 29a and 41 will be used for the storage and treatment of waste. The outside areas of the site cannot be used for the storage or treatment of waste under this permit. Outside areas of the site will be used for vehicle movements and personnel car parking only.

The following receptors are located (in metres from the site);

- Pembroke Dockyard adjacent to permitted site to the north, east and south
- Welsh Water Waste Water Treatment Works adjacent to permitted site to the west
- South Pembrokeshire Hospital 60 metres to the south
- Milford Haven Waterway Surface Water Feature 70 metres to the west and north
- Residences on Martello Road 120 metres to the south
- Surehaven Pembroke Hospital 30 metres to the south-east
- South Pembrokeshire Golf Course 240 metres to the south
- Residences at Pembroke Dock 300 metres to the east
- The Timber Pond (Listed Building) 8 metres to the west

- Former Foremen's Office (Listed Building) 10 metres to the north
- Paterchurch Tower (Scheduled Monument) 20 metres to the south-east
- Milford Haven Waterway Site of Special Scientific Interest (SSSI) 70 metres to the west
- The Pembrokeshire Marine/Sir Benfro Forol Special Area of Conservation (SAC) 70 metres to the west

The applicant submitted a plan showing the site of the activity and its extent. We are satisfied with this plan. The plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

#### 4.1.2 Previously permitted activities and newly permitted activities

Previously permitted activities	Newly permitted activities
The facility could store and treat packaging, paper & cardboard, glass, food, textiles, plastics, "black-bag" waste, wastes from other permitted facilities, street cleaning residues and bulky wastes for recovery or disposal purposes.	<p>The following wastes have been added to those that can be accepted and treated for recovery or disposal purposes:</p> <ul style="list-style-type: none"> <li>- paper &amp; cardboard, composite and mixed packaging</li> <li>- waste electronic and electrical equipment (WEEE) and their components</li> <li>- paper &amp; cardboard, ferrous metal, non-ferrous metal, plastic and rubber, glass and textiles from other waste sites</li> <li>- clothes, batteries and accumulators, waste electronic and electrical equipment (WEEE), metals and nappies and absorbent hygiene products (AHPs) from municipal (i.e. Council collected) sources.</li> </ul>
Treatment activities that could be carried out at the site were limited to manual and/or mechanical shredding, screening, metal removal (magnets and/or eddy current), compaction, baling and wrapping.	<p>Treatment activities are limited to baling and bulking up for onwards transport only.</p> <p>Treatment of the following wastes is not permitted other bulking up for onwards transport:</p> <ul style="list-style-type: none"> <li>- waste batteries and/or accumulators</li> <li>- waste electronic and electrical equipment (WEEE)</li> <li>- biodegradable kitchen and canteen waste (20 01 08)</li> </ul>

	<ul style="list-style-type: none"> <li>- adult hygiene products (AHPs)</li> <li>- mixed municipal waste.</li> </ul>
All waste materials were required to be treated and stored in accordance with standards set out in the permit before being removed from site to an appropriate facility for further recovery or disposal.	This requirement has not changed.
<p>All wastes were required to be treated within a building, on an impermeable surface with sealed drainage to foul sewer.</p> <p>All wastes were required to be stored on an impermeable surface with sealed drainage to foul sewer.</p> <p>An impermeable surface is one that does not allow liquids to seep through into the ground underneath. A sealed drainage system is one that ensures all run off from the site is directed to/ collected at a specific point.</p> <p>Food was required to be stored within a building. All other waste could be stored outside, or within a building. However, wastes were not permitted to be stored outside between 1st April to 31st October for each calendar year.</p>	<p>All wastes are now required to be stored and treated within a building, on an impermeable surface with sealed drainage to foul sewer.</p> <p>Storage of waste outside of a building is no longer permitted.</p> <p>Food waste is required to be stored within a secure container that is sealed at the bottom and sides; or if stored within a designated storage bay, it can only be stored for 1 hour before it has to be moved to the secure container.</p> <p>Batteries are required to be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress of surface water.</p>
<p>The regulated facility is a waste operation. The operator will carry out the following recovery and disposal operations:</p> <p>D15 Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where the waste is produced)</p> <p>R13 Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced)</p> <p>D14 Repackaging prior to submission to any of the operations numbered D1 to D13</p>	The recovery and disposal operations have not changed.

<p>D9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 (e.g. evaporation, drying, calcination, etc.)</p> <p>R3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)</p> <p>R4 Recycling/reclamation of metals and metal compounds</p> <p>R5 Recycling/reclamation of other inorganic materials</p>	
<p>The following limits from the Industrial Emission Directives were included in the permit as Refuse Derived Fuel (RDF) was permitted to be produced. We had to include these limits to ensure that the activities remained waste, and not instillation activities:</p> <p>The treatment of wastes for the purpose of disposal at the site shall be limited to 50 tonnes per day in total, for the pre-treatment of waste for incineration or co-incineration.</p> <p>The treatment of wastes for the purpose of recovery or a mix of recovery and disposal at the site shall be limited to 75 tonnes per day in total, for the pre-treatment of waste for incineration or co-incineration.</p>	<p>As Refuse Derived Fuel (RDF) is no longer permitted to be produced at this facility these limits have been removed from the permit as they are no longer relevant to the activity.</p>

#### 4.1.3 Administrative issues

We are satisfied that the applicant is the person who will have control over the operation of the facility after we grant the permit in line with our regulatory guidance note RGN 1: Understanding the meaning of operator (version 4.0); and that the applicant will be able to operate the regulated facility in compliance with the conditions included in the permit.

We are satisfied that the Opra profile submitted by the applicant is accurate. The Opra score reflects the level of risk an activity poses, based on the type of activity, the location, type of waste accepted, the annual throughput of waste to be accepted and the environmental management system in place. The Opra score reflects the amount of time the nominated technical manager



must spend at the site. This is set out in part 2 of our technical guidance note EPR1.0 'How to comply with your environmental permit (Version 8)'.

## **4.2 General issues**

### **4.2.1 Management**

Having considered the information submitted in the application, we are satisfied that appropriate management systems and management structures will be in place.

The applicant has an EMS that meets the requirements of our technical guidance note EPR1.0 'How to comply with your environmental permit (Version 8)'.

### **4.2.2 Technical ability, financial competence and relevant convictions**

As this is a variation application, we are not required to assess these elements of Operator Competence as set out in our regulatory guidance note RGN 5: Operator competence (version 4.0).

### **4.2.3 Site security**

Having considered the information submitted in the application, we are satisfied that appropriate infrastructure and procedures will be in place to ensure that the site remains secure.

### **4.2.4 Accident management**

Having considered the information submitted in the application, we are satisfied that appropriate measures will be in place to ensure that environmental accidents that may cause pollution are prevented but that, if they should occur, their consequences are minimised.

### **4.2.5. Operating Techniques**

We have specified that the waste facility must be operated in accordance with the techniques set out in table S1.2 of the Permit. The details referred to in that table describe the techniques that will be used for the operation of the waste facility that we have assessed as meeting our legal standards and standards set out in our guidance; they form part of the Permit through condition 2.3.1 and Table S1.2 in the Permit schedules.

Further detail on the operating techniques is given in section 5.

## **4.3 The site and its protection**

### **4.3.1 Site setting, layout and history**

The site is located in Pembroke Dock. This is an historic industrial area. The site comprises of 4 units, however only Units 41, 29 and 29a will be used for the storage and treatment of waste.

The site is a working dock. Previous uses include shipbuilding and use as a flying boat base. The dock today is a commercial port and a gateway ferry port to Ireland, and has a variety of industrial uses including another proposed waste facility, boat maintenance, a hardship charity etc.

#### **4.3.2 Planning permission**

Our decision on whether to grant an Environmental Permit is separate from the planning process. An Environmental Permit allows the site to operate and to be regulated by Natural Resources Wales. The Planning Authority, in this case, Pembrokeshire County Council, decide whether or not to grant planning permission.

The planning authority determines whether the activity is an acceptable use of land. It considers matters such as visual impact, traffic and access issues, which do not form part of the environmental permit decision making process. The planning authority must also consider and respond to any objections they may receive on a particular planning application.

We are not required under the Environmental Permitting (England and Wales) Regulations 2016 to check whether relevant planning is in place for use of the site to carry out the relevant waste operation. The Planning Authority were consulted on this application; however, no response was received.

#### **4.3.3 Site condition report**

The operator submitted a report detailing the condition of the new areas of the site as part of their application. We use the information in the site condition report to establish a baseline as a comparison, to establish whether there has been any deterioration of the land as a result of the permitted activities, when the operator applies to surrender their permit. We have assessed the site condition report (SCR) submitted as satisfactory.

#### **4.3.4 Potentially polluting substances**

Emissions can happen when you treat or store waste. We have set strict measures in the permit to control both.

The main pathways for potentially polluting substances from this activity are through surface to ground, and from discharge of site run-off. The pollution prevention measures proposed by the applicant to control these risks are described in [section 4](#) and [section 5](#) of this decision document.

The wastes permitted in this permit are from limited sources- household waste collections and other waste facilities that collect similar wastes i.e. from Household Waste Recycling Centres.

#### **4.3.5 Pollution prevention measures**

We considered the location of the site, actual and potential emissions, the sensitivity of receptors and the nature of the activity to decide what appropriate pollution prevention measures need to be in place.

All waste is to be stored and treated within a building, on impermeable surface with a sealed drainage system which then drains to foul sewer. An impermeable surface is one that does not allow liquids to seep through into the ground underneath. A sealed drainage system is one that ensures all run off from the site is directed to/ collected at a specific point. Drainage from

areas of the site not used for the storage or treatment of waste can drain to surface waters i.e. the pickling pond.

It is a condition of Table S1.1 of the permit that activities are carried out within a building on impermeable surface with sealed drainage to foul sewer (unit 41) and sealed drainage (unit 29/29a). Wastes must be stored and treated in accordance with the permit. We have set specific requirements for how the operator must store potentially polluting wastes and incorporated operating techniques that the applicant has proposed to control the key pollution risks.

Efficient maintenance of these prevention measures, including infrastructure, pavements, bunds, storage containers and equipment used during the activities is vital to prevent pollution. This is included in the sites Environment Management System (EMS) which is required by condition 1.1.1 of the permit.

## **5. Minimising the environmental impact**

This section of the document explains how we have approached assessing likely impact of the facility on human health and the environment. It also details the measures we require to ensure a high level of protection. The principal emissions are those to air, water and land.

The key issues arising in relation to human health and the environment during this determination were:

- Odour
- Pests
- Fire
- Discharges of site-run off

The detail in this section relates to how we determined these issues.

### **5.1 Environmental impact**

#### **5.1.1 Methods used by the operator to assess environmental impact**

We reviewed the applicant's assessment of the likely environmental impact of emissions from the facility. This is the first stage in determining what conditions are appropriate for the permit.

The operators risk assessment follows the source-pathway-receptor model to identify and mitigate the exposure pathways for their activities.

All of the emissions from the activity are fugitive; there are no point source emissions from the activity. Fugitive emissions are emissions to air, water or land from the permitted activities which are not controlled by an emission limit. They can be from the emission points specified in the permit or other localised diffuse sources. We refer to them in the permit as "emissions of substances not controlled by emission limits". They are often from multiple sources that are difficult to specify. For example, releases of odour from multiple piles or types of waste. Fugitive emissions often make up most of the releases from waste activities.

In addition to the risk assessment, the operator provided stand-alone management plans to address the risk of fugitive emissions that could be generated from their activity, which we subsequently asked for additional information on. We have assessed the operating techniques in these management plans as suitable. They have been included in the permit – Table S1.2 Operating Techniques – and the operator must carry out the activity in line with the specified measures.

## **5.2 Scope of consideration**

### **5.2.1 Local factors**

We have considered the location of the site, the activity taking place and the risks from the waste types in order to set suitable conditions and limits in the permit.

We have considered the location factors set out on section 4.1.1, which were within screening distances for a non-landfill waste facility, against the key risks below.

### **5.2.2 Setting permit conditions**

We have set conditions in the permit in accordance with our Regulatory Guidance Series No RGN 4 – Setting standards for environmental protection (version 5.0). This guidance note explains how we determine the requirements that should apply to a particular activity. Permit conditions specify certain key measures for that type of activity to protect the environment. Other measures may be required through outcome-based conditions. Outcome based conditions specify what we want the operator to achieve, but do not tell them how to achieve it.

We have used relevant generic conditions from our bespoke permit template along with other activity-specific conditions to ensure that the permit provides the appropriate standards of environmental protection.

Our generic conditions allow us to deal with common regulatory issues in a common way and help us be consistent across the different types of regulated facility. We have included our generic conditions on fugitive emissions, odour, pests, noise/vibration and fire to control emissions from the activity.

### **5.2.3 Fugitive emissions (emissions not controlled by emission limits)**

Fugitive emissions are described in section 5.1.1. above. We considered potential fugitive emissions from the activity during our determination. Condition 3.1.1 in the permit states that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.

The risk assessment and associated management plans describe the activity, identify sources of fugitive emissions and receptors, consider meteorological factors that could affect impact on receptors, and propose measures to reduce fugitive emissions and mitigate potential impacts.

We assessed the applicants plans. The techniques in the plan(s) are considered proportionate and suitable for the activity being carried out.

These operating technique plans have been incorporated into Table S1.2 in Schedule 1 of the permit. The operator must carry out the activities in accordance with these operating techniques. If we approve a plan it means that we have formed a view that it contains what we consider to be appropriate measures in the light of information available to us at the current time. The operator should not rely on our approval of these plans to mean that the measures in the plan are considered to represent all appropriate measures covering every eventuality throughout the life of the permit. More information can be found in “RGN 4: Setting standards for environmental protection”.

If activities at the site give rise to pollution, we can request a revised management plan from the operator using our powers under condition 2.3.1(b) of the permit.

#### **5.2.4 Odour**

We carefully considered potential odour emissions from the activity during our determination. Condition 3.2.1 in the permit states that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site.

This type of activity is identified as one requiring a specific odour management plan (OMP) in Part 3 of our technical guidance note “EPR1.0 How to comply with your environmental permit”.

The operator submitted such a plan which described the activity, identified sources of odour, potential receptors, proposed prevention measures to reduce odour emissions and to mitigate potential impacts. We assessed these measures in line with the standards set out in our horizontal guidance note “H4 Odour”. The techniques in the plan are considered proportionate and suitable for the activity being carried out.

This management plan has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques.

The following are the main measures put in place to control odour at the site:

- Waste will be delivered to the site in covered or sealed vehicles;
- Material will be processed as soon as practicably possible and within 72 hours of receipt, with the exception of nappies and adult hygiene products, which may be stored for a maximum of 7 days within a suitably sealed container. Stockpiled waste material on site shall not exceed 570 tonnes at any one time;
- Offending wastes will be segregated and isolated from other waste by placing it into a 1,100-litre residual waste bin. Following which it will be removed from site in the enclosed container for disposal as soon as an appropriate off taker can be identified (aim is for the same day);
- Only 1 door will be open at any one time in order to prevent a through-draft, to further minimise any fugitive odour escaping the facility;

- The building will be cleaned thoroughly on a daily basis;
- The majority of odorous waste (i.e. black/orange bag waste) will be stored at the units 29 and 29A furthest from sensitive human receptors, notably the hospital located south of the site; and
- Biodegradable food waste will be stored in containers that are sealed at the bottom and sides and located in the northern extent of Unit 41. It has not been proposed that the waste is to be stored in lidded containers, however we consider the containers to be secure as waste cannot escape the container and there are measures to prevent the public accessing the waste as the site is fenced and waste is stored within a building.

### 5.2.5 Pests

We carefully considered the potential pest risk from the activity during our determination. Condition 3.4.1 in the permit states that activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site.

The operator addressed risks of pests in their Environmental Risk Assessment and Operating Techniques documents. We required a specific pest management plan (PMP) in our Schedule 5 request for information, which was provided.

We assessed these measures in line with the standards set out:

- our technical guidance note EPA1.0 'How to comply with your environmental permit' (sections on Appropriate measures and Pests) (<https://cdn.naturalresources.wales/media/2110/how-to-comply-with-your-environmental-permit.pdf?mode=pad&rnd=131467604540000000>)
- Control and monitor emissions for your environmental permit– section on Pest management plan (<https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit#pest-management-plan>)
- Fly Management Guidance- version 1 April 2013 ([http://www.organics-recycling.org.uk/uploads/article2594/LIT\\_8177\\_a04f7c%20%20Fly%20management.pdf](http://www.organics-recycling.org.uk/uploads/article2594/LIT_8177_a04f7c%20%20Fly%20management.pdf))

A second Schedule 5 notice was sent on 28/11/19. A new PMP was supplied on 16/12/19. Following queries on the PMP it was accepted on 21/01/20.

The PMP has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques.

The PMP contains information on the training of staff, monitoring of pests, pest prevention methods, pest control techniques, pests trigger levels, complaints procedure, and how the PMP will be reviewed in the future.

### **5.2.6 Fire**

We carefully considered the potential fire risk from the activity during our determination. Condition 3.5.1 in the permit states that the operator shall manage and operate the activities in accordance with a written fire prevention and mitigation plan (FPMP) using the current, relevant fire prevention plan guidance.

The types of waste proposed to be stored at this site are identified as those requiring a fire prevention and mitigation plan in our technical guidance note no.16 “Fire Prevention & Mitigation Plan Guidance – Waste Management” [version 2 August 2017]. This guidance was jointly produced by us and the three fire and rescue services in Wales.

This operator submitted a FPMP which described the activity, identified the fire risks, proposed prevention measures to reduce fire risks and mitigate with potential impacts. We assessed these measures in line with the standards set out in our technical guidance note no.16 “Fire Prevention & Mitigation Plan Guidance – Waste Management” [version 2 August 2017].

The techniques in the FPMP are considered proportionate and suitable for the activity being carried out. The FPMP has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques.

The operator has identified potential causes of fire on site in Table 2-3 of the approved plan and has provided preventative measures to address these risks.

The operator has proposed that waste will be stored for no longer than 3 months for waste electronic and electrical equipment (WEEE) and batteries, and no longer than 1 week for all other wastes. Measures are in place to deal with the seasonality of waste inputs has been specified and includes daily removal of waste from the site.

The maximum time the waste is be stored, the maximum stockpile sizes and minimum separation distances proposed are in line with our guidance.

Unit 41 benefits from a fire detection and alarm system consisting of Thorn infrared flame detectors in the four corners of the main section of the building and in the smaller section behind. A Vesda air aspirating smoke detection system (2100IDV2) is also installed consisting of 3 lines running the length of the building’s roof (one down the centre and one either side of this). Manual call points are installed by each exit and heat detectors are fitted in the break room and adjacent to the main electrical position.

Each element of the system connects to a Fireclass precept panel which is monitored using a CSL Dualcom (2 paths and a BT line). CCTV within the building is linked to a central control station. The alarm system is monitored 24 hours a day, 7 days a week (24/7) by a contracted alarm receiving centre.

If an alarm is raised, the site manager and/or the emergency services are contacted immediately.

A system of the same specification will be installed prior to commencement of operations within Units 29 and 29A.

Site operatives are trained in the detection of fires and therefore can provide an additional level of management for fire detection when the site is operational.

Stockpiles are managed as follows to minimise self-combustion:

- Stockpile storage times are minimised; under normal operating conditions, all waste received on site is processed and removed within a maximum of 1 week.
- Risk factors (e.g. mixing of materials and heat generated during baling) are reduced;
- Stockpile sizes are minimised due to space restrictions and to ensure economic haulage;
- Stored materials are rotated, on a first in and first out basis; Waste is deposited within the material specific bay and emptied entirely on a daily basis starting with the waste that was accepted first.
- The only treatment of waste on site is baling and bulking up, therefore all material is stored in its largest form prior to being removed from site.
- Stockpiles are visually inspected throughout the day and the findings logged within the site diary at the start and end of each shift as a minimum.
- Hotspots are detected and controlled within stockpiles by:
  - o Routinely visually monitoring stockpiles; and
  - o Minimising external heating during hot weather by avoiding ignition hot spots and/or concentrated beams of sunlight or glare reflected onto stockpiles through surfaces.

A firefighting strategy has been set out by the operator should a fire occur on site.

There are 5 fire hydrants of sufficient pressure capacity within adequate proximity of the site to be used should a fire occur. In addition, water from the salt-water pickling pond could also be used. If deemed suitable by the fire service, they will collect and reuse firewater runoff.

As a primary means of containment on site the doorways to each unit will be bunded with sandbags to ensure all firewater is kept within the building. Sandbags are made up and stored within Unit 35 ready for use in the event of a fire.

Any firewater contained within the buildings will be removed via tanker to a suitably authorised facility.



To ensure there is no release of firewater from the site, drain mats stored on site will be utilised in the event of a fire to ensure no potentially contaminated firewater can enter the surface or foul water drainage systems.

The operator has a suitably sized quarantine area to store unburnt waste that has been separated from any burning waste to prevent any further fire spread. The quarantine area is in line with the guidance requirements of a capacity to hold 50% of the largest waste stack size.

Contingency measures have been specified in the plan to divert any incoming waste deliveries in the event of a fire, and to remove burnt waste material from the site.

Should a fire occur, the operator has specified the measures to be taken before the site can become operational again.

Mid and West Fire and Rescue Service have conducted a site visit and also assessed the fire prevention and mitigation plan, their comments and our response are detailed in Appendix 2 of this decision document.

#### **5.2.7 Noise and vibration**

The operator supplied a noise risk assessment with their variation application. However, upon assessment of the contents of the application including the general risk assessment and the noise specific risk assessment and based on the activities occurring in the proposed new area to be included in the permit (Units 29 and 29a) we concluded that a noise specific risk assessment was not necessary, and therefore did not carry out an in depth assessment of this document. We requested that this document be formally withdrawn from the application, which was done on 18/09/19.

We have included our generic noise and vibration condition with the permit (condition 3.3). Further information on this can be found in [Annex 2](#) of this document.

Table 4-1 of the Environmental Risk Assessment relating to noise management) have been included in the permit – Table S1.2 Operating Techniques – and the operator must carry out the activity in line with the specified measures.

#### **5.2.8 Emissions to surface water**

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent and/or minimise emissions to water.

There are to be no releases of process effluent or rainfall dependent run-off from the areas used to store or treat waste to surface water associated with the operation of the waste facility.

All waste is to be stored and treated within a building, on impermeable surface with a sealed drainage system which then drains to foul sewer. An

impermeable surface is one that does not allow liquids to seep through into the ground underneath. A sealed drainage system is one that ensures all run off from the site is directed to/ collected at a specific point. Drainage from areas of the site not used for the storage or treatment of waste can drain to surface waters i.e. the pickling pond.

#### **5.2.9 Emissions to sewer**

The operator already holds a trade effluent discharge consent from Dŵr Cymru Welsh Water. As all waste is now to be stored and treated within a building, with no waste permitted to be stored outside, almost all of this discharge will be rainfall dependent. The effluent will be treated at a Dŵr Cymru Welsh Water waste water treatment works prior to discharge to the aquatic environment.

Based upon the information in the application, we are satisfied that appropriate measures will be in place to prevent and / or minimise emissions to sewer.

#### **5.2.10 Monitoring and reporting**

As no emission limits have been set, there are no monitoring or reporting conditions under Schedules 3 and 4 of the permit.

## **6. Biodiversity, Heritage, Landscape and Nature Conservation**

### **6.1 Sites Considered**

The waste facility is within the relevant screening distance criteria of a protected habitat and site. A full assessment of the changes to the permit within the variation application and its potential to affect the designated site has been carried out as part of the permitting process.

We considered the risk of the changes to the waste facility to the features of the Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) from toxic contamination, nutrient enrichment, habitat loss, siltation, smothering, disturbance and predation through the pathways of leachate, surface water, dust, physical access, litter, gulls, corvids and rats, and noise and visual intrusion in our assessments.

We consider that the Application will not affect the features of these designated sites:

- Pembrokeshire Marine SAC (Site Code: UK0013116) located within 1km of the waste facility.
- Milford Haven Waterway SSSI (SSSI ID: 282) located within 2km of the waste facility.

We are satisfied that:

- a) The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest and there is no pathway for features to be affected. All waste is to be stored and treated within a building, on impermeable surface with a sealed drainage system which then drains to foul sewer. Drainage from areas

of the site not used for the storage or treatment of waste can drain to surface waters i.e. the pickling pond. See [section 4.3.5](#) of this document for further detail. The operating techniques listed in [section 5](#) of this document that have been incorporated into Table S1.2 of the permit further reduce the risk to the SSSI.

- b) The proposed permission has no likelihood of significant effect on the special area of conservation as there is no pathway for features to be affected. All waste is to be stored and treated within a building, on impermeable surface with a sealed drainage system which then drains to foul sewer. Drainage from areas of the site not used for the storage or treatment of waste can drain to surface waters i.e. the pickling pond. See [section 4.3.5](#) of this document for further detail. The operating techniques listed in [section 5](#) of this document that have been incorporated into Table S1.2 of the permit further reduce the risk to the SAC.

There were no identified non-statutory Local Wildlife Sites (LWS), National Nature Reserves (NNR), Local Nature Reserves (LNR) and Ancient Woodlands located within 2km of the waste facility

We have also checked our records for the presence of European Protected Species (EPS), as defined by the Habitats Directive, within the locality of the waste facility. We have assessed that the nature of the activity will not affect any EPS.

## **7. Other legal requirements**

In this section we explain how we addressed other relevant legal requirements, to the extent that we have not addressed them elsewhere in this document.

### **7.1 The Environmental Permitting Regulations (England and Wales) 2016 and related Directives**

The EPR 2016 delivers the requirements of a number of European and National laws.

### **7.2 Schedule 9 to the EPR 2016 – Waste Framework Directive**

A *waste operation* is being conducted as the main purpose of the regulated facility. The requirements of Schedule 9 therefore apply.

This means that we must exercise our functions so as to ensure implementation of certain articles of the Revised Waste Framework Directive (rWFD).

We must exercise its relevant functions for the purposes of ensuring that the waste hierarchy referred to in Article 4 of the rWFD is applied to the generation of waste and that any waste generated is treated in accordance with Article 4 of the rWFD.

The conditions of the permit ensure that waste generation from the facility is minimised. Where production of waste cannot be prevented, it will be

recovered wherever possible or otherwise disposed of in a manner that minimises its impact on the environment. This is in accordance with Article 4.

We must also exercise its relevant functions for the purposes of:

- implementing Article 13 of the rWFD;
- ensuring that the requirements in the second paragraph of Article 23(1) of the WFD are met; and
- ensuring compliance with Articles 18(2) (b), 18(2) (c), 23(3), 23(4) and 35(1) of the WFD.

Article 13 relates to the protection of human health and the environment. These objectives are addressed elsewhere in this decision document.

Article 23(1) requires the permit to specify:

- the types and quantities of waste that may be treated;
- for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
- the safety and precautionary measures to be taken;
- the method to be used for each type of operation
- such monitoring and control operation as may be necessary; and
- such closure and after-care provisions as may be necessary

These are all covered by permit conditions.

The permit does not allow acceptance or mixing of hazardous wastes, so Article 18(2) is not relevant.

We consider that the intended method of waste treatment is acceptable from the point of view of environmental protection, so Article 23(3) does not apply.

We consider that energy efficiency in accordance with Article 23(4) does not apply, as this permit does not allow for the incineration or co-incineration of waste. This is delivered through the activity limitations in Table S1.1. of the permit.

Article 35(1) relates to record keeping and its requirements are delivered through permit conditions.

### **7.3 Schedule 22 to the EPR 2016 – Groundwater, Water Framework Directive and Groundwater Daughter Directives.**

To the extent that it might lead to a discharge of pollutants to groundwater (a groundwater activity under EPR 2016), the permit is subject to the requirements of Schedule 22 EPR 2016, which delivers the requirements of European Union directives relating to pollution of groundwater.

The permit will require the taking of all necessary measures to prevent the input of any hazardous substances to groundwater, and to limit the input of non-hazardous pollutants into groundwater so as to ensure such pollutants do not cause pollution and satisfies the requirements of Schedule 22.

No release to groundwater from the waste facility are permitted, the permit also requires material storage areas to be designed and maintained to a high standard to prevent accidental releases.

To the extent that there could be relevant discharges to inland freshwaters, coastal waters or relevant territorial waters, Schedule 21 EPR applies. No such discharges from areas used to store or treat waste have been permitted.

#### **7.4 Directive 2003/35/EC – The Public Participation Directive**

Regulation 59 of the EPR 2016 requires us to prepare and publish a statement of our policies for complying with our public participation duties. We have published our public participation statement.

This application has been consulted upon in line with that statement. This satisfies the requirements of the Public Participation Directive. Our decision in this case has been reached following an extensive programme of public consultation on the application.

The way in which we have consulted with the public and other interested parties is set out in [section 2.2](#) of this document.

#### **7.5 National Welsh Legislation**

Environment (Wales) Act 2016  
Well-being and Future Generations (Wales) Act 2015  
Environment (Wales) Act 2016  
The Natural Resources Body for Wales (Establishment) Order 2012  
The Natural Resources Body For Wales (Functions) Order 2013  
(together ‘the Welsh Legislation’).

We have taken full account of our duties under the Welsh Legislation. NRW is satisfied that this decision is consistent 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.

In particular, we acknowledge that the principles of sustainable management include: making appropriate arrangements for public participation in decision making, taking account of all relevant evidence and gathering evidence in respect of uncertainties, taking account of the short, medium and long-term consequences of actions and taking account of the resilience of ecosystems.

We further acknowledge that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.

We are satisfied that on the evidence the short, medium and long-term consequences of granting a permit for the operation of this facility will not affect the resilience of ecosystems and is consistent with the well-being goals.

In coming to this view, we note that we have no powers or duties with regard to traffic volume or movements outside of the permit boundary.

We consider that we have set permit conditions in a consistent and proportionate fashion based on the activity being carried out and considering all relevant matters.

We consider that we have pursued the objectives set out in the Welsh Legislation, where relevant, and that there are no additional conditions that should be included in this permit for those purposes.

### **7.6 Human Rights Act 1998**

We have considered potential interference with the rights protected by the European Convention on Human Rights (ECHR) in reaching our decision and consider that our decision is compatible with our duties under the Human Rights Act 1998.

In particular, we have considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol).

Article 8 ECHR includes the right to respect for the quiet enjoyment of one's home. In some circumstances, persistent noise, emissions, odours, pests or other such non-physical interferences can be sufficiently serious to amount to interferences with that right to quiet enjoyment. We are satisfied that the conditions imposed in the permit mean that there should be no interference with local residents' rights under Article 8 ECHR, in particular because strict controls will be in place to ensure that pests and other emissions are prevented and/or minimised. If and to the extent that the grant of the permit may result in an interference with Article 8 rights, any such interference would, in our view, be in accordance with the law and would be proportionate, considering, in particular, the need to strike a fair balance between the rights and interests of affected individuals and the rights, freedoms and interests of the operator and the wider community, including the interests of the UK in promoting recycling and recovery operations.

No representations have been made to us in the course of determining this application specifically in relation to the Human Rights Act 1998.

We have considered the potential interference with Convention rights to which granting the permit may give rise and we are satisfied that no such rights are engaged in the present case or that, if they are, the proposed activity would not unlawfully interfere with those rights.

### **7.7 Wildlife and Countryside Act 1981**

Under Section 28G of the Wildlife and Countryside Act 1981, we have a duty in exercising our functions, so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a SSSI is of special interest, to take reasonable steps to further the conservation and enhancement of those flora, fauna or geological or physiographical features by reason of which a site is of Special Scientific Interest.

Under Sections 27AA and 28I we have a duty to notify our nature conservation function and the strategic conservation panel for the strategic planning area in relation to any operation that is likely to damage a SSSI.

We assessed the application and concluded that there is one SSSI within the 2km screening distance of the site.

The reasons why no notification was required is explained in section 6 of this decision document.

### **7.8 The Conservation of Habitats and Species Regulations 2017**

We have assessed the application in accordance with guidance agreed by the conservation body in Wales and concluded that there will be no likely significant effect on any European site.

Our decision has been recorded within [Annex 1](#) of this document.

### **7.9 Water Framework Directive Regulations 2017**

Consideration has been given to whether any additional requirements should be imposed in terms of our duty under Regulation 3 to secure the requirements of the Water Framework Directive, Environmental Quality Standards Directive and Groundwater Directive through (inter alia) EPR permits, but it is considered that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

### **7.10 Section 81 Environment Act 1995**

The site is not within a designated Air Quality Management Area.

We consider that we have taken our decision in compliance with the National Air Quality Strategy, and that there are no additional conditions that should be included in this permit.

## Annex 1: Decision Checklist

Some aspects, such as submission of the correct fee or information on the site's OPRA profile, are not included in this list because we have addressed them at the duly making stage. They are not part of our determination

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 Regulatory Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The consultation and web publicising responses were taken into account in the decision. This is shown in <a href="#">Annex 2</a> . 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	The operator has provided a description of the condition of the site. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).	✓
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><u>Appendix 4 assessment</u></b></p> <p>A full assessment of the application and its potential to affect the SSSI has been carried out as part of the permitting process. We consider that the application will not affect the features of the SSSI.</p> <p><b><u>OGN 200 Form 1 assessment</u></b></p> <p>No FORM 1 completed: HRA is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site.</p> <p>The Pembrokeshire Marine/Sir Benfro Forol is classified as a SAC due to the coastal lagoons, Atlantic salt meadows, estuaries, inlets and bays, mud and sand flats, reefs, sandbanks and sea caves. The SAC is approximately 70m from the site's western boundary.</p> <p>We have concluded that there is no project specific Likely Significant Effect as waste storage and limited waste treatment activities will only be carried out inside a building. Operational techniques, if followed, will ensure the SAC will not be harmed. These have been incorporated into the permit where relevant.</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 appropriate measures, as set out in the relevant technical guidance note for waste activities; 'How to comply with your environmental permit'.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We have incorporated relevant management plans and other guidance/standards in Table S1.2 Operating Techniques in Schedule 1 of the permit. The operator must carry out the activity in accordance with these standards.</p> <p>If any of the management plans, techniques or standards incorporated in Table S1.2 need to be revised – to reflect improvements in industry standards or to include additional control measures – we can use our power under condition 2.3.1(b) of the permit to carry out these changes.</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>The operator has agreed that the new conditions are acceptable.</p>	✓
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 waste types are suitable for the nature of the permitted activity</li> <li>appropriate measures for acceptance, storage and processing have been included in the permit and identified by the operator</li> <li>the appropriate measures are in place to prevent fugitive emissions.</li> </ul> <p>Notwithstanding the waste types set out in Table S2.1 of the permit, we have excluded the following wastes for the following reasons:</p> <ul style="list-style-type: none"> <li>consisting solely or mainly of dusts, powders or loose fibres</li> <li>sludges</li> <li>odorous or odour producing</li> <li>hazardous waste</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> <li>clinical wastes</li> <li>liquid wastes</li> </ul> <p>to 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 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>	✓
<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>	✓

## 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. Newspaper advertising is only carried out for certain application types, in line with our guidance.

### Consultation on the application

Response received from
Public responses
Brief summary of issues raised
Concerns raised about flies and odour, causing problems for workers and patients at the hospital.
Summary of actions taken or show how this has been covered
<p><b><u>Pests</u></b></p> <p>Condition 3.4.1 of the permit states "The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site."</p> <p>This means the operator has to manage their activities so that the activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site.</p> <p>We have assessed the pest control measures submitted by the applicant against the relevant guidance and have deemed the measures as appropriate.</p> <p>The Pest Management Plan of 21/01/20 has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit.</p> <p><b><u>Odour</u></b></p> <p>Condition 3.2.1 of the permit states "Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour".</p> <p>This means the operator has to manage their activities so that the activities shall not give rise to odour which are likely to cause pollution, hazard or annoyance outside the boundary of the site.</p> <p>We have assessed the Odour Management Plan submitted by the applicant against the H4 guidance on Odour Management and have deemed the measures as appropriate and in line with the guidance.</p>

The Odour Management Plan of 09/10/19 has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit.

**Response received from**

Mid and West Wales Fire and Rescue Service

**Brief summary of issues raised**

Section 3.4.2 makes reference to the use of heavy plant. Will this resource be available if a fire occurs "out of hours"? And, if so, what is the timeframe it would become available? The use of such plant can be critical in reducing fire spread by creating natural fire breaks between stacks.

**Summary of actions taken or show how this has been covered**

This question was raised in the Schedule 5 Notice of 17/09/2019.

Section 3.1 of the Fire Prevention & Mitigation Plan has been updated to state that site operatives trained in the use of the mobile plant (and the sites fire management procedures) can be on site within 1 hour of being notified of a fire. The heavy plant is to remain on site.

The amended Fire Prevention and Mitigation Plan of 09/10/19 has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit.

**Response received from**

Hywel Dda University Health Board

**Brief summary of issues raised**

The consultee has stated they have no grounds for objection based upon public health considerations contained within the application and provided the site is operated in line with current sector guidance.

1. We would recommend that the operator seeks suitable accreditation for the environmental management system within an agreed timescale.
2. The applicants fire risk assessment has followed the regulators guidance *Fire Prevention & Mitigation Plan Guidance – Waste Management*, in view of the potential local impact from a fire and to minimise risks the Regulator must ensure that the operations are managed in accordance with current guidance.
3. The applicant has detailed an odour management plan, the regulator should be satisfied that controls are suitable for the operations proposed.
4. The Regulator should be satisfied that the suitable management controls are included for all operations to ensure mitigation of noise.

**Summary of actions taken or show how this has been covered**

**1. Environment Management System**

There is no requirement for an EMS to be externally accredited. The EMS and supporting documents are in line with the requirements of our Technical Guidance Document: 'How to comply with your environmental permit'.

## **2. Fire Prevention & Mitigation Plan**

Condition 3.5 of the permit states "The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance. The operator shall, if notified by Natural Resources Wales that the activities could cause a fire risk, submit to Natural Resources Wales a fire prevention plan which identifies and minimises the risks of fire" and "The operator shall operate the activity in accordance with the fire prevention plan, from the date of submission, unless otherwise agreed in writing by Natural Resources Wales."

This means the operator has to manage their activities in line with the guidance.

We have assessed the Fire Prevention & Mitigation Plan submitted and have deemed the measures as appropriate and in line with the guidance- Fire prevention and mitigation plan guidance for Waste.

The Fire Prevention and Mitigation Plan of 09/10/19 has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit.

## **3. Odour**

Condition 3.2.1 of the permit states "Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour".

This means the operator has to manage their activities so that the activities shall not give rise to odour which are likely to cause pollution, hazard or annoyance outside the boundary of the site.

We have assessed the Odour Management Plan submitted by the applicant against the H4 guidance on Odour Management and have deemed the measures as appropriate and in line with the guidance.

The Odour Management Plan of 09/10/19 has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit.

## **4. Noise**

Condition 3.3.1 of the permit states "Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

This means the operator has to manage their activities so that the activities shall not give rise to noise and vibration which are likely to cause pollution, hazard or annoyance outside the boundary of the site.

Condition 3.3.2 of the permit states “*The operator shall*, if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to noise and vibration, submit to Natural Resources Wales for approval within the period specified, a noise and vibration management plan which identifies and minimises the risks of pollution from noise and vibration” and “The operator shall implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.”

This means that if noise and vibration pollution is identified, NRW can request a noise and vibration management plan, and it must be implemented.

The risk of noise is low due to the nature of the operation and measures in place, so a dedicated Noise and Vibration Management Plan has not been requested.

We have however incorporated the sections on noise from the Environmental Risk Assessment into Table S1.2 Operating Techniques in Schedule 1 of the permit to ensure risk of noise remains low.

### **Consultation our draft decision**

We received two responses from members of the public following our proposed decision to issue the permit during our minded to consultation. These responses and how we have considered them during our determination have been listed below.

<b>Topic</b>	<b>Brief summary of issues raised</b>	<b>Summary of actions taken or show how this has been covered</b>
Comments not within scope of our determination	Speed of lorries carrying waste	The Local Planning Authority determines whether the activity is an acceptable use of land. It considers matters such as visual impact, traffic, access issues and lighting, and whether an environmental impact assessment is required, which do not form part of our environmental permit decision making process.
	Heavy traffic causing damage to local roads	
	Location is not appropriate; an alternative site should be used.	
	Taxpayers money paying the Port Authority and executives	The commercial decisions or intentions of the operator are not relevant to this application.
	Recommendation to read Private Eye article on Rotten Boroughs- Pembrokeshire.	This comment is not relevant to the applicant's proposals in this permit application.
	Concern about a conflict of interest in that Pembrokeshire County Council are a statutory body, the permit holder and a potential polluter.	<p>We are satisfied that Pembrokeshire County Council will have control over the operation of the facility after we grant the permit in line with our regulatory guidance note RGN 1: Understanding the meaning of operator (version 4.0); and that the applicant will be able to operate the regulated facility in compliance with the conditions included in the permit.</p> <p>Pembrokeshire County Council are subject to the same regulatory requirements as any other permit holder.</p>
Pollution	Opposition to waste being sent abroad on polluting ships	Waste that is leaving the site is not being sent abroad via sea. Waste is being recovered mostly within Wales. This is detailed within the fire prevention and mitigation plan (FPMP).
	Concern of pollution from odorous toxic fluid from waste bales.	<p>Baled waste is not permitted to be accepted at this site.</p> <p>Waste is not permitted to be baled as part of the permitted treatment activities.</p> <p>No waste is permitted to be stored outside.</p>
	Further questions on how the fluid will be dealt with.	The drainage systems within all the buildings are sealed, no discharges or fluids will be able to leave the building.