

# **Natural Resources Wales permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for Land Adjacent to Ty Newydd operated by McKenna Waste Ltd.

The permit number is EPR/CB3096HG

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

## **Purpose of this document**

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

## **Structure of this document**

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

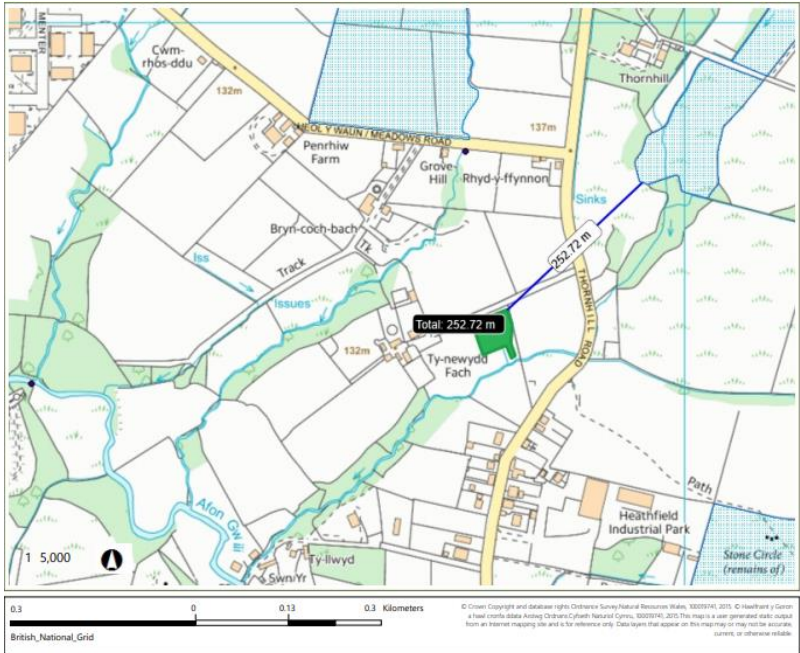


## Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising, and consultation responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit.  The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
Sustainable Management of Natural Resources (SMNR)		
Considerations of SMNR - Compliance with our General Purpose	We are satisfied that this decision is compatible with our general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources."	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility  A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).</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>The proposed permitted site (solid green area on map below) is located 252m South West of the closest section of the Caeau Mynydd Mawr SAC.</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> <p><b>No FORM 1 completed:</b></p> <p><u>HRA is not required because there is no conceivable impact pathway to any Natura 2000/Ramsar site</u></p> <p><i>Note: From OGN 200 - no conceivable impact on any Natura 2000 site, by virtue of the scale or location or nature of the project.</i></p>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The site has an impermeable surface with sealed drainage areas of the site that come into contact with waste, or where waste containers are stored has separate drainage whereby any water (eg.rainfall) is directed to an underground storage tank and therefore not connected to the Caeau Mynydd Mawr SAC. It is worth noting also that the waste types accepted by the site are inert and non-hazardous and all waste is stored in containers. Waste is only tipped onto the impermeable surface for sorting into individual containers (eg.skips). All skips are covered when not in use.</p> <p>All remaining areas of the site are deemed clean and are drained via interceptor (with isolator valve) and are discharged by soakaway. The operator has confirmed that the small drainage ditch south of the site runs east to waste in the opposite direct to the multiple areas of the Caeau Mynydd Mawr SAC. It is therefore not deemed that any water discharged by the soakaway on site would drain into the SAC but instead in an easterly direction towards the Afon Gwili.</p> <p>Due to the type site activities there should be minimal to no emissions to air or no emissions to land. The closest area of the Caeau Mynydd Mawr SAC is located over 250m from the site and is therefore conceived that any fugitive dust emissions would be deposited before reaching the Natura 2000 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. The operator has identified suitable measures in accordance with the relevant technical guidance note for waste activities; 'How to comply with your environmental permit'.</p> <p>The operator has provided an Odour Management Plan that details the measures used to prevent or minimise the odour emissions from the facility. These measures have been assessed and considered suitable to control</p>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>odour emissions from the facility in line with 'How to comply with your environmental permit', and H4 Odour Management.</p> <p>The operator has provided a Fire Prevention and Mitigation Plan that details the measures used to prevent or minimise of a fire at the facility. These measures have been assessed and considered in line with 'GN16 Fire Prevention and Mitigation Plan Guidance – Waste Management.</p> <p>The operator has also provided an Environmental Management Section document which outlines a number of measures to ensure the the site does not cause pollution during operation, including waste acceptance, and spillage. These measures have been assessed and considered suitable and in line with 'How to comply with your environmental permit' and 'Technical Guidance Note WM3: Waste Classification'.</p>	
<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 Operator has provided suitable pre-acceptance and waste acceptance criteria /procedures in their Environmental Management System document (Dated: March 2021, Ref: 275-01-06.R01 Rev 2) which is in line with our guidance.</li> <li>• The waste types and quantities proposed are consistent with type of facility and processes being undertaken at the site.</li> </ul> <p>We made these decisions with respect to waste types in accordance with Technical Guidance WM3 Waste Classification and Assessment and 'how to comply with my environmental permit'</p>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
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	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Technical competence	<p>Technical competency is required for activities permitted.</p> <p>The operator has provided details of Anthony Davis as the Technical Competent Manager who is a member of an agreed scheme and holds the necessary continuing competence certificates</p> <p>Anthony Davis holds the following qualifications which demonstrate a higher level of competency than required for the specific activities applied for:</p> <p>Primary Competency: WAMITAB Level 4 High Risk Competence for Managing Physical and Chemical Treatment of Hazardous Waste.</p> <p>Continuing Competence: LH: Landfill – Hazardous Waste, TSH: Transfer – Hazardous Waste, and TMH: Treatment – Hazardous Waste.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Relevant convictions	<p>Our Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓



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



## 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.

<b>Response received from</b>
Director of Public Health.
<b>Brief summary of issues raised</b>
<p>The Director of Public Health responded to our consultation outlining the following key points.</p> <ol style="list-style-type: none"><li><b>1) Fire Prevention and Mitigation Plan:</b> The applicant's fire prevention plan should meet the regulators guidance <i>Fire Prevention &amp; Mitigation Plan Guidance – Waste Management</i>, in view of the potential local public health impact from a fire and to minimise risks.</li><li><b>2) Odour Management Plan:</b> The applicant should provide a detailed an odour management plan and the regulator should ensure it is satisfied that the controls are suitable for the operations proposed and any complaints can be addressed.</li><li><b>3) Environmental Management System:</b> We would recommend that the operator seeks suitable accreditation for the environmental management system within an agreed timescale with the Regulator.</li></ol>
<b>Summary of actions taken or show how this has been covered</b>
<ol style="list-style-type: none"><li><b>1) Fire Prevention and Mitigation Plan:</b> The Operators Fire Prevention and Mitigation Plan has been assessed against the requirements of GN16 Fire Prevention and Mitigation Plan Guidance – Waste Management. We are satisfied that it meets our guidance. The operators Fire Prevention and Mitigation Plan has been added to Table S1.2 Operating Techniques.</li><li><b>2) Odour Management Plan:</b> The Operators Odour Management Plan has been assessed against the requirements of How to comply and our H4 Odour Management guidance. We are satisfied that it meets our guidance. The operators Odour Management Plan has been added to Table S1.2 Operating Techniques.</li><li><b>3) Environmental Management System:</b> The Operators Management System is not accredited and there is no requirements for the operator to hold an accredited Environmental Management System.</li></ol>

<b>Response received from</b>
Carmathenshire Council – Environmental Health
<b>Brief summary of issues raised</b>
<p>The Director of Public Health responded to our consultation outlining the following key points:</p> <ol style="list-style-type: none"><li><b>1) Noise:</b> The council indicated that the site had a number of planning conditions that were associated with noise emissions from the site.</li></ol>



These included reference to operational hours, noise survey, limitations to vehicles idling on or offsite, and silencing equipment to be fitted to all plant and machinery.

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

We reviewed the Operators Risk Assessment and Section 3.10 of the Operators Environmental Risk Assessment that outlined the controls to manage potential noise emissions from the site. We consider the measures outlined in the EMS meet the requirements of our *How To Comply* guidance. The above section of the EMS has been added to Table S1.2 Operating Techniques.