

**Natural Resources Wales permitting decisions**

# Orthios Feedstock (Anglesey) Limited (Feedstock Processing Centre) Decision Document

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## New bespoke permit

**The application number is:** PAN-011274

**The applicant is:** Orthios Feedstock (Anglesey) Limited (Orthios)

**The installation is located at:** Feedstock Processing Centre, Orthios Eco Park, Penrhos Works, Holyhead, Anglesey, LL65 2UX

We have decided to grant the permit for Feedstock Processing Centre operated by Orthios Feedstock (Anglesey) Limited. 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.

Orthios Feedstock (Anglesey) Limited applied for an environmental permit to operate a non-hazardous material recycling facility (MRF) at Orthios Eco Park, Penrhos, Holyhead. The proposed facility is part of a larger plan to develop an Eco Park site to provide regional economic development aligned with the principles of the circular economy.

The Feedstock Processing Centre will operate a MRF, which shall exist as a single stationary technical unit. The facility shall incorporate the use of standard mechanical processing plant and equipment and manual sorting to process (or re-process) specific waste streams for recovery elsewhere.

Initially, the facility shall treat and remove from the site approximately 8,700 tonnes of baled waste that presently exists within the proposed treatment building (the Feedstock Processing Building). The existing baled waste comprises mostly plastic and paper/card with very minor quantities (<5%) of other fractions, e.g. metals etc.

The facility will use mechanical/manual sorting to separate the waste fractions. All fractions with the exception of the plastic fraction will be transported off-site for recovery or disposal, with recovery options prioritised. The plastic fraction will be transported to an adjacent development within the Eco Park for co-incineration (referred to as the Plastics Depolymerisation Unit or PDU) operated by Orthios Otech 5 under a LAPPC permit issued by Isle of Anglesey County Council. Once the existing

baled waste has been treated and removed, selected waste streams will be accepted for pre-treatment to supply the adjacent PDU process.

### **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.

## Key issues of the decision

### Receipt of application

The application was received at Natural Resources Wales (NRW) on 19<sup>th</sup> August 2020 and was accepted as duly made on 10<sup>th</sup> February 2021. 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.

### Confidential information

The applicant made no claim for commercial confidentiality. We have not received any information in relation to the application that appears to be confidential in relation to any party.

### Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.

### Consultation

The consultation requirements were identified and implemented. The decision was taken in accordance with Environmental Permitting Regulations (EPR) Regulatory Guidance Note (RGN) 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.

A copy of the application and all other documents relevant to our determination are available for the public to view. Anyone wishing to see these documents could arrange for copies to be made.

We sent copies of the application to the following bodies, which includes those with whom we have “Working Together Agreements”:

- **Anglesey County Council**
- **Public Health Wales**
- **Health and Safety Executive**
- **North Wales Fire and Rescue Service**

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly.

The consultation started on **24<sup>th</sup> February 2021** and ended on **24<sup>th</sup> March 2021**.

An advert was also placed on our website. A more detailed consultation was sent to North Wales Fire and Rescue Service on 15<sup>th</sup> March 2021.

On completion of the draft determination, we advertised this draft determination on our website between 08/07/2021 and 05/08/2021.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 1. We have taken all relevant representations into consideration in reaching our determination.

### **Operator**

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.

### **The facility**

The extent/nature of the facilities taking place at the site required clarification. The decision on the facility was taken in accordance with EPR RGN 2 Understanding the meaning of regulated facility.

The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities:

Schedule 1 activities:

- Schedule 1, Part 2, Chapter 5, Section 5.4: Disposal, recovery or a mix of disposal and recovery of non-hazardous waste – Part A(1)(b) Recovery or a mix of recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day (or 100 tonnes per day if the only waste treatment activity is anaerobic digestion) involving one or more of the following activities, and excluding activities

covered by Council Directive 91/271/EEC – (ii) pre-treatment of waste for incineration or co-incineration.

Directly associated activities:

- Storage of waste prior to or following pre-treatment for incineration or co-incineration.

The regulated facility is also a waste operation at which the following recovery and disposal operations will be undertaken:

D13, D15, R3, R13

Supporting information provided with the application contained a list of wastes to be accepted on to the site, which originally included some absolute hazardous waste types. The list also included numerous waste types for which the applicant had included both the hazardous and non-hazardous mirror entries. This was queried with the applicant at duly making stage. Orthios confirmed that there will be no hazardous waste types accepted on to the site, and submitted an updated list of wastes.

### Legislation

NRW is satisfied that this decision is compatible 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

All applicable European directives have been considered in the determination of the application.

### The site

The site at which the regulated activity shall take place is located within the former Anglesey Aluminium smelter site at Penrhos, Holyhead. The Feedstock Processing Building exists from the previous development and is currently being used to store approximately 8,700 tonnes of baled waste which shall be processed and removed from the site as part of the proposed regulated activity.

The Feedstock Processing Building is largely already fit for the proposed purpose. The internal floor area is impermeable and shall be finished with a sealed drainage system.



The building perimeter is equipped with a low wall. All waste to be accepted will be solid and will be in a largely dry state, i.e. pre-processed and baled. The waste streams are potentially combustible, therefore the wall shall serve to contain any fire water that may be produced in the event of a fire.

The area surrounding the Feedstock Processing Building comprises site roads and a mix of impermeable and hardstanding areas. The external areas included within the permit boundary shall be used for reception of wastes, the storage of untreated/treated wastes, a quarantine area and for the transfer of waste between the storage area and the Feedstock Processing Building using mobile plant, i.e. forklift trucks. All waste activities including waste reception, storage, quarantine and internal transfer shall be conducted on impermeable surfaces with sealed drainage which shall be of sufficient capacity to retain a spillage of firewater in the event of a fire.

The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. This plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

### **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).

The site condition report has been completed using NRW's site condition report approved template. The operator has considered the geology, hydrogeology and hydrology of the land. There is no recorded pollution history for the site, e.g. pollution incidents, visual/olfactory evidence of existing contamination, evidence of damage to pollution prevention measures. The former use of the wider site as an Aluminium production facility and the potential impact of that activity on the land have been subject to a number of studies. A Technical Memorandum produced by Golder Associates in 2010 presents a summary of the conditions of the ground at the wider site, based on the findings of the previous studies and two intrusive investigations conducted by themselves in 2007 and 2008. The Phase II environmental site

investigation conducted by Golder Associates in 2007 did not record any evidence for potential contamination.

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

The application is within the relevant distance criteria of multiple sites of nature conservation. A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of any of the sites listed below.

The following sites were considered:

Special Areas of Conservation (SACs) within 10km of the installation:

**Llyn Dinam SAC** – Site code UK0030186 (nearest point is approximately 5.67km away from the installation)

**Glannau Ynys Gybi/Holy Island Coast SAC** – Site code UK0013046 (nearest point is approximately 3km away from the installation)

**Gogledd Môn Forol/North Anglesey Marine SAC** – Site code UK0030398 (nearest point is approximately 0.56km away from the installation)

Special Protection Areas (SPAs) within 10km of the installation:

**Glannau Ynys Gybi/Holy Island Coast SPA** – Site code UK9013101 (nearest point is approximately 2.6km away from the installation)

**Morwenoliaid Ynys Môn/Anglesey Terns Potential SPA** – Site code UK9013061 (nearest point is approximately 0.26km away from the installation)

Sites of Special Scientific Interest (SSSIs) within 2km of the installation:

**Beddmanarch-Cymyran SSSI** – Site code 31WYB (nearest point is approximately 1km away from the installation)

Local nature sites (ancient woodlands, local wildlife sites and national and local nature reserves) within 2km of the installation:

**Ten ancient woodlands** (closest one is approximately 0.5km away from the installation)

An OGN 200 Form 1 (Habitats Regulation Assessment) was completed to assess the potential effects of the proposed installation on the Natura 2000 sites (SACs and SPAs), and an Appendix 4 Form (CRoW Act Assessment) was completed to assess the potential effects of the proposed installation on Beddmanarch-Cymyran SSSI. Both forms were forwarded to our internal environment team for consultation and notification and are available on the public register.

The Form 1 assessment concluded that the installation is not likely to have a significant effect on any of the Natura 2000 sites because there is no impact pathway from the proposal to any of the site features. This will also apply to the nearby ancient woodlands. The Appendix 4 Form assessment concluded that the installation is not likely to damage any of the features of the SSSI site. Both assessments were reviewed by an NRW conservation technical specialist who confirmed agreement with the conclusions.

## Environmental Risk Assessment

### Air

There are no point source emissions to air from the proposed installation.

### Water

There are no point source emissions to water from the proposed installation.

### Soil

There are no point source emissions to soil from the proposed installation.

### Odour

Odour is not expected to be a significant factor for this site; the list of waste types to be accepted on to the site (submitted by the applicant) does not include particularly odorous wastes. However, there is potential for some odour to arise from waste storage and processing.

An odour risk assessment was completed by the applicant and assessed by us. The closest sensitive human receptors are located approximately 250m away at a retail park to the west/north west of the proposed site, and the nearest residential properties are located at Penrhos Farm within Penrhos Coastal Park, approximately 270m to the

north east of the site. The nearest footpath is the Penrhos Coastal path located along the Penrhos Beach, approximately 260m to the north of the application site boundary.

Orthios has stated a number of odour management techniques to be employed including:

- Waste pre-acceptance and acceptance procedures to control the receipt of potentially odorous wastes
- Operational controls on waste inventory quantities and storage duration
- First in first out controls on waste
- Only non-putrescible waste accepted
- General housekeeping
- Maximum storage retention times
- Daily site inspections
- All waste processing to be conducted within a building

We have compared the measures proposed for the site to the standards set out in Sector Guidance Note (SGN) S5.06: Recovery and disposal of hazardous and non-hazardous waste, and are satisfied that the techniques represent appropriate measures for the installation. Based upon the information provided in the application we are satisfied the overall risk of odour emissions is low.

Permit condition 3.2.1 requires that emissions from the activities are free from odour at levels likely to cause pollution outside the site. We are satisfied that this condition will be sufficiently protective in conjunction with the measures described by the applicant for minimising odour production at the installation.

### Noise

The most likely sources of noise from the site would be engine noise from vehicles entering/leaving site, noise from unloading of wastes, noise from movement of mobile plant within the site (i.e. reversing beepers from forklifts and shovels), and noise from the operation of mechanical waste treatment equipment (i.e. shredder, trommel) within the Feedstock Processing Building.

A noise and vibration risk assessment was completed by the applicant and assessed by us. As mentioned above the closest sensitive human receptors are located approximately 250m away from the site at a retail park, and the nearest residential properties are located approximately 270m away.

Orthios has stated a number of noise and vibration management techniques to be employed including:

- All waste treatment activities to be conducted within the Feedstock Processing Building
- All equipment to be maintained and operated in accordance with manufacturer's guidance and to be maintained in good working order. Any defective silencing systems to be repaired as soon as practicable.
- Vehicles delivering waste to be fit for purpose and maintained in good working order
- Waste not to be delivered to site outside of the consented hours of working
- Mobile plant to be located away from noise-sensitive receptors
- Dropping materials from height to be avoided
- All plant to be switched off when not in use
- The monitoring of noise levels generated by the operation to be checked daily by staff

In addition to the above, mature trees will provide noise screening for the nearest residential receptors

We have compared the measures proposed for the site to the standards set out in SGN S5.06: Recovery and disposal of hazardous and non-hazardous waste, and are satisfied that the techniques represent appropriate measures for the installation. Based upon the information provided in the application we are satisfied the overall risk of noise emissions is low.

Permit condition 3.3.1 requires that emissions from the activities are free from noise at levels likely to cause pollution outside the site, as perceived by an officer of NRW. We are satisfied that this condition will be sufficiently protective in conjunction with the

measures described by the applicant for minimising noise production at the installation.

### **Fugitive emissions**

The most likely sources of fugitive emissions from the site would be:

- Dust
- Pests such as flies on waste. The types of wastes proposed to be accepted at the site are unlikely to attract pests, however the site would be inspected by site operatives for evidence of infestations of pests, vermin and insects on a routine basis. If specific waste is found to be responsible for attracting scavengers or pests or infestation, this waste would be removed from the waste facility as soon as practicable and/or measures put in place to remove the pests. A specialist pest control contractor would be used if required. Contact details of a suitable contractor would be maintained on site.
- Litter from baled waste storage areas. The types and form of wastes proposed to be accepted at the site are unlikely to result in the generation of litter. However, the boundary of the site would be regularly checked and any windblown litter collected and disposed of appropriately. It would be the responsibility of the site staff to constantly monitor the site for any signs of escaping materials either from within the buildings/covered storage bays or from vehicles delivering or removing wastes to and from the site.

A fugitive emissions risk assessment was completed by the applicant and assessed by us. As mentioned above the closest sensitive human receptors are located approximately 250m away from the site at a retail park, and the nearest residential properties are located approximately 270m away.

Orthios has stated a number of fugitive emissions management techniques to be employed including:

For dust:

- All trafficked/waste transfer areas to be subject to regular sweeping using a mechanical brush
- All waste treatment activities conducted will be done so within a building

- Only baled waste shall be accepted
- General housekeeping to keep internal and external areas clear of mud and/or waste accumulations
- Daily site inspections

For pests:

- Only non-putrescible waste accepted
- General housekeeping to keep internal and external areas clear of mud and/or waste accumulations
- Maximum waste storage retention times to be applied
- Daily site inspections

For litter:

- General housekeeping including cleaning rota
- All trafficked/waste transfer areas to be subject to regular sweeping using a mechanical brush
- Daily site inspection

We have compared the measures proposed for the site to the standards set out in SGN S5.06: Recovery and disposal of hazardous and non-hazardous waste, and are satisfied that the techniques represent appropriate measures for the installation. Based upon the information provided in the application we are satisfied the overall risk of fugitive emissions is low.

### Fire

As they will be storing combustible waste materials on site, Orthios were required to submit a Fire Prevention and Mitigation Plan (FPMP) as part of their application. Their submitted Plan was assessed against NRW's FPMP Guidance – Waste Management, using the relevant internal checklist. The assessment identified some missing information from the operator's submitted Plan, along with some information which required further clarification.

The operator's Plan and NRW's assessment findings were forwarded to North Wales Fire and Rescue Service for detailed consultation on 15<sup>th</sup> March 2021. Comments were received in response to the consultation on 25<sup>th</sup> March 2021.

Comments from the Fire Service, along with our own queries on the operator's FPMP were raised with the operator via a Schedule 5 request for further information on 12<sup>th</sup> April 2021. We requested that the operator update their Plan to address the issues raised in the Schedule 5 notice, and re-submit it. An updated Plan was received by NRW on 10<sup>th</sup> May 2021, which we considered to be satisfactory. The Schedule 5 request extended the statutory determination period of the application by 28 days.

### **Monitoring**

There is no requirement for monitoring.

### **Reporting**

We have specified reporting in the permit.



## **Operating techniques**

We have reviewed the techniques which shall be used by the operator and compared these with the relevant guidance notes.

The proposed techniques are in line with those contained in SGN S5.06: Recovery and disposal of hazardous and non-hazardous wastes, and we consider them to represent appropriate techniques for the facility.

We have also requested that the operator submit a report on how their site will meet the BAT conclusions for waste treatment as published in the Waste treatment Briefing reference documents (BRef) for waste treatment published in 2018.

They submitted a response demonstrating on how they will comply with the relevant BAT conclusions when the site is operational (or otherwise state and justify the ones that are not applicable). We assessed their response and found it to be satisfactory.

## **The permit conditions**

### **Use of conditions other than those from the template**

Based on the information in the application, we do not 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. The operator will be permitted to accept up to 450 tonnes per day of non-hazardous baled waste. Table S2.1 in the permit includes a list of waste type codes which can be accepted; the list corresponds to the updated list of waste types submitted by the applicant on 10<sup>th</sup> February 2021. We are satisfied that the operator can accept these wastes for processing in the Feedstock Processing Centre.

We made these decisions with respect to waste types in accordance with SGN S5.06: Recovery and disposal of hazardous and non-hazardous waste.

### **Pre-operational conditions**

Based on the information in the application, we do not consider that we need to impose pre-operational conditions.

### **Improvement conditions**

Based on the information on the application, we do not consider that we need to impose improvement conditions.

### **Conditions where the consent of another person is needed.**

Based on the information submitted in the application, we do not consider that it is necessary to impose conditions where the consent of another person is needed.

### **Incorporating the application**

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.

These descriptions are specified in the Operating Techniques table in the permit.

## **Operator Competence**

### **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. As part of their application the operator submitted a working draft of their Environmental Management System (EMS). The management system will be accredited to ISO14001. The decision was taken in accordance with EPR RGN 5 on Operator Competence.

### **Technical competence**

A relevant conviction under the Environmental Permitting (England and Wales) Regulations 2016, for Mr Warren Steele as the proposed Technically Competent Manager (TCM) for the facility was declared within the application. This has been considered within the determination process against RGN 5: Operator Competence and Environmental permitting: Core guidance For the Environmental Permitting (England and Wales) Regulations 2016.

Our assessment raised concerns that Mr Steele would not be competent (i.e. would not comply with or would not be willing to comply with permit conditions) and therefore could not act as a suitable TCM.

An alternative TCM was requested via an email on 3<sup>rd</sup> June 2021. The applicant responded on 4<sup>th</sup> June 2021 confirming that Clair Thomas would act as an alternative TCM. Clair Thomas holds a relevant Certificate of Technical Competence (COTC) under the Waste Management Industry Training and Advisory Board (WAMITAB) scheme, meets the relevant criteria as defined in the guidance referenced above, and was accepted.

Our Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found for the replacement TCM. The operator satisfies the criteria in RGN 5 on Operator Competence.

#### **Relevant convictions**

See section above on Technical competence.

#### **Financial provision**

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 EPR RGN 5 on Operator Competence.

#### **OPRA**

The OPRA score at permit issue is 44.

## **ANNEX 1: Consultation Responses**

### **A) Advertising and Consultation on the Application**

The application has been advertised and consulted upon in accordance with Natural Resources Wales Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex. Copies of all consultation responses have been placed on Natural Resources Wales public register.

## 1) Consultation Responses from Statutory and Non-Statutory Bodies

Response Received from Public Health Wales	
Brief summary of issues raised:	Summary of action taken / how this has been covered
TCM has an unspent conviction of a relevant offence under EPR	Alternative TCM was requested and has been accepted (see section above on Technical competence)
Only wastes meeting the permitted acceptance criteria shall be received for treatment and any wastes suspected of failing to meet the criteria to be removed off site promptly to ensure control of odours and fugitive dusts and litter	Operator will have in place waste pre-acceptance and acceptance procedures to control receipt of wastes. Odour and fugitive emissions risks have been assessed and NRW are satisfied that the overall risk from these hazards is low (see sections above on Odour and Fugitive emissions)
Operations should be managed in accordance with current guidance in view of the potential public health impact from a fire and to minimise risks	The operator's FPMP submitted as part of the application is in line with NRW's fire prevention guidance (see section above on Fire)
The surface water drainage system should have enough capacity to contain any fire water generated on site during a fire incident	This is covered in the operator's FPMP, submitted as part of the application

## 2) Consultation Responses from Members of the Public and Community Organisations

### a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils

Response Received from	
Brief summary of issues raised:	Summary of action taken / how this has been covered
None	

### b) Representations from Community and Other Organisations

Response Received from	
Brief summary of issues raised:	Summary of action taken / how this has been covered
None	

### c) Representations from Individual Members of the Public

Response Received from
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Brief summary of issues raised:	Summary of action taken / how this has been covered
None	

