

# **Natural Resources Wales permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for New Lodge Farm operated by Gavin Griffiths Recycling Ltd.

The permit number is EPR/CB3297ZG/A001

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.  We received no responses from: - Public Health Wales.	✓
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>The Operator has elected to undertake additional site investigation to fully characterise the site and set a baseline condition. Although the operator provided some information alongside this application it was determined that it was not adequate to set a baseline condition.</p> <p>We have included a pre-operational condition to the permit as outlined below in the pre-operational condition section of this document.</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>A full assessment of the application and its potential to affect the Site of Special Scientific Interest (SSSI) present within 2km of the site has been carried out as part of the permitting process. We consider that the application will not affect the features of the protected sites.</p> <p>There were no Special Area of Conservation (SACs), Special Protection Area (SPAs), or RAMSARs within the 1km screening distance of the proposed site boundary. Therefore there was no requirement to undertake a HRA assessment.</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>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>The operator has provided a Dust Management Plan that details the measures used to prevent or minimise the dust emissions from the facility. These measures have been assessed and considered suitable to control dust emissions from the facility in line with 'How to comply with your environmental permit'. This management plan has been incorporated into the permit.</p> <p>The operator has provided a Noise Management Plan that details the measures used to prevent or minimise noise emissions from the facility. These measures have been assessed and considered suitable to control noise emissions from the facility in line with 'How to comply with your environmental permit'. This management plan has been incorporated into the permit.</p> <p>The operator has provided an Environmental Management System document which outlines a number of measures to ensure that the site does not cause pollution during operation. This includes measures for waste pre-acceptance and waste acceptance criteria, refuelling plant and machinery, control of mud and litter, 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'. Relevant parts of the Environmental Management System have been incorporated into the permit.</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 as they are consistent with the type of activity they wish to undertake, and the environmental controls outlined within the permit application.</p> <p>We made these decisions with respect to waste types in accordance with 'Technical Guidance WM3: Guidance on the classification and assessment of waste' and our 'How to comply with your environmental permit' guidance.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose an improvement condition.</p> <p>We have imposed an improvement condition to require the operator undertake another noise impact assessment (NIA). The aim of this NIA would be to validate the assumptions/estimates made in the noise modelling undertaken as part of this application and ensure that noise rating levels are, in practice, below levels likely to impact local receptors, as suggested in this application.</p>	
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>Site Condition Report</p> <p>At the time of permit determination the operator had not fully characterised the site in a manner which would capture all existing contamination on the site. NRW advised the operator that additional sampling for soil and groundwater would be required to set a suitable baseline for the site.</p> <p>The operator decided they would like to collect the additional samples and provided the results to NRW for assessment.</p> <p>The baseline data within the Site Condition Report does not need to be assessed prior to the permit being issued but they do need to be assessed prior to the operator being activities on site.</p> <p>Acoustic Embankment and Barriers</p> <p>The operators Noise Impact Assessment included a number of embankments/barriers around the site boundary to ensure to assist in reducing the noise emissions from the site. As these are required to ensure that the noise rating levels from the site are unlikely to impact local receptors. We have set a pre-operational</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>condition to ensure that these are in place before operations under permit begin.</p> <p>We therefore have set a pre-operational condition within the permit for the operator to provide the additional baseline data.</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>	✓
Technical competence	<p>Technical competency is required for activities permitted.</p> <p>The operator is a member of an agreed scheme.</p> <p>The Technical Competent Manager Anthony Davis holds the appropriate Level 4 High Risk Operator Competence for Managing Physical and Chemical Treatment of Hazardous Waste.</p> <p>Anthony also holds the appropriate Continuing Competence Certificate at the time the application was submitted however this expired during the determination. Anthony intends to undertake the continuing competence certificate assessment again but there are delays at the test centres.</p> <p>With this in mind a temporary TCM will be in place until Anthony Davis can attain the correct CCC required.</p> <p>Jake Stephens of Gavin Griffiths Recycling Limited holds the Environmental Permit Operators Certificate.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>This is the appropriate level of Technical Competence for the proposed site activities. Jake will be the TCM for the site in the interim.</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. No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial competence	<p>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.</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.)

Response received from
Director of Public Health – Hywel Da University Health Board
Brief summary of issues raised
We have no ground for objection based upon the public health considerations contained within the application and provided the site is operated in line with current sector guidance.
Summary of actions taken or show how this has been covered
N/A

Response received from
Carmarthenshire County Council - Planning
Brief summary of issues raised
<ol style="list-style-type: none"><li>1. Carmarthenshire County Council raised concerns in regards to potential noise and dust complaints they have received although it has not been confirmed that these had derived from the site.</li><li>2. CCC have suggested that the following should be addressed in any permit issued by NRW. This includes<ol style="list-style-type: none"><li>a) extent of the operations in respect to tonnage, use, and storage.</li><li>b) ultimately lower inert grade material only which can only be utilised in reshaping the existing landform.</li><li>c) and the need for ground profiles</li><li>d) drainage requirements</li><li>e) the long term use of the facility and adjacent land to provide a managed sustainable productive land with safe and secure highway access.</li></ol></li><li>3. CCC have also suggested the following points would need to be addressed:<ol style="list-style-type: none"><li>a) Japanese Knotweed and the biodiversity linkage to the neighbouring SSSI</li><li>b) Highways access from the dual carriageways</li><li>c) The site has historically had a problem with space, machinery and operational issues.</li></ol></li></ol>
Summary of actions taken or show how this has been covered
<ol style="list-style-type: none"><li>1. As part of their application the operator provided a Noise Impact Assessment (with noise management plan) and Dust Management Plan. Both of these documents have been reviewed as part of the determination alongside the relevant guidance including <i>How to</i></li></ol>



*comply with your environmental permit, H3 noise assessment and control, and BS4142 methods for rating and assessing industrial and commercial sound.*

The Operators Dust Management Plan and Noise Management Plan have been included into Table S1.2 Operating Techniques in the permit.

2. We respond to each comment in turn in the following bullet points:
  - a) The permit outlines the extent of the permitted activities both in defining the site boundary but also in limiting the activities that can be undertaken on site. The permit sets an annual permitted throughput of 150,000T per annum. The waste can only be accepted to be treated for recovery through sorting/separation, screening, crushing, and blending.
  - b) This permit does not allow the operator to deposit waste to land. They therefore cannot use any waste accepted to reshape the existing landform on site.
  - c) It is not considered necessary for ground profiles as the operation is not intending to deposit any waste accepted to land. The site is permitted to treat waste aggregates and soils to for recovery elsewhere. This is therefore considered outside the remit of the determination of this environmental permit.
  - d) The operator has outlined the site drainage arrangements within their application. This appears to be appropriate for the proposed site activities.
  - e) This is outside the remit of the determination of this environmental permit.
3. We respond to each comment in turn in the following bullet points:
  - a) The presence of Japanese Knotweed on site is outside of the remit of the environmental permit. We have assessed the sites potential impact on protected sites (SSSI) during the determination through Appendix 4 assessments. A summary of our assessment is outlined above.
  - b) This is outside the remit of the determination of this environmental permit.
  - c) This comment is based on the historical land uses during a time when the site was owned by a previous land owner and therefore does not appear relevant to this determination. However, the operator has provided an Environmental Management System which outlines the site procedures in regards to the use of plant and machinery and their maintenance. Relevant sections of the EMS have been included in Table S1.2 Operating Techniques in the permit.

<b>Response received from</b>
Carmarthenshire County Council – Environmental Health
<b>Brief summary of issues raised</b>
There were some concerns as to whether the activity would require a Part B permit for the crushing of brick, tile and concrete. The following additional information was requested:

- a) Confirmation that materials being crush would be limited to the description provided or whether they would be mixed.
- b) Whether the plant used on site would be used at this site alone or other sites.
- c) Whether the plant used would be defined as 'waste mobile plant'.
- d) Whether there were suitable conditions within the permit/application to ensure that there is a minimisation of fugitive emissions and whether a Part B permit already existed on site and how we can ensure dual regulation is avoided.

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

- a) Confirmation was provided that the waste treated on site was included in the application documents. This list would be the only waste allowed to be treated on site should the permit be granted and that it included a wider list of waste types the brick, concrete and tiles.
- b) We suggested that the application tha the crusher wil remain on site (although, this was confirmed later by the CCC environmental health as not the case and it will move around Gavin Griffiths Recycling Limited sites).
- c) Confirmation was provided that the operator had applied for a site based permit.
- d) Confirmation was provided outlining that any permit we issue, would include a permit condition in regards to 'emissions of substances not controlled by emission limits' which covers the emissions of fugitive dusts. As part of our determination we have also assessed the operators Dust Management Plan to ensure the emissions of dust are controlled on site. The entire dust management plan has also be included in the operating techniques table making compliance with the dust management plan a permit condition in itself. This is our standard approach for all permits in regards to fugitive dust emissions. We also confirmed we did not know whether the site had a Part B permit currently.