

## **Natural Resources Wales permitting decisions**

### **Forward Waste Management Limited (East Moors Road Waste Transfer Station North) Decision Document**

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As there are no expected emissions to air, water or sewer (apart from uncontaminated surface water to sewer) there are no monitoring limits and therefore no reporting is associated with these. Annual Treatment and performance reporting parameters (on an annual basis) have been specified in Table S4.2 and S4.3 respectively.....	10
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## New bespoke permit

**The application number is: PAN-014858**

**The applicant /operator is: Forward Waste Management Limited**

**The Installation is located at: Waste Transfer Station, 122-128 East Moors Road, Cardiff CF 24 5EE**

We have decided to grant the permit for East Moors Road Waste Transfer Station North operated by Forward Waste Management 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.

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

This application was originally submitted on 27/04/2020 however, the application was withdrawn on 04/05/2021 because of drainage issues. The application was re-submitted as of 03/08/2021 and was duly made on 13/09/2021.

### Confidential information

A claim for commercial or industrial confidentiality has not been made.

### 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 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 (see below) 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”:

- **Cardiff Council Planning Department**
- **Cardiff Council Environmental Health Department**
- **Health and Safety Executive**
- **South Wales Fire and Rescue Service**
- **Public Health Wales**

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 **14/09/2021** and ended on **13/10/2021**.

An advert was also placed on our website.

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 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.

- Section 5.3 Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities:
  - ii) involving blending or mixing prior to submission to any of the other activities listed in this Section or in Section 5.1.
  - iv) repackaging prior to submission to any of the other activities listed in this Section or in Section 5.1
- Section 5.6 (a) Temporary Storage of hazardous waste with a total capacity exceeding 50 tonnes pending any of the activities listed in Sections 5.1. 5.2., 5.3 and paragraph (b) of this Section.

Directly Associate activity

A3 Discharge of uncontaminated surface water

The regulated facility is a waste operation at which the following [recovery and disposal] operations will be undertaken.]

R3: Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes;

R4: Recycling/reclamation of metals and metal compounds;

R5: Recycling/reclamation of other inorganic materials; and

R12: Exchange of wastes for submission to any of the operations numbered R1 to R11 (other than R3-R5);

R13: Storage pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced);

D13: (Blending or mixing prior to submission to any of the operations numbered D1 to D12)

D14: Repackaging prior to submission to any of the operations numbered D1 to D13; and

D15: Storage pending any of the operations numbered D1 to D14 (excluding temporary storage pending collection on the site where it is produced).

### 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 operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.

The site is located on East Moors Road, within a large commercial and industrial area to the south east of Cardiff City Centre. The Installation will occupy an area of approximately 0.25ha.

A 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 in their "APPLICATION SITE CONDITION REPORT" document.

A desk study was carried out to assess the condition of the site. Due to the extent and good condition of the site infrastructure, in particular the impermeable concrete hardstanding, an intrusive investigation is not considered to be required. Moreover, undertaking an intrusive investigation would require drilling through the site surfacing which would create pollution pathways and could also affect the integrity of the surrounding concrete.

The British Geological Survey records the underlying superficial geology as Tidal Flat Deposits including mud flat and sand flat deposits consisting of unconsolidated sediment, mainly mud and/or sand. These deposits may form the top surface of a deltaic deposit. Normally categorised as a consolidated soft silty clay, with layers of sand, gravel and peat.

The bedrock is recorded to be the Mercia Mudstone Group, consisting of dominantly red, less commonly green-grey, mudstones and subordinate siltstones with thick halite-bearing units in some basinal areas. Thin beds of gypsum/anhydrite widespread; sandstones also present.

It should be noted that artificial Made Ground is also recorded to underlie the Installation. Made Ground of unknown chemical composition and origin may be associated with potentially contaminated material.

The site has been previously housed railway sidings/depot, rolling stock works and metal management operations. The surrounding areas have been occupied by predominantly industrial activities.

There are six pollution incidents to contaminated waters reported within 1km of the Installation. Given the permeable nature of the underlying strata, designated as a Secondary B Aquifer, migration of pollutants from up gradient sources i.e., leaching of contaminants within the unsaturated zone resulting in migration within the saturated zone, cannot be discounted. Up gradient activities identified from historic mapping include the East Moors Reservoirs landfill into which inert, industrial, commercial, household and special waste was deposited. Given the nature of surrounding industrial land usage, as described above, the landfill of contaminated construction, demolition and waste materials is considered likely.

The site was operated as a metal recycling site by Sims Metal Management for many years prior to the proposed land use as part of FWM's operations. Given the presence of concrete hardstanding across the entire site area, it is anticipated that this land usage would not have had a significant negative impact on soils and groundwater underlying the Installation.

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**

The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.

A full assessment of the application and its potential to affect the sites/species/habitat has been carried out as part of the permitting process. We consider that the application will not affect the features of the site/species/habitat.

### **Environmental Risk Assessment**

There will be no point source emissions to land, water, air or sewer. Only clean surface runoff will be discharged to foul sewer as part of the proposed activities. We are therefore satisfied that no further risk assessment is required.

#### **Odour**

Forward Waste Management are not proposing to accept any waste which is likely to be odorous in nature. Furthermore, the environmental risk assessment has demonstrated that odour emissions are not considered to be significant. Consequently, an Odour Management Plan is not required as part of this application.

#### **Noise**

The Installation is located in a predominantly industrial setting and the only processing activity proposed is related to the crushing of empty waste containers. The environmental risk assessment has demonstrated that noise emissions are not considered to be significant. Consequently, a Noise Management Plan is not required as part of this application.

### **Fugitive emissions**

#### **Fugitive Emissions to Air**

The potential sources of fugitive emissions to air from the proposed operations include:

- movement of transport vehicles into and out of site;
- storage of the waste materials; and
- loading of waste;
- crushing containers

There will be no tipping of loose waste material. All waste will be containerised. Therefore, the risk of fugitive emissions to air is considered to be low. All unloading/loading will take place in a dedicated area which benefits from a fully

contained drainage system. Only completely empty containers will be accepted for crushing therefore, there will be no fugitive emissions to air from this activity.

### Fugitive Emissions to Surface Water, Sewer and Groundwater

The operational areas are surfaced with impermeable concrete and the Installation boundary is enclosed by raised perimeter concrete kerbing and a sleeping policeman.

Fugitive releases to the groundwater will be prevented by conducting all operations, including the unloading of deliveries, storage of waste materials, processing (crushing) and handling in areas sealed with an impervious barrier to prevent a pathway for migration to ground and groundwater.

The entire Installation will benefit from concrete hardstanding with a 150mm high perimeter kerbing and one 85mm high sleeping policeman at the entrance. The loading and unloading of waste delivered to and removed from the site will take place within a fully contained sealed drainage area described as follows. Four new Penstock Isolation Valves will be installed as part of the new fully contained drainage system. During operating hours, penstock valves 1 and 2 will be switched to the open position in order to ensure liquids drain to the underground fully bunded storage tank which will isolate site drainage for the duration of the shift. Penstock Isolation Valves 3A and 3B will be installed and will be in the closed position during operating hours to ensure if a spillage or loss of containment occurs within the operational areas of the Installation, any potentially polluting material will not leave the site. Consequently, the entire Installation is bunded.

The designed fall of the unloading/loading area, together with the Aco drains, will ensure that if an incident occurs the entire contents of the load will be captured and directed to an underground bunded 36,400l tank.

All storage vessels will be inspected on arrival at the site as part of the acceptance procedure to ensure that they are in good condition with no obvious signs of leakage or loss of integrity. Any evidence of the above will result in the waste not being accepted at the Installation. The inspections will be repeated daily, and any evidence of damage, deterioration or leakage will be recorded, and faults repaired or contents transferred to another container.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise fugitive emissions and to prevent pollution from fugitive emissions.

### Monitoring

Monitoring is not required because the site has no point source emissions.

### Reporting

We have specified reporting in the permit.

As there are no expected emissions to air, water or sewer (apart from uncontaminated surface water to sewer) there are no monitoring limits and therefore no reporting is associated with these. Annual Treatment and performance reporting parameters (on an annual basis) have been specified in Table S4.2 and S4.3 respectively.

### **Operating techniques**

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

The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.

### **Fire Prevention and Mitigation Plan**

A full assessment of the fire prevention and mitigation plan has been carried out and it has been deemed adequate and in line with the relevant guidance. The plan has also been reviewed by a representative from the South Wales Fire service who has stated that they are happy with the site's fire management procedures.

### **The permit conditions**

#### **Waste types**

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons

1. The technically competent manager holds the appropriate approved scheme to show they have the suitable technical skills and knowledge to manage the facility.
2. The operator already runs a similar site.

#### **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 (Table S1.2) 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. The decision was taken in accordance with RGN 5 on Operator Competence.

#### **Technical competence**

Technical competency is required for activities permitted.

The operator is a member of an agreed WAMITAB scheme.

#### **Relevant convictions**

Our Enforcement Database has been checked to ensure that all relevant convictions have been declared.

No relevant convictions were found.

The operator satisfies the criteria in RGN 5 on Operator 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 RGN 5 on Operator Competence.

#### **OPRA**

The OPRA score at permit issue is 87.

## 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

No response received	
Brief summary of issues raised:	Summary of action taken / how this has been covered
N/A	N/A

#### 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

##### b) Representations from Community and Other Organisations

Response Received from	
Brief summary of issues raised:	Summary of action taken / how this has been covered

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

Response Received from	
Brief summary of issues raised:	Summary of action taken / how this has been covered

## **Part B**

### **Advertising on draft decision**

Published by:  
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Issued 19 July 2011

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