



Natural Resources Wales permitting decisions

Newport City Council (Docksway Area 2 Landfill) Decision Document

Contents

Newport City Council (Docksway Area 2 Landfill) Decision Document	1
Variation	4
The application variation number is:	4
The applicant /operator is:	4
The Installation is located at:	4
Purpose of this document	5
Key issues of the decision	6
Receipt of application	6
Confidential information	6
Identifying confidential information	6
Consultation	6
Operator	7
The facility	7
Legislation	7
The site	7
Biodiversity, Heritage, Landscape and Nature Conservation	7
Environmental Risk Assessment	8
Air	8
Water	8
Soil	8
Odour	8
Noise	8
Fugitive emissions	9
Monitoring	9
Reporting	9
Operating techniques	9
The permit conditions	10
Updating permit conditions during consolidation	10
Raw materials	10
Waste types	10
Annual waste input limits	10
Parameter	10
Units (tonnes)	10
Incorporating the application	11
OPRA	11

ANNEX 1: Consultation Reponses.....	12
ANNEX 2: Draft Decision Consultation Reponses	16

Variation

The application variation number is:

EPR/DP3733BK/V005

The applicant /operator is:

Newport City Council

The Installation is located at:

Docksway Area 2 Landfill, Docksway, Maes Glas, Newport, Gwent, NP20 2NS

We have decided to issue the variation for Docksway Area 2 Landfill operated by Newport City Council.

This permit variation will allow Newport County Council to increase the total annual tonnage accepted on site from 103,500tpa to 171,750tpa and for the on-site asbestos cell to accept additional waste code 17 05 03* (soils and stones containing hazardous substances). The total tonnage of waste that the site will receive over its lifetime remains unchanged.

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

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”:

- **Newport Council Planning Department**
- **Newport Council Environmental Health Department**
- **Health and Safety Executive**
- **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 **24/02/2021** and ended on **24/03/2021**.

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 3. 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 5.2 Part A (1) (a): The disposal of waste in a landfill

The regulated facility is a waste operation at which the following disposal operation will be undertaken: D5 – Specially engineered landfill

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.

A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

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 has been carried out as part of the permitting process. We consider that the application will not affect the features of the site.

Environmental Risk Assessment

Air

There are no additional point source emissions to air as a result of this variation.

Emission limits

There will be no additional emission limits as a result of this variation.

Water

There are no additional point source emissions to water as a result of this variation.

Emission limits

There will be no additional emission limits as a result of this variation.

Soil

There are no additional point source emissions to soil as a result of this variation.

Emission limits

There will be no additional emission limits as a result of this variation.

Odour

We consider that the measures that the operator currently has in place represent the appropriate measures to prevent/ minimise odour from the permitted activities.

Noise

We consider that the measures that the operator currently has in place represent the appropriate measures to prevent/ minimise noise from the permitted activities.

Fugitive emissions

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

No additional monitoring is required as a result of this variation.

Reporting

No additional reporting is required as a result of this variation.

Operating techniques

No additional operating techniques are required as a result of this variation.

The permit conditions

Updating permit conditions during consolidation

We have added or updated permit conditions 1.2.1, 1.2.2, 1.2.3 and 4.3.4.

The operator has agreed that the new conditions are acceptable.

Raw materials

Limits and controls on the use of raw materials and fuels have not changed as a result of this variation.

Waste types

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

Waste code 17 05 03* has been added to the permit as part of this variation.

We are satisfied that the operator can accept this waste because they already accept and manage similar waste types.

The annual waste input limits have been increased. Please see the new annual waste limits below:

Annual waste input limits	
Parameter	Units (tonnes)
Non – Hazardous Waste	51,750
Inert Waste	105,000
Hazardous Waste	15,000
Total Waste Deposits	171,750

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.

OPRA

The OPRA score at permit issue is 132

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

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
1) The permit variation applies to Area 2. However, cells 1 & 2 have already been capped, could you therefore please clarify, with the aid of a plan, which cells are intended to be utilised, to accommodate the proposed increased tonnage?	The pre-settlement contours/levels will remain the same for all cells. The overall capacity of the site is not being increased, only the amount of waste that the site is able to accept increase on an annual basis.
2) With the location of cells 1 & 2 being adjacent to the Ebbw River, can you clarify, should NCC intend to place additional waste on cell 1 & 2: a) there is no increased risk from leachate; b) there is no increased risk of ground instability based on the alluvium composition. This has been highlighted as a concern in one of the reports, but are NCC self-policing, or is there an impartial third-party regular monitoring and review regime; c) there is no increased risk to the environment from (a) or (b); d) what risk mitigation is to be put in place should the structure be compromised (b).	There is no additional waste being placed on cells 1 & 2.
3) The application is also seeking to add an additional waste code pertaining to mixed construction waste, which could contain ACMs, as long as the material is considered <0.1% w/w (Hazardous Waste Regulations) a) can you clarify what training staff will have to deal with such a	The site is already permitted to receive construction material containing asbestos (17 06 05*). As part of this variation the operator has applied to receive soils and stones containing hazardous substances (17 05 03*). The appropriate technical competence and asbestos managing procedures have been displayed.

hazardous material (CAR 2012 Regulation 10);

b) can you clarify what control measures will be adopted for the handling, disposal, prevention of asbestos fibres from becoming airborne (CAR 2012 Regulation 11 & 16);

c) can you clarify what designated areas will be imposed during operations, and prior to the material being suitably covered (CAR 2012 Regulation 18);

d) can you clarify what personal and background monitoring regime will be carried out (CAR 2012 Regulation 6, 11, 16 & 19);

e) can you clarify based on background monitoring what level you will be monitoring to, as the Control of Asbestos Regulations 2012 has 2 regulated levels, 0.01f/ml following asbestos removals, 0.1f/ml working with asbestos. Neither of the aforementioned levels have a bearing on background levels, and as required under Regulation 11, the level should be kept to the lowest level practicable. It would therefore lend itself, that the background level may need to be lower, say 0.0005f/ml (DETR 1999);

f) can you confirm what air monitoring will be conducted to prevent exposure to dust (COSHH 2002);

g) can you confirm what medical/health surveillance will be adopted for the site personnel, and the local community/business from said activities.

a, b and c) the site is already accepting asbestos waste therefore, the health and safety procedures that are already in place will mitigate any risks. Additionally, there are asbestos control measures included in the operators Construction and Operational Management Plan.

e) The Control of Asbestos Regulations 2012 are not relevant to the determination of this variation application.

f and g) these questions are not relevant to the determination of this variation application.

<p>4) Within the last permit revision, there were a number of 'Improvement Conditions':</p> <p>a) have the improvement conditions been met or bettered since the last permit revision;</p> <p>b) have the improvement conditions been reviewed for conformity, if so, when;</p> <p>c) based on the last permit revision requiring improvements conditions being imposed, how are they going to be monitored and enforced, if, based on (b) they have not already been met;</p> <p>d) with the last permit revision, leachate was above the level prescribed, has this been rectified, monitored, reviewed, and actioned? if so, when, and is there evidence available.</p>	<p>a, b, c, d) these questions are not relevant to the determination of this variation application. However, improvement conditions have been approved (as per Table 1.3 in the draft permit), leachate levels are below (or near to) compliance limits across cells, and monitoring including porewater pressure with suitable hold periods are in place.</p>
--	--

ANNEX 2: Draft Decision Consultation Responses

No comments received

Published by:
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP

Issued 19 July 2011

Page 16 of 16

0300 065 3000 (Mon-Fri, 8am - 6pm)

enquiries@naturalresourceswales.gov.uk
www.naturalresourceswales.gov.uk

© Natural Resources Wales

All rights reserved. This document may be reproduced with prior permission of Natural Resources Wales