

Natural Resources Wales permitting decisions

Full transfer

We have decided to grant the transfer for Barry Cogeneration Plant from Industrial Energy Services Ltd to Engie FM Ltd.

The permit number is [EPR/JP3632ZH](#).

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

Structure of this document

- Key issues
- Annex 1 the decision checklist

Key issues of the decision

Permit Transfers of this type involve a fixed, reduced application fee as long as it can be confirmed that the management of the installation is substantially the same under the new Operator as the incumbent.

For this installation however the transfer coincided with a change in the Operational Management of the installation. Although evidence of the structure of the Operations Team before and after the transfer was not forthcoming, the Declaration of Novation and the permit transfer application forms were signed by the same Director (Wilfred Petrie). Similarly correspondence to confirm the transfer of the permit for both the incumbent and the incoming Operator are to be sent to the same person, the Company Secretary for both Industrial Energy Services Ltd and Engie FM Ltd being Ms Sarah Gregory. The decision was therefore made that the Top Management of both organisations was sufficiently the same to confirm the application of the reduced fee.

Assessment of the competence to operate the installation was confirmed with a summary of the ISO 14001 accredited Environmental Management System held by the new Operator.

Annex 1: decision checklist

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality was not made although the tick box within the application stating evidence has been provided that evidence of commercial confidentiality is provided was ticked. Operator confirmed 08/02/2017 that they did not wish to pursue a confidentiality request.	✓
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 part of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
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 Top Management of Engie FM Ltd is the same as in IES Ltd. Some changes at Operations level have occurred but there is sufficient evidence that the systems being employed by the new Operator are sufficient to conform Operator Competence. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Relevant convictions	The National 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.	✓