

Natural Resources Wales permitting decisions

Bespoke permit

We have decided to grant the permit for Tremorfa Anaerobic Digestion Facility operated by Kelda Organic Energy (Cardiff) Limited.

The permit number is EPR/AB3093CA.

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

- Key issues If applicable see OI/notes below
- Annex 1 the decision checklist
- Annex 2 the consultation, web publicising and newspaper advertising(delete as appropriate) responses

Key issues of the decision

None

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, web publicising	The advert has been advertised on our website and consultee requests sent to statutory consultees.	✓
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.	✓
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.	✓
Planning permission	We are satisfied that planning permission is in place and is appropriate for the relevant waste operation(s) applied for. Appendix B2_3 of application shows a copy of the Planning Applications and Permission for this facility.	✓
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).	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>Geoscience recommended that additional information be requested and additional sampling to determine a baseline and how Kelda could contribute to the existing condition present on the site. We have taken a risk based approach and have not requested this additional information. We took this decision because Kelda as an anaerobic digestion facility will not contribute to the existing contaminants and pollutants already present on site. This is due to existing contamination mainly being from the metal processing industry (which was present on the land over the past number of years) and asbestos. Kelda won't be processing these types of material so further assessment was not necessary. The Kelda facility will also sit on capped ground with no point source emissions to water or ground so further contamination to the ground/groundwater is unlikely.</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>The site is not subject to any ecological designations itself and there are no such designations affecting land at its boundaries. The area is associated with the Severn Estuary to the east and south which is part of a European designated Special Area of Conservation (SAC) and also a nationally significant Site of Special Scientific Interest (SSSI). This designated site is approximately 325 m to the east and 400 m to the south of the proposed facility.</p> <p>A habitats survey has been carried out to ensure that the Kelda facility doesn't damage the special features of the protected sites within a distance of the facility. Air quality modelling interpreted by AQMRAT confirms site reports that due to critical levels are loads being <1% there will be no significant effects on any of the designated sites</p>	✓
Environmental Risk Assessment and operating techniques		
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> <p>The operator has produced a H1 assessment which can be found in their application and references odours, noise, accidents and fugitive emissions.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operating techniques	<p>The techniques used by the operator are listed within the application and in the permit under Operating Techniques.</p> <p>These include:</p> <ul style="list-style-type: none"> • EPR 1.00 How to Comply with your Environmental Permit (v8), October 2014; • IPPC SGN 5.06 Guidance on the Recovery and Disposal of Hazardous and Non-Hazardous Waste, December 2004; • EPR H1 Environmental Risk Assessments for Permits, December 2011; • EPR H4 Odour Management (v2), October 2014; and • Site Condition Report Guidance and Templates (v3), October 2014. 	✓
The permit conditions		
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 for the following reasons:</p> <ul style="list-style-type: none"> • They have the facilities required to process the materials; and • They have suitable best available techniques in place to ensure the waste does not pollute the environment. 	✓
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose a pre-operational condition:</p> <ul style="list-style-type: none"> • To supply a map with discharge points confirmed location and the discharge consent from Welsh Water which highlights any limits imposed. 	✓
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>	✓
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The following substances have been identified as being emitted in significant quantities and ELVs or equivalent parameters or technical measures based on BAT have been set for the following point source emissions to air:</p> <ul style="list-style-type: none"> • NO_x • SO₂ • CO • Benzene • PM¹⁰ <p>Any limits for emissions to surface water will be set by Welsh Water under their discharge consent.</p>	
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to meet BAT requirements and prevent any harm to the environment.</p>	✓
Reporting	<p>We have specified reporting in the permit.</p> <p>The reporting frequencies listed in the permit are deemed necessary for the proposed activities taking place at the facility in order to ensure the facility is operating as it should be.</p>	✓
Operator Competence		
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. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓
Technical competence	<p>Technical competency is required for activities permitted. The operator is a member of an agreed scheme – WAMITAB – Level 4 in Waste Management Operations: Managing Treatment Non-Hazardous waste.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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.	✓

Annex 2: Consultation - web publicising

Summary of responses to consultation, web publication and the way in which we have taken these into account in the determination process.

Response received from
NHS Public Health Wales
Brief summary of issues raised
None
Summary of actions taken or show how this has been covered
None

Response received from
South Wales Fire Service – Business Fire Safety Department
Brief summary of issues raised
Goodwill advice for the site covering fire safety aspects on site such as; <ul style="list-style-type: none">• Housekeeping• Use of heavy/mobile plant• Start-up/Shut-down procedures• Fire detection systems/alarms/suppression systems• Accident management plans• Water supply for firefighting on-site• Fire appliance access on to site
Summary of actions taken or show how this has been covered
As this is goodwill advice and South Wales Fire Service will likely make a visit to the facility for auditing purposes, I have sent the letter to Kelda and SLR consultants for their own information