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Wales

Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Edward Shervington

Ty Mawr Farm Former Landfill

St Brides

Wentlooge

Newport

NP10 8SF

Permit number

EPR/AB3891ZU

Ty Mawr Farm Former Landfill

Permit number EPR/AB3891ZU

Introductory note

This introductory note does not form a part of the permit

The main features of the permit are as follows.

This is a Tier 3 bespoke permit for the permanent deposit of waste to land as a recovery operation. The only permitted activity is the recovery of waste. Activities involving disposal of waste are not allowed.

The permit allows the operator to store and subsequently use waste for the purposes of restoring part of a former landfill, as detailed in the approved waste recovery plan. Waste can be stored on site prior to use. There is to be no-pre-treatment of waste prior to use.

Permitted wastes do not include hazardous wastes. The total quantity of waste that can be stored and subsequently used at the site under this permit shall not exceed 189,741 tonnes in total (and no more than 75,000 tonnes annually).

All emissions from the activity which are not controlled via actual emission limits, are controlled through the 'emission of substances not controlled by emission limits condition' and any all relevant process requirements set out in Tables S1.1 and S1.2.

The burning of any wastes, either in the open, inside buildings or in any form of incinerator is not permitted.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application EPR/AB3891ZU/A001	Duly made 15/01/18	Application for deposit of waste to land as a recovery operation
Additional information received in response to Schedule 5 notice sent on 07/03/18	20/03/18	Information relating to how the risk to reens and drainage ditches will be minimised
Additional information received in response to Schedule 5 notice sent on 20/04/18	02/05/YY	Information regarding technical competence requirement
Permit determined EPR/AB3891ZU	03/05/18	Permit issued to Edward Shervington

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

EPR/AB3891ZU

The Natural Resources Body for Wales (“Natural Resources Wales”) authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

Edward Shervington (“the operator”),

of

Ty Mawr Farm

St Brides

Wentlooge

Newport

NP10 8SF

to operate waste operations at

Ty Mawr Farm Former Landfill

St Brides

Wentlooge

Newport

NP10 8SF

to the extent authorised by and subject to the conditions of this permit.

Name	Date
Huw Davies	03 / 05 / 2018

Authorised on behalf of Natural Resources Wales

Conditions

1 Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activities:
- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.
- 1.1.4 The operator shall comply with the requirements of an approved competence scheme.

1.2 Avoidance, recovery and disposal of wastes produced by the activities

- 1.2.1 The operator shall take appropriate measures to ensure that:
- (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and
 - (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
 - (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.
- 1.2.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 Operations

2.1 Permitted activities

- 2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”).

2.2 The site

- 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

2.3 Operating techniques

- 2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales.
- (b) If notified by Natural Resources Wales that the activities are giving rise to pollution, the operator shall submit to Natural Resources Wales for approval within the period specified, a revision of any plan or other documentation ("plan") specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.
- 2.3.2 Waste shall only be accepted if:
- (a) it is of a type and quantity listed in schedule 2 table(s) S2.1 [, S2.2 etc.]; and
- (b) it conforms to the description in the documentation supplied by the producer and holder.

3 Emissions and monitoring

3.1 Emissions of substances not controlled by emission limits

- 3.1.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
- 3.1.2 The operator shall:
- (a) if notified by Natural Resources Wales that the activities are giving rise to pollution, submit to Natural Resources Wales for approval within the period specified, an emissions management plan which identifies and minimises the risks of pollution from emissions of substances not controlled by emission limits;
- (b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

3.2 Odour

- 3.2.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.
- 3.2.2 The operator shall:

- (a) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to odour, submit to Natural Resources Wales for approval within the period specified, an odour management plan which identifies and minimises the risks of pollution from odour;
- (b) implement the approved odour management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

3.3 Noise and vibration

- 3.3.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.
- 3.3.2 The operator shall:
 - (a) if notified by Natural Resources Wales that the activities are giving rise to pollution outside the site due to noise and vibration, submit to Natural Resources Wales for approval within the period specified, a noise and vibration management plan which identifies and minimises the risks of pollution from noise and vibration;
 - (b) implement the approved noise and vibration management plan, from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.

3.4 Pests

- 3.4.1 The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.
- 3.4.2 The operator shall:
 - (a) if notified by Natural Resources Wales, submit to Natural Resources Wales for approval within the period specified, a pests management plan which identifies and minimises risks of pollution, hazard or annoyance from pests;
 - (b) implement the pests management plan, from the date of approval, unless otherwise agreed in writing by Natural resources Wales.

4 Information

4.1 Records

- 4.1.1 All records required to be made by this permit shall:
 - (a) be legible;
 - (b) be made as soon as reasonably practicable;
 - (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
 - (d) be retained, unless otherwise agreed in writing by Natural Resources Wales, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:

- (i) off-site environmental effects; and
- (ii) matters which affect the condition of the land and groundwater.

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by the permit to Natural Resources Wales using the contact details supplied in writing by Natural Resources Wales.

4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

4.3 Notifications

4.3.1 Natural Resources Wales shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;
- (b) the breach of a limit specified in the permit; or
- (c) any significant adverse environmental effects.

4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

4.3.3 Where Natural Resources Wales has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform Natural Resources Wales when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to Natural Resources Wales at least 14 days before the date the monitoring is to be undertaken.

4.3.4 Natural Resources Wales shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

In any other case:

- (a) the death of any of the named operators (where the operator consists of more than one named individual);

- (b) any change in the operator's name(s) or address(es); and
 - (c) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.
- 4.3.5 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:
 - (a) Natural Resources Wales shall be notified at least 14 days before making the change; and
 - (b) the notification shall contain a description of the proposed change in operation.

4.4 Interpretation

- 4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.
- 4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

Schedule 1 - Operations

Table S1.1 activities

Activity reference	Description of activities for waste operations	Limits of activities
A1 – Deposit of waste for recovery	<p>R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)</p> <p>R5: Recycling/ reclamation of other inorganic compounds</p> <p>R10: Land treatment resulting in benefit to agriculture or ecological improvement</p>	<p>Secure storage and use of waste must be carried out in accordance with the approved waste recovery plan.</p> <p>The waste operation shall consist of the permanent deposit of waste on or in land for the purpose of recovery only.</p> <p>In any event the total quantity of waste used shall not exceed the amount needed to complete the recovery operation to the final levels in the approved waste recovery plan.</p> <p>Only the waste types specified in Table S2.1 that are specified in the approved waste recovery plan shall be accepted. Such wastes shall only be used as specified in the approved waste recovery plan.</p> <p>Topsoil and peat shall only be used for the the R10 activity in the final 0.5m thick layer to achieve the restoration profile required.</p>

Table S1.2 Operating techniques

Description	Parts	Date Received
Application	Waste Recovery Plan – report reference: CE-TM-0937-RP05-Final, Rev B - all parts	10/10/17
Response to Schedule 5 Notice sent 07/03/18	Environmental Management System Report Reference: CE-TM-0937-RP04-Final, Rev A - sections 3.3.3 – 3.3.7 [Environmental Accident and Incidents, Reens]	20/03/18

Table S1.2 Operating techniques

Description	Parts	Date Received
	H1 Accident and Amenity Risk Assessment Report Reference: CE-TM-0937-RP06-Final, Rev A - section "Risk Management" under "Noise and Vibration"	
Technical Guidance Document: 'How to comply with your environmental permit'	All relevant sections	N/A
Sector Guidance Note IPPC S5.06: Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste	All relevant sections	N/A

Schedule 2 - Waste types, raw materials and fuels

Table S2.1 Permitted waste types and quantities for desposit of waste to land as a recovery operation	
Maximum quantity	The maximum quantity for waste to be accepted on site shall not exceed 75,000 tonnes per year.
Exclusions	Notwithstanding the waste types set out in this table, wastes having any of the following characteristics shall not be accepted: <ul style="list-style-type: none"> • consisting solely or mainly of dusts, powders or loose fibres • sludges • hazardous waste
Waste code	Description
01	WASTES RESULTING FROM EXPLORATION, MINING, QUARRYING, AND PHYSICAL AND CHEMICAL TREATMENT OF MINERALS
01 01	wastes from mineral excavation
01 01 02	wastes from mineral non-metalliferous excavation
01 04	wastes from physical and chemical processing of non-metalliferous minerals
01 04 09	waste sand and clays
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)
17 05	soil (including excavated soil from contaminated sites), stones and dredging spoil
17 05 04	soil and stones other than those mentioned in 17 05 03
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 12	other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11 (consisting of soil substitutes other than that containing dangerous substances)
20	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 02	garden and park wastes (including cemetery waste)
20 02 02	soil and stones

Schedule 3 – Emissions and monitoring

There are no emission limits or associated monitoring requirements.

Schedule 4 - Reporting

There is no reporting under this schedule.

Schedule 5 - Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution	
To be notified within 24 hours of detection	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection unless otherwise specified below	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value and uncertainty	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Time periods for notification following detection of a breach of a limit	
Parameter	Notification period

(c) Notification requirements for the detection of any significant adverse environmental effect	
To be notified within 24 hours of detection	
Description of where the effect on the environment was detected	
Substances(s) detected	
Concentrations of substances detected	
Date of monitoring/sampling	

Part B - to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any unauthorised emissions from the facility in the preceding 24 months.	

Name*	
Post	
Signature	
Date	

* authorised to sign on behalf of the operator

Schedule 6 - Interpretation

“accident” means an accident that may result in pollution..

“Annex II” means Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“application” means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“authorised officer” means any person authorised by Natural Resources Wales under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

“emissions to land” includes emissions to groundwater.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the activities, either from the emission points specified in schedule 3 or from other localised or diffuse sources, which are not controlled by an emission or background concentration limit.

“EP Regulations” means The Environmental Permitting (England and Wales) Regulations SI 2016 No.1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“groundwater” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“hazardous waste” has the meaning given in the Hazardous Waste (Wales) Regulations 2005 (as amended).

“Pests” means Birds, Vermin and Insects.

“quarter” means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

“R” means a recovery operation provided for in Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste.

“Waste code” means the six digit code referable to a type of waste in accordance with the list of wastes established by Commission Decision 2000/532/EC as amended from time to time (the ‘List of Wastes Decision’) and in relation to hazardous waste, includes the asterisk.

“Waste Framework Directive” or “WFD” means Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste.

“year” means calendar year ending 31 December.

Schedule 7 - Site plan



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END OF PERMIT

