# Natural Resources Wales permitting decisions

# Bespoke permit

We have decided to grant the permit for Gate 1 operated by Milford Haven Port Authority

Thepermit number is **[DRAFT]**

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**

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* Key Issues
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# Glossary of acronyms used in this document

# BAT Best Available Technique(s)

DCWW Dŵr Cymru Welsh Water

ECHR European Convention of Human Rights

EfW Energy from Waste

EMS Environmental Management System

EPR The Environmental Permitting (England and Wales) Regulations 2016

FPMP Fire Prevention and Mitigation Plan

FRS Fire and Rescue Service

HRA Habitats Risk Assessment

HW Hazardous waste

LHB Local Health Board

OPRA Operator Performance Risk Appraisal

PCC Pembrokeshire County Council

PMP Pest Management Plan

PPS Public Participation Statement

PR Public Register

RDF Refuse Dervied Fuel

RCF Residual Combustible Fuel

RGN Regulatory Guidance Note

rWFD Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste

SAC Special Area of Conservation

SHPI(s) Site(s) of High Public Interest

SMNR Sustainable Management of Natural Resources

SRF Solid Recovered Fuel

SSSI Site(s) of Special Scientific Interest

TGN Technical Guidance Note

# Key issues of the decision

# Our proposed decision

# This is a draft decision document, which accompanies a draft permit.

# The document is in draft at this stage, because we have yet to make a final decision. Before we make this decision, we want to explain our thinking to the public and other interested parties, to give them a chance to understand that thinking and, if they wish, to make relevant representations to us. We will make our final decision only after carefully taking into account any relevant matters raised in the responses we receive. Our mind remains open at this stage: although we believe we have covered all the relevant issues and reached a reasonable conclusion, our ultimate decision could yet be affected by any information that is relevant to the issues we have to consider.

However, unless we receive information that leads us to alter the conditions in the draft permit, or to reject the application altogether, we will issue the permit in its current form

In this document we frequently say “we have decided”. That gives the

impression that our mind is already made up; but as we have explained

above, we have not yet done so. The language we use enables this

document to become the final decision document in due course with no

more re-drafting than is absolutely necessary.

We try to explain our decision as accurately, comprehensively and plainly as

possible. Achieving all three objectives is not always easy, and we would

welcome any feedback as to how we might improve our decision documents

in future.

# How we reached our decision

## 2.1 Receipt of application

Following pre-application discussions with us, Milford Haven Port Authority submitted an application on 29/11/18 (reference PAN-003929). This application was for the storage of Solid Recovered Fuel (SRF), Refuse Derived Fuel (RDF), residual combustible fuel, and wood waste, located in 4 areas of Gate 1 at Pembroke Dock.

This application was duly made on 25/02/19. This means we considered it was in the correct form and contained sufficient information for us to begin our determination; but not that it necessarily contained all the information we would need to complete that determination: see the ‘Further information’ in [section 2.4](#_2.4_Further_information) of this decision document

The applicant did not make a claim for confidentiality on any of the information included in the application. We have not received any information in relation to the application that appears to be confidential in relation to any party.

## 2.2. Consultation on the application

We consulted on the application in accordance with the Environmental Permitting (England and Wales) Regulations 2016, our statutory Public Participation Statement, Working Together Agreements and our own Regulatory Guidance Note No 6: Determinations involving sites of high public interest.

We publicised the application by a notice placed on our website. This notice informed people where and when they could see a copy of the application. We also placed an advertisement in the Evening Post in Welsh and English.

We sent copies of the application to the following bodies, in accordance with our Working Together Agreements:

* Environmental Health - Pembrokeshire County Council
* Local Health Board - Hywel Dda Health Board
* Local Planning authority – Pembrokeshire County Council
* Mid and West Wales Fire and Rescue Service
* Public Health Wales
* Sewerage Undertaker - Dwr Cymru Welsh Water (DCWW)

We did not send a copy to the Local Harbour Authority as per our Working Together Agreement, as this is the proposed operator. We did not consider that there was an appropriate department separate to the people involved in this application to be able to comment in a way that would have informed our decision on the application without bias.

In addition to consulting in accordance with our Working Together Agreements, we also consulted with:

* Pembroke Dock Community Council as elected representatives to comment on behalf of the local area.
* Cadw, the Welsh Government's historic environment service, to comment on the measures to protect the historic buildings and structures, the landscapes and heritage sites of Wales

These are bodies whose expertise, democratic accountability and/ or local knowledge make it appropriate for us to seek their views directly.

Summaries of the consultation and our response to representations received are detailed in [Annex 2](#_Annex_2:_Consultation,web) of this document. We did not receive a formal response on the consultation from DCWW. However there was some correpondance via the applicant as a result of a formal notice for further information sent to the applicant. This is explained in [Section 2.4](#_2.4_Further_information) of this decision document, rather than [Annex 2](#_Annex_2:_Consultation,). We did not receive a response from Pembroke Dock Community Council on the application, so this consultee is not included in [Annex 2](#_Annex_2:_Consultation,).

We have taken all relevant representations from consultation, publicising and advertsing the application into consideration in reaching our final determination. Where representations were duplicated, we have grouped representations by issue and addressed that issue.

## 2.3 Changes to the application

On 04/07/19 the applicant informed us, by way of a Schedule 5 response, that they wanted to include in their application the use of a wrapper to re-wrap any baled waste that could not be repaired by way of patches. The changes did not include proposing re-baling of waste on site.

We decided not to invite comments to the revised application, as the nature of the change did not materially alter the activity.

## 2.4 Further information

Although we were able to consider the application duly made on 25/02/19, we needed more information in order to determine it. We issued information notices on 08/03/19 and 11/06/19 (Schedule 5 Notice). A copy of each information notice was placed on our public register, as were the responses when received.

The applicant submitted amended versions of the risk assessment, Environment Management System (EMS), monitoring plan, odour management plan, pest management plan, fire prevention and mitigation plan, recovery and disposal codes and drainage and infrastructure proposals (including likelihood from DCWW of being able to connect to foul sewer and receive a trade effluent consent), and site condition reports in response to these requests.

Having carefully considered the application and all other relevant information, we now put our draft decision before the public and other interested parties in the form of a draft permit, together with this explanatory document. As a result of this stage in the process, the public has been provided with all the information that is relevant to our determination, including the original application and additional information obtained subsequently. We have given the public opportunity to comment on the application and its determination. Once again, we will consider all relevant representations we receive in response to this final consultation and will amend this explanatory document as appropriate to explain how we have done this, when we publish our final decision.

Unless we receive information that leads us to alter the conditions in the draft permit, or to reject the application altogether, we will issue the permit in its current form.

# The legal framework

The Permit will be issued, if appropriate, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is an operation covered by the Waste Framework Directive, because it manages waste.

We consider that, if we issue, the permit will ensure that the operation of the facility complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

# The regulated facility

## 4.1 Description of the site and related issues

### 4.1.1 Location

The site is located in Pembroke Dock. The location where the baled waste and loose wood will be stored is at Gate 1, the most eastern point of the dock and directly adjacent to the Milford Haven Waterway.

The proposed permitted area consist of four areas, labelled as A, B, C, D as specified in Schedule 7 of the draft permit. Areas A and B are external areas to be used to carry out the proposed activities, Areas C and D are buildings to be used to carry out the proposed activities.

The four proposed permitted areas together are referred to as “the site” in this document.

The following receptors are located (in metres from the site);

* Commercial Companies, the closest being approximately 10 metres west of Area C and 10m north of Area A (cargo sheds used to store animal feed).
* Residential dwellings, the closest being approximately 50 metres east of Area D
* South Pembroke Hospital approximately 235 metres southwest of Area A
* Milford Haven Waterwaywaterbody, approximately 70 metres north of Area C
* Milford Haven Waterway Site of Special Scientific Interest (SSSI) approximately 620m west and 690m east of Area C,
* Pembrokeshire Marine / Sir Benfro Forol Special Area of Conservation (SAC) approximately 420m north of Area C
* Shellfish Protected Area approximately 1.5km north east from Area CListed buildings/historic monuments –Areas C and D are buildings which are Listed buidlings, proposed to store waste in future development. . Furthermore, a number of Listed Buildings and historic mouments within 250 metres of the site, on thedockyard itself, and outside the dockyard including but not limited to the North East Martello Tower, buildings on The Terrace
* The site lie directly on top of a principal aquifer

Please see section 4.3 below for more information on the site.

The applicant submitted a plan showing the site of the activity and its extent. We are satisfied with this plan. The plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

### 4.1.2 What the regulated facility does

The facility will store baled SRF, RDF, residual combustible fuel and loose wood. Treatment activities that can be carried out at the site are limited to manual/mechanical re-wrapping of bales that may become damaged on site and the bulking up of waste for onward transfer

All waste materials will be treated and stored in accordance with standards set out in the permit before being removed from site to an appropriate facility for further recovery or disposal. The primary intention of the applicant is to use the dockside location to ship the waste to be processed in Energy from Waste (EfW) plants in Europe. However, the waste can be sent to any suitably permitted facility.

The storage and treatment of waste will take place on an impermeable surface with a sealed drainage system. An impermeable surface is one that does not allow liquids to seep through into the ground underneath. A sealed drainage system is one that ensures all run off from the site is directed to/ collected at a specific point. The run-off discharges will be directed to the foul sewer from external storage areas A and B. Areas C and D will have sealed drainage in that there will be no outlet (that is, no drains or taps) and drain to a blind collection point and contained within the building.

The regulated facility is a waste operation. The operator will carry out the following recovery and disposal operations:

**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).

**R3**: Recycling/reclamation of organic substances which are not used as solvents.

**R5**: Recycling/reclamation of other inorganic compounds.

**D15:** Storage pending any of the operations numbered D01 to D14 (excluding temporary storage pending collection on the site where it is produced).

**D14:** Repackaging prior to submission to any of the operations

numbered D1 to D13

The permitted activities will take place in the areas labelled A, B, C and D on the site plan in Schedule 7 of the permit. This is where waste will be stored and treated.

Waste will also be temporarily stored at the quayside for loading when a ship is coming in. This is storage incidental to loading and does not require a permit, and therefore not the subject of this application or our determination and we cannot enforce the permit requirements in this area.

However, where waste is stored outside the scope of this permit, the operator must still meet the obligation provided by Article 4 of the Revised Waste Framework Directive (rWFD) is to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular:

• without risk to water, air, soil, plants or animals; or

• without causing nuisance through noise or odours; or

• without adversely affecting the countryside or places of special

interest.

### 4.1.3 Administrative issues

We are satisfied that the applicant is the person who will have control over the operation of the facility after we grant the permit in line with our regulatory guidance note RGN 1: Understanding the meaning of operator (version 4.0); and that the applicant will be able to operate the regulated facility in compliance with the conditions included in the permit.

We are satisfied that the Opra profile submitted by the applicant is accurate. The Opra score reflects the level of risk an activity poses, based on the type of activity, the location, type of waste accepted, the annual throughput of waste to be accepted and the environmental management system in place. The Opra score reflects the amount of time the nominated technical manager must spend at the site. This is set out in part 2 of our technical guidance note EPR1.0 ‘How to comply with your environmental permit (Version 8)’.

## 4.2 General issues

### 4.2.1 Management

Having considered the information submitted in the application, we are satisfied that appropriate management systems and management structures will be in place.

The applicant has an EMS that meets the requirements of our technical guidance note EPR1.0 ‘How to comply with your environmental permit (Version 8)’.

The applicant confirmed that their document “SEMS 001 SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEM MANUAL” is their Safety, Health Environmental and Health Management System (SEMS) policy within The Port of Milford Haven. The top tier of this document is designated SEMS 1 (appendices 1.1) and provides a high-level description of the SEMS process.

This cascades via relevant Management Procedures (MP’s) which in turn are further streamlined by operationally specific Local Work Instructions (LWIs), Risk Assessments (RAs) and Tool Box Talks. The application documentation provided an outline of the pre-waste acceptance and waste acceptance procedures to be implemented (e.g. see Section 2 of Environmental Risk Assessment). Several local work instructions (LWIs) and associated forms to demonstrate implementation of procedures were also provided e.g. see Appendix 2 of Environmental Risk Assessment for bale repair LWI and Odour and Pest Management plans for protocols and documentation for procedures to be implemented in the EMS.

This was accepted as an outline of their environmental management system. These documents have been revised throughout the determination process to reflect the changes required in order to permit the activity and are referenced in table S1.2 of the permit. These documents are available to view on our public register as outlined in section ‘Further information’ on page 4 above.

### 4.2.2 Technical ability

An operator must demonstrate that they are technically able to oversee the activity. They can do this using any of the methods outlined in section 3.5 of our regulatory guidance note RGN 5: Operator competence (version 4.0). The operator has chosen to use the industry scheme method.

The nominated technically competent manager (TCM) has registered for the relevant award – WAMITAB Level 4 Medium Risk Operator Competence for Non-Hazardous Waste Treatment and Transfer- with the joint Chartered Institution of Wastes Management and Waste Management Industry Training and Advisory Board (CIWM/ WAMITAB) Government approved competence scheme.

The joint Chartered Institution of Wastes Management and Waste Management Industry Training and Advisory Board (CIWM/ WAMITAB) Government approved competence scheme, includes a grace period of 12 months for operators who do not already have the required level of competence. This is compliant with condition 1.1.4 of the permit.

The grace period mechanism recognises the fact that competence in the waste industry has historically been gained through vocational methods - ‘on the job’ learning. It is not feasible to expect all operators to have experience in the activity they are applying for. Past experience in the field you want covered in your permit is not a requirement of the Environmental Permitting Regulations.

The scheme does recognise, however, that certain activities pose sufficient risk that an applicant/ operator must be suitably qualified from the outset. This is why the grace period is only open to operators of activities assessed as suitable for its use.

The operator can benefit from this grace period because their activity is medium risk according to the CIWM/ WAMITAB scheme hierarchy and is not a landfill. This means the nominated technical manager has four weeks from the date the activity starts to gain the basic level of competence and up to one year to complete the required competence award in full.

All operators who use the CIWM/WAMITAB scheme to demonstrate competence must pass a test every two years to show they remain qualified to supervise their relevant activities. We will ensure that the nominated technically competent manager passes their continuing competence assessments as part of our on-going compliance checks.

We are satisfied that sufficient technical and personnel resources are available to the operator to ensure compliance with all the permit conditions.

### 4.2.3 Financial competence and relevant convictions

We are also satisfied that sufficient financial resources are available to the operator to ensure compliance with all the permit conditions.

The operator does not have any relevant convictions.

### 4.2.4 Site security

Having considered the information submitted in the application, we are satisfied that appropriate infrastructure and procedures will be in place to ensure that the site remains secure.

### 4.2.5 Accident management

Having considered the information submitted in the application, we are satisfied that appropriate measures will be in place to ensure that environmental accidents that may cause pollution are prevented but that, if they should occur, their consequences are minimised.

### 4.2.6 Further measures carried out following consultation

Although the operator has met the requirement for technical competence under the Government approved scheme, we have considered concerns raised by the public regarding operator competence.

Competence assessment is not a one-off activity. An operator must be able to demonstrate that they remain competent throughout the lifetime of the permit. If they fail to do this, they no longer meet the requirements set out in the Environmental Permitting Regulations and we could revoke their permit. We will assess the operators continuing competence through compliance visits and checks.

We asked the operator for further information on the parts of the EMS on staff training to ensure they would have suitable competent resources to comply with the permit.

In view of the proposed management organisational structure, which includes specialist roles for specific operations at the facility and detailed training programme for all employees, we are satisfied that sufficient technical and personnel resources are available to the operator to ensure compliance with all the permit conditions.

### 4.2.7. Operating Techniques

We have specified that the waste facility must be operated in accordance with the techniques set out in table S1.2 of the Permit. The details referred to in that table describe the techniques that will be used for the operation of the waste facility that we have assessed as meeting our legal standards and standards set out in our guidance; they form part of the Permit through condition 2.3.1 and Table S1.2 in the Permit schedules.

Further detail on the operating techniques is given in section 5.

## 4.3 The site and its protection

### 4.3.1 Site setting, layout and history

The site is located in Pembroke Dock. This is an historic industrial area. The site comprises of four proposed permitted areas, labelled as A, B, C, D as specified in Schedule 7 of the draft permit. Areas A and B are external areas and Areas C and D are buildings to be used to store waste, and re-wrap baled waste where required. .

The site is a working dock. Previous uses include shipbuilding and use as a flying boat base. Currently gate 1 is used to store animal feed, and other parts of the dock include use as waste management facilities by a different operator. The dock today is a commercial port and a gateway ferry port to Ireland.

### 4.3.2 Planning permission

Our decision on whether to grant an Environmental Permit is separate from the planning process. An Environmental Permit allows the site to operate and to be regulated by Natural Resources Wales. The Planning Authority, in this case, Pembrokeshire County Council, decide whether or not to grant planning permission.

The planning authority determines whether the activity is an acceptable use of land. It considers matters such as visual impact, traffic and access issues, which do not form part of the environmental permit decision making process. The planning authority must also consider and respond to any objections they may receive on a particular planning application.

Many of the comments received during consultations on the application relate to planning issues. Only issues connected with the environmental permit applied for have been considered in our determination.

We are not required under the Environmental Permitting (England and Wales) Regulations 2016 to check whether relevant planning is in place for use of the site to carry out the relevant waste operation. However, the consultation response from the Planning Authority states that relevant planning is not in place and would be required prior to the site undertaking the permitted activity (see [Annex 2](#_Annex_2:_Consultation,)).

### 4.3.3 Site condition report

The operator submitted a report detailing the condition of the site as part of their application. We use the information in the site condition report to establish a baseline as a comparison, to establish whether there has been any deterioration of the land as a result of the permitted activities, when the operator applies to surrender their permit. We do not need to accept site condition report in full before we can issue a new permit.

We have assessed the site condition report (SCR) submitted as unsatisfactory for the following reasons:

* The SCR does not cross reference other parts of the application in terms of showing site layout, drainage, surfacing, receptors, sources of emissions/releases and monitoring points
* The SCR provided states that intrusive sampling has not been conducted, yet uses the a ground condition interpretive report to draw conclusions about current contamination. It is unclear whether this was to be used as baseline data to be assessed.
* The plans in reference to the ground condition interpreative report in the SCR are not clearly legible in that the background is faint with few landmarks, proving difficult to line up the borehole series.
* In the data provided there is data for a number of boreholes where it is unclear whether they have relevance to the submission
* We have not been provided with the logs for the trial pits nor boreholes nor the rationale for the sample location.
* It was unclear whether any off site groundwater sample locations are to be used in lieu of on site sampling
* The laboratory data has been replicated into branded  sheets and needs to be on the paperwork provided by the laboratory that undertook the analysis
* The data supplied is from 2016 and it is unclear whether has anything else been undertaken on the site in the intervening 3 years

We do not need to confirm the site condition report is satisfactory prior to making a decision on the application. However, unless the operator is able to provide evidence of the degree of pre-existing contamination and they start undertaking the permitted activities, we will have to assume that it was zero, which will act as the reference point to return the site to when the permit is surrendered.

### 4.3.4 Potentially polluting substances

Refuse Dervied Fuel (RDF) is a generic term used to describe fuel that isa mixture of materials such as paper, plastics and wood from the municipal or commercial waste streamthat has undergone some sort of process, from minimal sorting and bailing to more complex mechanical treatments. Materials for recycling and non-combustible materials such as glass and metals are generally removed with mechanical separation processing.

Advanced RDF processing methods can remove or significantly reduce harmful pollutants such as heavy metals.

RDF is made to an end user specification, such as an EfW plant.

Residual Combustible Fuel (RCF) is is the same as RDF,but is not processed to meet an end user/recognised specification.

There is no standard classification or composition for RDF or RCF.

Solid Dervived Fuel (SRF) is a subset of RDF having been processed to a greater extent than RDF. It is generally a more valuable form of RDF as it has a higher calorific value and low moisture content. SRF is produced in compliance with the European standard EN 15359. The main requirement of this European Standard is that a producer specifies and classifies its SRF by detailing its net calorific value, and chlorine and mercury content of the fuel. Specification includes (as mandatory) several other properties, such as the content of all heavy metals mentioned in the Industrial Emissions Directive. Furthermore, a declaration of conformity has to be issued.The quality standard of SRF is still defined by the end user, as with RDF, unless it is being produced in line with a recognised quality standard.

Wood waste may be untreated (clean), or been treated with substances such as heavy metal, halogenated organic or persistent organic treatments.

Treated wood may still be considered non-hazardous Only non-hazardous wood waste is to be accepted at the site

Virgin wood that may be stored on site has not be considered here as it does not fall under the definition of waste and therefore has not formed part of our determination.

Emissions can happen when you treat or store waste. We have set strict measures in the permit to control both.

The main pathways for potentially polluting substances from this activity are through surface to ground, via the air and from discharge of site run-off. The pollution prevention measures proposed by the applicant to control these risks is described in sections 4 and 5 of this decision document.

### 4.3.5 Pollution prevention measures

We considered the location of the site, actual and potential emissions, the sensitivity of receptors and the nature of the activity to decide what appropriate pollution prevention measures that need to be in place. As a result, we identified that all storage and treatment of waste must be carried out on impermeable surface with sealed drainage.

The storage and treatment of waste will take place on an impermeable surface with a sealed drainage system. An impermeable surface is one that does not allow liquids to seep through into the ground underneath. A sealed drainage system is one that ensures all run off from the site is directed to/ collected at a specific point. The run-off discharges will be directed to the foul sewer from external storage areas A and B via a discharge consent from the sewerage undertaker, Dŵr Cymru Welsh Water (DCWW). Areas C and D will have sealed drainage in that there will be no outlet (that is, no drains or taps) and drain to a blind collection point and contained within the building. This will reduce the risk of potentially polluting substances leaving the site.

It is a condition of Table S1.1 of the permit that activities are carried out on impermeable surface with sealed drainage. The operator has accepted this standard as part of their obligations under the permit and is aware that if they fail to demonstrate compliance with this condition, they will be in breach of their permit..

Wastes must be stored and treated in accordance with the permit. We have set specific requirements for how the operator must store potentially polluting wastes, and incorporated operating techniques that the applicant has proposed to control the key pollution risks.

Efficient maintenance of these prevention measures, including infrastructure, pavements, bunds, storage containers and equipment used during the activities is vital to prevent pollution. The techniques proposed by the operator are considered proportionate and suitable to ensure efficient maintenance of the site.

The maintenance procedure has been incorporated into the permit under Schedule 1, Table S1.2 and the operator must carry out activities in accordance with these operating techniques.

To ensure that the operator can comply with the permit requirement of Areas A and B draining to foul sewer, we requested and received from the applicant correspondence between them and DCWW that a trade effluent discharge consent was likely to be granted by the sewerage undertaker. This cannot be provided by DCWW prior to permit being granted, therefore the operator will provide us with confirmation of the discharge consent from the sewerage undertaker, this has been included in Table S1.2 of the permit. In any case, the operator cannot being operating until this has been received to comply with the limits of Table S1.1 of the permit specified in this section.

We have included pre-operational measures and future pre-operational measures to send the final plans of where the emission points are to sewer. See section 4.3.6 for further detail.

### 4.3.6 Pre-operational conditions

We have imposed a pre-operational condition that the operator submits for approval to us a site plan showing finalised sewer emission point for Area A. We must approve this plan prior to any permitted activities being carried on in this Area. This includes the storage of waste.The operator is unable to provide this until the sewerage undertaker agrees the final plans which cannot be done unless a permit is in place.

We have imposed pre-operational conditions for future development to further control the risk of pollution from the site. The operator will not be able to carry out any of the activities listed in Table S1.1 of the draft permit until these pre-operational conditions for future development are met.

The operator must not start operating in Areas B, C and D until they have submitted to us for written approval information justifying which pest management measures and odour management meausures will be appropriate for use in Areas B, C and D. Where relevant, this justification may include evidence on the performance of any existing operational measures, providing that this evidence is based on their being used in operation during the period of April and August (inclusive) as a minimum.

This has time been set so that the information, where relevant, reflects whether pest and odour measures have worked effectively during the key risk period for flies and odour during the summer months, before us agreeing that the operator can undertake permitted activities on the rest of the site.

For Area B there is an additional requirement to submit to us for written approval, a site plan showing the final sewer emission point, as the operator is unable to provide this until the sewerage undertaker agrees the final plans which cannot be done unless a permit is in place.

For Areas C and D, there is an additional requirement to submit, for written approval by us, information justifying the the number of waste stockpiles, the dimensions of the waste stockpiles, the separation distances between the waste stockpiles, and the layout of the waste stockpiles on a site plan, for Area D, in line with condition 3.5.1 of this permit.This cannot be done until the infrastructure improvements have been done in the buildings of Areas C and D, to know the exact size and space they have. All other parts of the fire prevention and mitigation plan already submitted meets the guidance will apply to all permitted areas.

# Minimising the environmental impact

This section of the document explains how we have approached the critical issue of assessing likely impact of the facility on human health and the environment. It also details the measures we require to ensure a high level of protection. The principal emissions are those to air, water and land.

The key issues arising in relation to human health and the environment during this determination were:

* Odour
* Pests, namely flies
* Fire
* Discharges of site-run off

The detail in this section relates to how we determined these issues.

## 5.1 Environmental impact

### 5.1.1 Methods used by the operator to assess environmental impact

We reviewed the applicant’s assessment of the likely environmental impact of emissions from the facility. This is the first stage in determining what conditions are appropriate for the permit.

The operators risk assessment adopted two approaches to assess the impacts from the proposed activities, one is the Environment Agency Horizontal Guidance Note H1: Environmental Risks Assessment tool which enables a detailed evaluation of identified exposure pathways (this has been adopted by us as an appropriate risk assessment tool) and the other, more conventional risk assessment, assists in identifying the exposure pathways based on a conceptual site model.

There are no point source emissions from the activity.

All of the emissions from the activity are fugitive. Fugitive emissions are emissions to air, water or land from the permitted activities which are not controlled by an emission limit. They can be from the emission points specified in the permit or other localised diffuse sources. We refer to them in the permit as “emissions of substances not controlled by emission limits”. They are often from multiple sources that are difficult to specify. For example, releases of odour from multiple piles or types of waste. Fugitive emissions often make up most of the releases from waste activities.

The Horizontal Guidance Note H1: Environmental Risks Assessment tool is not always the most appropriate method to use when assessing fugitive emissions. The operator recognised this shortfall and submitted specific management plans to address the risk of fugitive emissions that could be generated from their activity, which we subsequently asked for additional information on. The applicant submitted a revised risk assessment that included operating techniques to minimse the risks from the activity. We have assessed the operating techniques in these management plans as suitable. They have been included in the permit – Table S1.2 Operating Techniques – and the operator must carry out the activity in line with the specified measures.

## 5.2 Scope of consideration

### 5.2.1 Local factors

We have considered the location of the site, the activity taking place and the risks from the waste typesin order to set suitable conditions and limits in the permit.

We have considered the location factors set out on section 4.1.1, which were within screening distances for a non-landfill waste facility, against the key risks below.

### 5.2.2 Setting permit conditions

We have set conditions in the permit in accordance with our Regulatory Guidance Series No RGN 4 – Setting standards for environmental protection (version 5.0). This guidance note explains how we determine the requirements that should apply to a particular activity. Permit conditions specify certain key measures for that type of activity to protect the environment. Other measures may be required through outcome-based conditions. Outcome based conditions specify what we want the operator to achieve, but do not tell them how to achieve it.

We have used relevant generic conditions from our bespoke permit template along with other activity-specific conditions to ensure that the permit provides the appropriate standards of environmental protection.

Our generic conditions allow us to deal with common regulatory issues in a common way and help us be consistent across the different types of regulated facility. We have included our generic conditions on fugitive emissions, odour, pests, noise/vibration and fire to control emissions from the activity.

### 5.2.3 Fugitive emissions (emissions not controlled by emission limits)

Fugitive emissions are described in section 5.1.1. above. We carefully considered potential fugitive emissions from the activity during our determination. Condition 3.1.1 in the permit states that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.

The risk assessment and associated EMS describe the activity, identify sources of fugitive emissions and receptors, consider meteorological factors that could affect impact on receptors, and proposemeasures to reduce fugitive emissions and mitigate potential impacts.

We assessed the applicants plans. The techniques in the plan(s) are considered proportionate and suitable for the activity being carried out.

These operating techniques plans have been incorporated into Table S1.2 in Schedule 1 of the permit. The operator must carry out the activities in accordance with these operating techniques. If we approve a plan it means that we have formed a view that it contains what we consider to be appropriate measures in the light of information available to us at the current time. The operator should not rely on our approval of these plans to mean that the measures in the plan are considered to represent all appropriate measures covering every eventuality throughout the life of the permit. More information can be found in “RGN 4: Setting standards for environmental protection”.

If activities at the site give rise to pollution, we can request revised plansmanagement plan from the operator using our powers under condition 2.3.1(b) of the permit.

### 5.2.4 Odour

We carefully considered potential odour emissions from the activity during our determination. Condition 3.2.1 in the permit states that emissions from the activities shall be free from odour at levels likely to cause pollution outside the site.

This type of activity is identified as one requiring a specific odour management plan (OMP) in Part 3 of our technical guidance note “EPR1.0 How to comply with your environmental permit”.

The operator submitted such a plan which described the activity, identified sources of odour, potential receptors, proposed prevention measures to reduce odour emissions and to mitigate potential impacts. We assessed these measures in line with the standards set out in our horizontal guidance note “H4 Odour”. The techniques in the plan are considered proportionate and suitable for the activity being carried out.

This management plan has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques. We have explained some of the operating techniques used to prevent odour in the rest of this section.

A baseline odour survey was conducted by the operator and supplied in the application however these are not required by standards set out in our horizontal guidance note “H4 Odour” as we can only take into account odour from the activities, and have therefore not taken baseline surveys into account taken into account in our determination.

The approved plan includes a requirement for the operator to carry out pre-acceptance checks on new customers for baled waste production to understand potential risk of odours coming onto site prior to agreeing contracts. The pre-acceptance evaluation requirements are listed in Appendix 1 to the Environmental Risk Assessment, also incorporated into Table S1.2 of the permit.

There will be acceptance checks on site for every load delivered, to make sure that baled waste conforms to the pre-acceptance checks. This will include random bale spot checks prior to accepting the delivery to ensure that the minimum number of layers of wrapping are used as per the agreed contract. This will involve a small incision made into the wrapping and layers counted and then patched in line with the local work instruction that has been incorporated into Table S1.2. of the permit. If bales do not meet this specification, the delivery will not be accepted. A minimum of 8 layers of durable plastic sheeting has been specified as the expectation in section 2.3. of the risk assessment, this has been incorporated into Table S1.2 of the permit as a pre-acceptance and acceptance measure. This has been deemed appropriate as the waste will be subject to minimal handling on site and the waste is non-containerised.

Each bale will be visually inspected for integrity as it is placed and will only be handled by plant with bale telehandlers to minimise the risk of damaging the bales. Odour will be evaluated during unloading, as will shape of bale which may indicate deterioration (signs of leachate, wet bales and loss of bale shape). Any bales noticed at this time with small hole defects in the wrapping will be patched.

Noticeably odorous or deteriorated waste will be removed from site immediately if the delivery vehicle is still on site, otherwise it will be placed into a sealed and covered quarantine container for a maximum of 5 days before being returned to the customer.

There will be daily stock inspections to check the integrity of bales and repair, quarantine or remove from site as necessary.

Waste will be stored for a maximum of 3 months, prior to being removed by ship. If there are delays or a ship is cancelled, there are contingency measures (included in the fire prevention and mitigation plan also incorporated into Table S1.2 of the permit) to remove the waste off site to another facility.

The operator will conduct routine odour monitoring with set steps and monitoring locations outlined in appendix 1 of the odour management plan. Monitoring around the perimeter of the site will be carried out monthly, and during times where activities on site may pose a greater risk of odour releases such as bale delivery, handling and quarantine procedures.

Furthermore, the operator proposes to use meteorological forecasts to anticipate any odour risks from the activity. This includes:

* Increasing air flow in and around bales in hot weather and bale movements restricted to cooler parts of the day
* Increase the frequency of odour monitoring when prevailing wind direction changes using the procedure outlned in appendix 1 of the odour management plan with the relevant contingency measures actioned in Table 5-1 of the odour management plan if odour is detected

If complaints are received by the operator, they will be investigated and the on and offsite monitoring adapted according to the nature and location of the complaint. Any monitoring that identifies the 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, must be reported to us by the operator via condition 4.3.1 of the permit.

Remedial action as a result of any observations or complaints of odour by the operator are detailed in Table 5-1 of the odour management plan.

This includes:

* Identifying odourous bales, quarantining them in a sealed skip and returning to customer
* continued daily monitoring for a week after odorous batches have been removed off site to assess if odours still present, if none present the operator will return to routine monitoring.
* If odour still persists the operator will ensure odourous bales are in quarantine or removed off site, review all available information such as meterological records, odour monitoring data, other port activities, when the next shipment is due to remove the waste from site and repeat odour monitoring at different times of day to assess spatial and temporal variations.

If the site is considered to be the odour source after this investigation, waste acceptance procedures will be reviewed and the waste producer informed to identify potential cause.

Where any odour monitoring identifies the activities as the source and that odour is causing serious offence, the operator proposes to cease storage activities, which will be written into their customer contracts to remove waste from site. This will be considered against the time it will take to return the waste to the waste producer against the time the next shipment is due.

Root causes will be reviewed and revised mangement techniques implemented as required. Any proposed changes to the approved plan must be sent to us via condition 4.3.5 of the permit for approval, or will be required by us via condition 2.3.1(b) of the permit, where relevant.

As routine, the operator will review the OMP within 6 months of commencing operation and then annually. This does not mitigate the operator from also reviewing the OMP or us requiring a revised OMP using condition 2.3.1(b) of the permit.

Any odour complaints received will be investigated by the relevant authority, and if determined that the source of odour are the permitted activities it may be a breach of the permit.. Only an authorised officer of Natural Resources Wales can determine whether the odour condition of the permit has been breached by the operator. We have imposed pre-operational conditions for future development for the operator to submit to us for written approval justification for measures for odour management to be used in Areas B, C and D before they can undertake permitted activities in these areas. More detail on the pre-operational conditons for future development are in section 4.3.6 of this decision document.

### 5.2.5 Pests

We carefully considered the potential pest risk from the activity during our determination. Condition 3.4.1 in the permit states that 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 identified this type of activity through their risk assessment as one that would require a specific pest management plan (PMP) as referred to in Part 3 of our technical guidance note EPR1.0’How to comply with your environmental permit’.

The operator submitted such a plan,which described the activity, identified pests’ types, receptors and proposed prevention and mitigation measures to prevent, or where that is not practicable, to minimise the presence of pests on the site. The applicant used Environment Agency “Fly Management Guidance” to the propose appropriate measures that meet the pest section in EPR1.0’How to comply with your environmental permit’. Accessible to applicants are various versions of the guidance but the relevant sections for this application are consistent between versions 1 and 3 of said guidance.

We assessed these measures in line with the standards set out in Part 3 of our technical guidance note EPR1.0’How to comply with your environmental permit’.

The PMP has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques.

The approved plan includes a requirement for the operator to carry out pre-acceptance checks on new customers for baled waste production to understand potential risk of pests coming onto site prior to agreeing contracts. The pre-acceptance evaluation requirements are listed in Appendix 1 to the Environmental Risk Assessment, also incorporated into Table S1.2 of the permit.

There will be acceptance checks on site for every load delivered, to make sure that baled waste conforms to the pre-acceptance checks. This will include random bale spot checks prior to accepting the delivery to ensure that the minimum number of layers of wrapping are used as per the agreed contract. This will involve a small incision made into the wrapping and layers counted and then patched in line with the local work instruction that has been incorporated into Table S1.2. of the permit.

If bales do not meet this specification, the delivery will not be accepted. A minimum of 8 layers of durable plastic sheeting has been specified as the expectation in section 2.3. of the risk assessment, this has been incorporated into Table S1.2 of the permit as a pre-acceptance and acceptance measure. This has been deemed appropriate as the waste will be subject to minimal handling on site and the waste is non-containerised.

Each bale will be visually inspected for integrity as it is placed and will only be handled by plant with bale telehandlers to minimise the risk of damaging the bales. Any bales noticed at this time with small defects will be patched in line with the local work instruction that has been incorporated into Table S1.2. of the permit.

The presence of pests will be evaluated as the bales are unloaded and any loads with signs of infestation will be quarantined in a sealed skip and removed from site within 5 days. This will be managed with additional measures depending if there is elevated humidity or temperature in the sealed skip and controlling the opening of the sealed skip to reduce risk of fly ingress/egress.

For the external storage Area A, there will be additional mitigation measure of a mesh covering, covering the entire of waste bales stack and anchored to the ground. The details of this structure are provided in figure 4 of the Pest Management Plan. All sides of Area A will be covered with the mesh, and fly traps will be distributed across 4 sides of Area A .

There is no legal objective level at which a pest pollution, hazard or annoyance from flies exist, therefore the applicant has proposed to count the flies on the fly traps weekly, with an initial trigger limitset at 50 houseflies per paper per week near the waste storage area indicating an early warning to investigate.The applicant has proposed this level using Defra guidelines for “Statutory Nuisance from Insects and Artificial Light” on the presence of flies in residential properties indicating ground for distress, which we agree is appropriate. The level will be adapted as required such from learning from the operating techniques and other activities on and off site that may give rise to flies. This trigger limit does not mitigate the operator or relevant regulating authority from investigating pest complaints received before this trigger limit is reached.

The operator has not proposed the spraying of insecticide as a routine measure in their PMP and we have not approved its use. The operator has stated that should insecticide use be required, they would use a licenced pest control company to undertake it and would consider the following aspects when appointing them:

* Be a current member of British Pest Control Association or national Pest Technicians association
* Have appropriate site safety qualification or certification (such as BS EN16636:2015 profressional standard)
* Have experience of fly control on other waste sites
* Be able to cary out fly identification, monitoring and surveying, if required
* Have the applicable equipment to treat a large site
* Be able to provide cover outside normal working hours, e.g. evenings, weekend and holidays, if required
* Be able to propose a sensible fly management plan and not just rely on insecticide.

Should spraying of insecticides be required as a last resort, the PMP will need to be revised in line with, but not limited to, the above considerations and agreed by us prior to being carried out.

There will be daily proactive checks for the presence of pests and remedial action as specified in Table 4-1 of the pest prevention plan taken.

A stock rotation procedure will be in place by colour coding the bales so the oldest bales will be removed from site first. Waste will be stored on site for a maximum of 3 months.

There will be a daily housekeeping schedule implemented to clear any litter/debris. In addition to this, after a shipment and the waste area is empty, the floor and corners will be cleared of any debris before filling.

There is a plan in place to alert sensitive receptors where a significant pest problem is identified in line with in section 4.5 of the approved PMP.

We have imposed pre-operational conditions for future development for the operator to submit to us for written approval justification for measures for pest management to be used in Areas B, C and D before they can undertake permitted activities in these areas. More detail on the pre-operational conditons for future development are in section 4.3.6 of this decision document.

### 5.2.6 Fire

We carefully considered the potential fire risk from the activity during our determination. Condition 3.5.1 in the permit states that shall the operator shall manage and operate the activities in accordance with a written fire prevention and mitigation plan (FPMP) using the current, relevant fire prevention plan guidance.

The types of waste proposed to be stored at this site are identified as those requiring a fire prevention and mitigation plan in our technical guidance note no.16 “Fire Prevention & Mitigation Plan Guidance –

Waste Management” [version 2 August 2017]. This guidance was jointly produced by us and the three fire and rescue services in Wales.

This operator submitted a FPMP which described the activity, identified the fire risks, proposed prevention measures to reduce fire risks and mitigate with potential impacts. We assessed these measures in line with the standards set out in our technical guidance note no.16 “Fire Prevention & Mitigation Plan Guidance – Waste Management” [version 2 August 2017].

The techniques in the FPMP are considered proportionate and suitable for the activity being carried out. The FPMP has been incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques.

The operator has identified potential causes of fire on site in Table 4-1 of the approved plan and produced the rest of the plan to address these risks.

The operator has proposed that waste will be stored for no longer than 3 months, and the maximum stockpile sizes prior to export is anticipated to be for the final 3 weeks. The operator has recognised the waste streams proposed may be affected by seasonality which may mean the waste needs to be stored longer than required, therefore they will have contractual agreements with facilities they are receiving waste from, and facilities sending waste to for financial security to remove waste off site, so it is not stored for longer than approved.

The maximum time the waste is be stored proposed in Table 2-2 of the fire prevention and mitigation plan are in line with the minimum requirements in Table 1 of our technical guidance note no.16 “Fire Prevention & Mitigation Plan Guidance – Waste Management” [version 2 August 2017].

The waste types proposed are those that could be at risk of self-combustion and the operator has recognised this and proposed maximum storage times that are less than the maximum storage times in the guidance.

The maximum stockpile sizes and minimum separation distances proposed in Table 2-2 for areas A and B are in line with Graph 1 of our technical guidance note no.16 “Fire Prevention & Mitigation Plan Guidance – Waste Management” [version 2 August 2017].

We have imposed pre-operational conditions for the future development for Areas C and D which must be agreed by us prior to undertaking permitted activities in these areas. The operator must submit for written approval from us information justifying the the number of waste stockpiles, the dimensions of the waste stockpiles, the separation distances between the waste stockpiles, and the layout of the waste stockpiles on a site plan, for Areas C and D, in line with condition 3.5.1 of this permit. See section 4.3.6 of this decision document for more detail.

They have proposed additional monitoring and processes to control the risk of self-combustion, including:

* stock rotation using colour coding on bales so oldest bales are removed first
* visual monitoring – daily checks for any signs of potential fires
* temperature monitoring – a thermal probe will be used but will not be used to pierce bales as this will introduce additional risks. The probes will be inserted into the channels between bales. If the temperature is above 40oC,stock rotation will be implemented to reduce the temperature of the hot spot/bales by moving bales to the outer edges or the quarantine area if required.
* moisture monitoring – this will be controlled primarily by the contract with customers and the pre-acceptance criteria. Deformed bales arriving on site or noticed whilst in storage may indicate increased moisture content. Such problematic bales identified in daily checks will be subject to the quarantine procedure specified.

A firefighting strategy has been set out by the operator should a fire occur on site.

There are 3 fire hydrants of sufficient pressure capacity within adequate proximity of the site to be used should a fire occur. In addition to this, but as a secondary measure, the drop height from the dock is sufficient to allow the use of dock water as a water source in the event of an emergency. Fire water run-off would either be re-used if the fire service deemed appropriate, released to sewer or contained and tankered off site to a suitably permitted facility. Approved contractors with their response times have been included in the plan.

The external storage areas are bunded and would be able to contain 2500m3 of fire water. Penstock valves would be used prevent escape of run off to sewer unless there is an agreement with the sewage undertaker.

The operator has a suitably sized quarantine area for solid fire waste or to move unburnt waste to prevent a fure from spreading. The quarantine area is in line with the guidance requirements of a capacity to hold 50% of the largest waste stack size.

Contingency measures have been specified in the plan to divert any incoming waste deliveries in the event of a fire, and to remove burnt waste material from the site.

Should a fire occur, the operator has specified the measures to be taken before the site can become operational again, including removal of burnt waste material and checking infrastructure and pollution prevention measures in Table S1.1 and Table S1.2 of the draft permit are still to permit condition specifications, for example, ensuring the mesh scaffold is still suitable and the ensuring surface is still impermeable.

Mid and West Fire and Rescue Service have conducted a site visit and also assessed the fire prevention and mitigation plan, their comments and our response are detailed in Appendix 2 of this decision document.

### 5.2.7 Noise and vibration

The operator has considered the risk of noise to be low and we agree with this assessment. The site is on an active port, the noise sources from the waste activity will be restricted to plant and equipment used to move the waste for short periods of time. Use of the wrapper will be limited to 1-2 times a month. There is an appropriate maintenance procedure in place for the equipment used.

We cannot take into account noise from traffic to and from the site in tis determination. This is explained in more detail in Appendix 2 of this decision document.

### 5.2.8 Emissions to surface water

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent and/or minimise emissions to water.

There are to be no releases of process effluent or rainfall depend run-off from the areas used to store or treat waste to surface water associated with the operation of the waste facility.

The storage and treatment of waste will take place on an impermeable surface with a sealed drainage system. An impermeable surface is one that does not allow liquids to seep through into the ground underneath. A sealed drainage system is one that ensures all run off from the site is directed to/ collected at a specific point. The run-off discharges will be directed to the foul sewer from external storage areas A and B via a discharge consent from the sewerage undertaker, DCWW. Areas C and D will have sealed drainage in that there will be no outlet (that is, no drains or taps) and drain to a blind collection point and contained within the building.

### 5.2.9 Emissions to sewer

The waste facility will give rise to run-off from the external waste storage areas A and B.

The run-off from areas A and B will be discharged to sewer via the emission point agreed from the submission required under pre-operational condition reference PO1 and pre-operational condition for future development reference FPO1 in the permit respectively in accordance with a trade effluent consent from the local sewerage undertaker, Dŵr Cymru Welsh Water.

The operator has submitted information that has given a strong likelihood of a trade effluent consent being granted but this cannot be confirmed by the sewerage undertaker until a permit is in place.

The operator has applied to Dŵr Cymru Welsh Water for a trade effluent discharge consent and Table S.1.2 of the permit incorporates the parts of the operators operating techniques that states they will provide proof of the trade effluent discharge consent prior to operating.

We are satisfied that the environmental risk associated with the release of rain fall dependent run-off to sewer is not significant, since the waste types proposed will be baled, or wood waste

The effluent will be treated at a Dŵr Cymru Welsh Water waste water treatment works prior to discharge to the aquatic environment.

Based upon the information in the Application, we are satisfied that appropriate measures will be in place to prevent and / or minimise emissions to sewer.

### 5.2.10 Monitoring and reporting

As no emission limits have been set, there are no monitoring or reporting conditions under Schedule 3 and 4 of the permit.

# Biodiversity, Heritage, Landscape and Nature Conservation

### 6.1.1 Sites Considered

The operators risk assessment was reviewed by us for conservation and ecology.

We agreed with the assessment’s conclusions, that there would be no likely significant effect on the interest feature(s) of the protected site(s).

The waste facility is within the relevant screening distance criteria of a protected habitat and site. A full assessment of the Application and its potential to affect the designated site has been carried out as part of the permitting process.

We considered the risk of the proposed waste facility to the features of the Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) from toxic contamination, nutrient enrichement, habitat loss, siltation, smothering, disturbance and predation through the pathways of leachate, surface water, dust, physical access, litter, gulls, corvids and rats, and noise and visual intrusion in our assessments.

We consider that the Application will not affect the features of the designated sites listed below. The following European protected sites (i.e. SAC) are located within 1km of the waste facility:

* Pembrokeshire Marine (Site Code: UK0013116)

The following SSSIs are located within 2km of the waste facility:

* Milford Haven Waterway (SSSI ID: 282)

We consulted with the statutory conservation body , and based upon the information in the Application, we are satisfied that:

1. The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest and there is no pathway for features to be affected. The closest storage area to the SSSI is approximately 520m west of the proposed site. All run-off from external areas of the site shall go to foul sewer and run-off from indoors areas of the site shall drain to a blind collection point and contained within the building.There are no discharges to surface water permitted. See [section 4.3.5](#_4.3.5_Pollution_prevention) of this document for further detail. The operating techniques listed in [section 5](#_Minimising_the_environmental) of this document that have been incorporated into Table S1.2 of the draft permit further reduce the risk to the SSSI.

And;

1. The proposed permission is has no likelihood of significant effect on the special area of conservation as there is no pathway for features to be affected. The closest storage area to SAC is approx. 440m north of the proposed site. All run-off from external areas of the site shall go to foul sewer and run-off from indoors areas of the site shall drain to a blind collection point and contained within the building.There are no discharges to surface water permitted. See [section 4.3.5](#_4.3.5_Pollution_prevention) of this document for further detail. The operating techniques listed in [section 5](#_Minimising_the_environmental) of this document that have been incorporated into Table S1.2 of the draft permit further reduce the risk to the SAC.

Full details of our assessment for the SAC and SSSI can be found in our “Record of Habitats Risk Assessment of a Project” and “Appendix 4 Formal Notice Duty in relation to granting any consent, licence or permit for activities likely to damage Sites of Special Scientific Interest (SSSI)”, respectively.

There were no identified non-statutory Local Wildlife Sites (LWS), National Nature Reserves (NNR), Local Nature Reserves (LNR) and Ancient Woodlands located within 2km of the waste facility

We have also checked our records for the presence of European Protected Species (EPS), as defined by the Habitats Directive, within the locality of the waste facility. We have assessed that the nature of the activity will not affect any EPS.

# 7. Other legal requirements

In this section we explain how we addressed other relevant legal requirements, to the extent that we have not addressed them elsewhere in this document.

## 7.1 The Environmental Permitting Regulations (England and Wales) 2016 and related Directives

The EPR 2016 delivers the requirements of a number of European and National laws

## 7.2 Schedule 9 to the EPR 2016 – Waste Framework Directive

A *waste operation* is being conducted as the main purpose of the regulated facility. The requirements of Schedule 9 therefore apply.

This means that we must exercise our functions so as to ensure implementation of certain articles of the Revised Waste Framework Directive (rWFD).

We must exercise its relevant functions for the purposes of ensuring that the waste hierarchy referred to in Article 4 of the rWFD is applied to the generation of waste and that any waste generated is treated in accordance with Article 4 of the rWFD.

The conditions of the permit ensure that waste generation from the facility is minimised. Where production of waste cannot be prevented, it will be recovered wherever possible or otherwise disposed of in a manner that minimises its impact on the environment. This is in accordance with Article 4.

We must also exercise its relevant functions for the purposes of;

implementing Article 13 of the rWFD;

ensuring that the requirements in the second paragraph of Article 23(1) of the WFD are met; and

ensuring compliance with Articles 18(2) (b), 18(2) (c), 23(3), 23(4) and 35(1) of the WFD.

Article 13 relates to the protection of human health and the environment. These objectives are addressed elsewhere in this decision document. Article 23(1) requires the permit to specify;

The types and quantities of waste that may be treated;

- for each type of operation permitted, the technical and any other requirements relevant to the site concerned;

- the safety and precautionary measures to be taken;

- the method to be used for each type of operation

- such monitoring and control operation as may be necessary; and

- such closure and after-care provisions as may be necessary

These are all covered by permit conditions. The permit does not allow acceptance or mixing of hazardous wastes, so Article 18(2) is not relevant.

We consider that the intended method of waste treatment is acceptable from the point of view of environmental protection, so Article 23(3) does not apply.

We consider that energy efficiency in accordance with Article 23(4) does not apply, as the waste is only to be stored at this site, with its recovery of energy proposed to be done elsewhere. This is delivered through the activity limitations in Table S1.1. of the permit.

Article 35(1) relates to record keeping and its requirements are delivered through permit conditions.

## 7.3 Schedule 22 to the EPR 2016 – Groundwater, Water Framework Directive and Groundwater Daughter Directives.

To the extent that it might lead to a discharge of pollutants to groundwater (a groundwater activity under EPR 2016), the permit is subject to the requirements of Schedule 22 EPR 2016, which delivers the requirements of European Union directives relating to pollution of groundwater.

The permit will require the taking of all necessary measures to prevent the input of any hazardous substances to groundwater, and to limit the input of non-hazardous pollutants into groundwater so as to ensure such pollutants do not cause pollution and satisfies the requirements of Schedule 22.

No release to groundwater from the waste facility are permitted, the permit also requires material storage areas to be designed and maintained to a high standard to prevent accidental releases.

To the extent that there could be relevant discharges to inland freshwaters, coastal waters or relevant territorial waters, Schedule 21 EPR applies. No such discharges have been permitted.

## 7.4 Directive 2003/35/EC – The Public Participation Directive

Regulation 59 of the EPR 2016 requires us to prepare and publish a statement of its policies for complying with its public participation duties. We have published our public participation statement.

This application has been consulted upon in line with that statement. This satisfies the requirements of the Public Participation Directive. Our decision in this case has been reached following an extensive programme of public consultation on the application. The way in which this has been carried out was explained earlier in this document.

**The way in which we have consulted with the public and other interested parties is set out at the beginning of this document.**

## 7.5 National Welsh Legislation:

**Environment (Wales) Act 2016,**

**Well-being and Future Generations (Wales) Act 2015,**

**Environment (Wales) Act 2016,**

**The Natural Resources Body for Wales (Establishment) Order 2012,**

**The Natural Resources Body For Wales (Functions) Order 2013,**

# (together ‘the Welsh Legislation’).

We have taken full account of its duties under the Welsh Legislation.

NRW is satisfied that this decision is consistent 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.

In particular, we acknowledge that the principles of sustainable management include: making appropriate arrangements for public participation in decision making, taking account of all relevant evidence and gathering evidence in respect of uncertainties, taking account of the short, medium and long-term consequences of actions and taking account of the resilience of ecosystems.

# We further acknowledge that is it an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 .

# We are satisfied that on the evidence the short, medium and long-term consequences of granting a permit for the operation of this facility will not affect the resilience of ecosystems and is consistent with the well-being goals.

In coming to this view, we note that we have no powers or duties with regard to traffic volume or movements outside of the permit boundary.

We consider that we have set permit conditions in a consistent and proportionate fashion based on the activity being carried out and considering all relevant matters.

We consider that we have pursued the objectives set out in the Welsh Legislation, where relevant, and that there are no additional conditions that should be included in this permit for those purposes.

## 7.6 Human Rights Act 1998

We have considered potential interference with the rights protected by the European Convention on Human Rights (ECHR) in reaching our decision and consider that our decision is compatible with our duties under the Human Rights Act 1998.

In particular, we have considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol).

Article 8 ECHR includes the right to respect for the quiet enjoyment of one’s home. In some circumstances, persistent noise, emissions, odours, pests or other such non-physical interferences can be sufficiently serious to amount to interferences with that right to quiet enjoyment. We are satisfied that the conditions imposed in the permit mean that there should be no interference with local residents’ rights under Article 8 ECHR, in particular because strict controls will be in place to ensure that pests and other emissions are prevented and/or minimised. If and to the extent that the grant of the permit may result in an interference with Article 8 rights, any such interference would, in our view, be in accordance with the law and would be proportionate, considering, in particular, the need to strike a fair balance between the rights and interests of affected individuals and the rights, freedoms and interests of the operator and the wider community, including the interests of the UK in promoting recycling and recovery operations.

No representations have been made to us in the course of determining this application specifically in relation to the the Human Rights Act 1998.

We have considered the potential interference with Convention rights to which granting the permit may give rise and we are satisfied that no such rights are engaged in the present case or that, if they are, the proposed activity would not unlawfully interfere with those rights.

## 7.7 Wildlife and Countryside Act 1981

Under Section 28G of the Wildlife and Countryside Act 1981, we have a duty in exercising its functions, so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a SSSI is of special interest, to take reasonable steps to further the conservation and enhancement of those flora, fauna or geological or physiographical features by reason of which a site is of Special Scientific Interest.

Under Sections 27AA and 28I we have a duty to notify its nature conservation function and the strategic conservation panel for the strategic planning area in relation to any operation that is likely to damage a SSSI.

We assessed the application and concluded that there is 1 SSSI within the 2km screening distance of the site.

The reasons why no notification was required is explained in section 6 of this decision document.

## 7.8 The Conservation of Habitats and Species Regulations 2017

We have assessed the application in accordance with guidance agreed by the conservation body in Wales and concluded that there will be no likely significant effect on any European site.

We consulted with our nature conservation function and they agreed with the operators conclusion that the waste facility is not likely to have any significant effect on any habitat sites within the screening distance.

A habitats assessment (Record of Habitats Risk Assessment of a Project) was completed and our conclusions noted.

## 7.9 Water Framework Directive Regulations 2017

Consideration has been given to whether any additional requirements should be imposed in terms of our duty under Regulation 3 to secure the requirements of the Water Framework Directive, Environmental Quality Standards Directive and Groundwater Directive through (inter alia) EPR permits, but it is considered that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

## 7.10 Section 81 Environment Act 1995

The site is not within a designated Air Quality Management Area.

We consider that we have taken our decision in compliance with the National Air Quality Strategy, and that there are no additional conditions that should be included in this permit.

# Annex 1: decision checklist

Some aspects, such as submission of the correct fee or information on the site’s Opra profile, are not included in this list because we have addressed them at the duly making stage. They are not part of our determination.

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 and web publicising | The web publicising, consultation and advertising responses ([Annex 2](#_Annex_2:_Consultation,)) were taken into account in the decision. The decision was taken in accordance with our guidance.  | ✓ |
| **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. | ✓ |
| **Sustainable Management of Natural Resources (SMNR)** |
| Considerations of SMNR - Compliance with our General Purpose | We are satisfied that this decision is compatible with our general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources. |  |
| **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. | ✓ |
| Site condition report | The operator has provided a description of the condition of the site.We consider this description is not satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).A full explanation of the reasons we have considered this unsatisfactory is provided in [section 4.3.3](#_4.3.3_Site_condition) of this decision document | ✓ |
| 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 site(s)/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. **Assessment of Likely Significant Effect:**The project has been screened for likelihood of significant effects and, taking account of the advice received from protected sites advisors, is considered not likely to have a significant effect on any Natura 2000/Ramsar site **HRA Overall conclusion:**In light of the conclusions of the appropriate assessment, it has been ascertained that the project will not adversely affect the integrity of any Natura 2000/Ramsar siteA full explanation of our assessment is provided in [section 6](#_Biodiversity,_Heritage,_Landscape) of this decision document.  | ✓ |
| **Environmental Risk Assessment and operating techniques** |
| Environmental risk | We have reviewed the operator's assessment of the environmental risk from the facility. The operator’s risk assessment is satisfactory. A full explanation of the operators risk assessment specific management plans is provided in [sections 5.1.1 - 5.2.6](#_5.1.1_Methods_used) of this decision document.  | ✓ |
| Operating techniques | We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. Full explanation of the techniques that will be used to carry out the activity and control emissions are provided in [section 5](#_Minimising_the_environmental) of this decision document. The operator has identified appropriate measures, as set out in the relevant technical guidance note for wasteactivities; ‘How to comply with your environmental permit’.We have incorporated relevant management plans and other guidance/standards in Table S1.2 Operating Tecniques in Schedule 1 of the draft permit. The operator must carryout the activity in accordance with these standards. If any of the management plans, techniques or standards incorporated in Tbale S1.2 need to be revised – to reflect improvements in industry standards or to include adiditonal control measures – we can use our power under condition 2.3.1(b) of the adrft permit to carry out these changes.  | ✓ |
| **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:* the proposed waste types are suitable for the nature of the permitted activity
* appropriate measures for acceptance, storage and processing have been included in the permit and identified by the operator
* the appropriate measures are in place to prevent fugitive emissions.

Notwithstanding the waste types set out in Table S2.1 of the draft permit, we have excluded the following wastes for the following reasons:* consisting solely or mainly of dusts, powders or loose fibres
* sludges
* odorous or odour producing
* hazardous waste

to ensure risk from the activity is contained and that measures used on site remain appropriate for the permitted activity.We made these decisions with respect to waste types in accordance with waste facility technical guidance note ‘How to comply with your environmental permit’ and after full assessment of the risk controls used on site. A full explanation of the reasons why we’re happy operator can accept these waste types in provided in [section 4.3.4](#_4.3.4_Potentially_polluting) and [section 5](#_Minimising_the_environmental) of this decision document.  | ✓ |
| Pre-operational conditions | Based on the information in the application, we consider that we need to impose pre-operational conditions. A full explanation of the pre-operational conditions we’ve included in the permit is in [section 4.3.6](#_4.3.6_Pre-operational_conditions) of this decision document. | ✓ |
| 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.A full explanation of the measures we’ve incorporated in the permit is in [section 5](#_Minimising_the_environmental) of this decision document.  | ✓ |
| **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 scheme. The operator satisfies the criteria in RGN 5 on Operator Competence.A full explanation of how we have considered technical competence requirements is in [section 4.2.2](#_4.2.2_Technical_ability) of this decision document.  | ✓ |
| Relevant convictions | Our Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. | ✓ |
| Financial competence | 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 and advertising responses

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

Below are tables which summarise responses received together with how they have been addressed in the determination process.

For specific statutory bodies and voluntary organisations, we have summarised their specific responses. Where responses were received from individuals we have not included their personal details and have grouped responses into categories. Where we received similar responses from individuals we have grouped those together and shown how the issue raised was addressed.

| **Response received from** |
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| Cadw (Welsh Government’s historic environment service) |
| **Brief summary of issues raised** |
| The proposed uses that are the subject of this application do raise some concerns. The storage of combustible material within a listed building has obvious risks, and the storage of waste generally within the setting of the listed buildings will do little to enhance their special architectural and historic interest. |
| **Summary of actions taken or show how this has been covered** |
| 1. As the applicant has proposed to accept combustible waste, a Fire Prevention and Mitigation Plan (FPMP) has been submitted by the applicant and assessed by us. It meets the requirements of our guidance that has been produced on conjunction with the 3 fire and rescue services in Wales. The FPMP has been incorporated into Table S1.2 operating techniques table of the permit
2. It is a criminal offence to carry out any alterations, extension or demolition works (either to the exterior or interior) which would affect the character of a building once it is listed, unless listed building consent has been obtained from the Local Planning Authority.The response from the Local Planning Authroity indicates that planning is still required.
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| **Response received from** |
| Mid and West Fire and Rescue Service |
| **Brief summary of issues raised** |
| 1. Section 2.3.1 refers to a HD woven polyethylene mesh to limit fly escape. The Fire Service recommend that this mesh should be flame retardant.
2. There is a white diesel is stored in a bunded tank adjacent to the cargo shed. Remedial works are required on the bund. The tank is close to a building to be used to store combustible waste it is recommended that when the stack layout is determined for Area “C” it does not butt directly against the wall adjacent to the external tank.
3. Section 2.8.3 regarding Gas cylinders needs to clarify if there are no gas cylinders stored on the Gate 1 site.
4. The Fire Service suggest that reference to the locations of the keys to open the emergency access gates off Admiralty Way should be included, to access the 2 fire hydrants referred to in the fire prevention and mitigation plan.
5. Specifications of all pre-operational conditions should comply with the current version of the Fire Prevention and Mitigation Plan Guidance- Waste Management (Guidance note 16), then it should be acceptable to the Fire Service. This particularly applies to the layout and stack sizes proposed in general for all four storage areas on the site. \_
 |
| **Summary of actions taken or show how this has been covered** |
| 1. The operator has confirmed the material is flame retardant in an amended fire prevention and mitigation plan
2. The diesel tank is not part of the permitted activities so we cannot enforce the bunding through the permit. However, general pollution prevention controls must be in place for all non-waste activities on the site which this will fall under. A pre-operational condition has been included for the operator to provide an amended FPMP with the final stack layout for the buildings before they become operational for the waste activity, to be in line with the relevant fire prevention and mitigation plan guidance.
3. Section 2.3.8 of the fire prevention and mitigation plan has been amended and now states that there are to be no gas cylinders on site
4. Section 6.4.3 and 7.3 of the fire prevention and mitigation plan has been updated to say where how the keys are access
5. Pre-operational measures have been specified in the permit to be in line with the current guidance.

This has been supplied in an amended Fire Prevention and Mitigation Plan and incorporated into Table S1.2 Operating Techniques in Schedule 1 of the permit.  |

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| **Response received from** |
| Public Health Wales and Hywel Dda University Health Board |
| **Brief summary of issues raised** |
| The consultee has stated they have no grounds for objection based upon public health considerations contained within the application and provided the site is operated in line with current sector guidance. However, inconsistencies in the application were raised that should be clarified.1. Recommend operator seeks Environmental Management System (EMS) accreditation within agreed timescale
2. Regulator must ensure that operations are managed in line with the guidance “Fire Prevention & Mitigation Plan Guidance – Waste Management version 2.0” and proposed storage areas and storage times are clarified
3. Watering of wood waste for dust suppression may increase risk of fire
4. Emphasised that only waste meeting permitted acceptance criteria and any failing to meet this are removed off-site promptly to control risks of odour and pests
5. Regulator should ensure suitable noise mitigation controls are in place
 |
| **Summary of actions taken or show how this has been covered** |
| 1. There is no requirement for an EMS to be externally accredited. The EMS and supporting documents are in line with the requirements of our guidance note How to Comply
2. We have assessed the Fire Prevention & Mitigation Plan submitted and have deemed the measures as appropriate and in line with the guidance. The storage times and locations are listed in Table 2-2 and Drawing 1850/3 respectively, both in the plan.
3. Moisture content as part of fire prevention measures have been included. Furthermore, waste stored externally will be in netted area. Waste types that are dust, fines have been specifically excluded in Table S2.1. of the permit
4. Pre-acceptance and waste acceptance checks have been incorporated in the permit that demonstrate how the operator will comply with the odour, pest and waste types to be accepted conditions of the permit. The Odour Management Plan and Pest Management Plan includes these details and have been assessed as appropriate and incorporated into Table S1.2. of the permit.
5. We agree with the operator’s assessment that the risk of noise is low due to the nature of the operation. The plant and equipment used on site will not alter significantly from other types of plant and equipment on site and will not be in use 24/7. The agricultural baler will only be used 1-2 times a month. We have incorporated the maintenance schedule for the plant and equipment that will be used on site to ensure it is working to optimum level.
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| **Response received from** |
| Pembrokeshire County Council – Environmental Health |
| **Brief summary of issues raised** |
| 1. Quarantine areas are close to residential areas, queriedhow will bale integrity and thickness of bales identified
2. Concerns about the baseline odour monitoring done and expertise in conducting the odour monitoring.
3. Concerns regarding reliance on wind direction as minimising and preventing odour. Concerns that summertime easterly winds are more likely to be present.
4. Concerns that operator is not competent
5. Concerns location is not suitable for an operation of this scale
 |
| **Summary of actions taken or show how this has been covered** |
| 1. The quaratntine area referred to is the emergency quarantine area for use in the event fo a fire only. We deem this appropriate as it will not be a routinely used space.
2. Baseline monitoring is not a requirement of the H4 odour guidance, and as thteh operator is not undertaking any wast eoperations on site currently, it has been assessed as having little relevance to determination. The operator will have technically competent manager as a permit condition. The operator has provided evidence of being registered to undertake the appropriate qualification for this type of activity that will cover the key risks from this type of activity, including odour.
3. Applicant has referred to how meteorological forecasting will be used to manage on site activities in their odour management plan, which we have incorporated into Table S1.2. This plan is in line with our H4 guidance on Odour Management.
4. Operator competence checks have been carried out in line with EPR, DEFRA Core Guidance and our guidance RGN 5 Operator Competence. In addition to our mandatory checks, we asked for the full sections of the EMS that will manage staff training. We assessed this as in line with our guidance note, How to Comply.
5. This is within the Planning Authority remit to comment on whether the location is suitable, planning permission is required for the site as specified in the Planning Authority response. Environmental controls in line with our published guidance have been incorporated into the permit to minimise the risk of emissions.
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| **Response received from** |
| Pembrokeshire County Council – Planning Authority |
| **Brief summary of issues raised** |
| Stated that no planning permission is currently in place for the proposed waste facility and would require an application which would involve a formal public consultation. |
| **Summary of actions taken or show how this has been covered** |
| None to be taken – it is not a requirement under EPR to ensure that planning is in place prior to issuing a permit. However, the operator will need to ensure that they have all relevant permissions in place before operating.  |

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| **Response received from** |
| Hywel Dda University Health Board (HDdUHB) – in addition to the response from HDdUHB’s Director of Public Health with Public Health Wales, a separate response was also received from Hywel Dda University Health Board representing South Pembrokeshire hospital |
| **Brief summary of issues raised** |
| 1. Operator should only be able to store waste for 1 month during summer period and to be stored inside. Additionally, they should only be able to accept waste into the site that has been stored for a maximum of 1 month prior to arrival on site. Stock rotation must also be implemented. These conditions should be included as a mandatory requirement of their permit.
2. Waste Acceptance Criteria (WAC) such as storage processes, wrapping process, pest control procedures etc. is made a mandatory requirement of the permit
3. How does NRW assess WAC and account for storage of waste materials prior to arrival at the permitted site? Does this criteria form part of the sites process and failure to ensure compliance mean a breach of the permit conditions?
4. We propose that quarantine storage is time bound and timescales for returning quarantined waste to supplier as stated in Table 4.1 of the PMP be reconsidered with tighter timescales.
5. can NRW confirm whether these proposed lines of defence (Scaffold, mesh, insecticides, fly traps, bactericide) are in line with best available techniques? Will all these conditions form part of the permit conditions and therefore be enforceable and in regard to the Scaffold could the Port Authority be required to cover the three sides fully and during periods of non-use have a temporary cover for the remaining open side i.e. gate?
6. What guarantee can be given to the Health board that the Port Authority is competent to perform this process? Our response highlights concern around the experience of the personnel employed by the Port Authority following recent discussions
7. we would like to see included in the permit as a mandatory requirement that in the event that the site breached baseline limits for pests and odour that the hospital is informed immediately so that they could put their own contingency measures in place. In the spirit of collaboration, we would also like to see the Port Authority cover the cost of doing baseline monitoring at the hospital should the permit be awarded and before operations start and then routinely through the summer months (April-Sept).
8. In relation to Odour (S5.4) & Pests (5.5 ERA), which states that should odour become ‘unreasonable’ or ‘amount to serious pollution’ that operations will cease, we would propose that firstly this statement is clarified and secondly this also applies to pests also.
9. In relation to Risks to the environment (S6.1) ERA, given the historic pest issue with flies, should the permit be awarded will the NRW be implementing more robust monitoring of the site’s processes and if so what will that monitoring process look like?
10. Background information supplied on problems experienced from another waste facility on site, including witness statements
 |
| **Summary of actions taken or show how this has been covered** |
| 1. The applicant has proposed to store for a maximum of 3 months, the full capacity of which would be for approximately 2 weeks prior to a shipment. This is within recommended industry guidelines of 6 months for these waste types. The applicant has included pre-acceptance measures which includes a full audit of new suppliers that they will accept waste from of which part of the parameters will be risk assessing the age of the waste. The acceptable age of was will be dependent on the the type of waste used in production, condition of waste and bales, how bales are wrapped, storage conditions and timings, bale handling and repair procedures; and so may vary from contract to contract. A Stock rotation system as been included by the applicant, full details of which are in [sections 5.2.3, 5.2.4 and 5.2.5](#_5.2.3_Fugitive_emissions) of this decision document. This is incorporated into Table S1.2 in Schedule 1 of the permit and is a mandortory requirement of the permit.
2. Pre-acceptance and waste acceptance procedures have been incorporated into Table S1.2 of the permit and are permit conditions. See [sections 5.2.4 and 5.2.5](#_5.2.4_Odour) of this decision document for further explanation.
3. We have assessed the waste pre-acceptance and acceptance measures and measures that the operator has proposed in demonstrating the standards they expect from their contracts and what they will accept to this site to control these risks. These checks have been incorporated into Table S1.2 of the permit and are permit conditions.
4. The quarantine procedures are timebound as specified in both the OMP and PMP incorporated into Table S1.2 of the permit. This is explained in further detail in [section 5.2.4 and 5.2.5](#_5.2.4_Odour) of this decision document.
5. We have assessed the pest control measures submitted by the applicant against our TGN “How to Comply with your Environmental Permit”. We have also assessed it against the appropriate measures in the Environment Agency “Fly Management Guidance”. As the facility is a waste facility and not an installation facility, it is not subject to the Best Available Techniques (BAT) in the BAT Reference Document for Waste Treament. However, we also referred to this but there are no standards for pest/fly control in this document . EPR is an outcome focussed legal framework, rather than prescriptive, as such we allow operators to put forward proposals to meet an end. The operator has gone out to industry and identified other waste sites where these measures are used as part of their proposals. We want to ensure that the operator reviews the effectiveness of these measures at this site and amend as required before we allow them to use other areas of the site, and as such as we have put in pre-operational conditions for future development so that they must demonstrate that . These are explained in further detail in [Section 4.3.6](#_4.3.6_Pre-operational_conditions) of this Decision Document.
6. Practical experience of running a permitted site is part of the WAMITAB qualification that the operator has registered for. Operator has met the criteria competent operator as specified in DEFRA core guidance and our guidance RGN5. Furthermore, we asked for additional information on training of staff which was supplied and was in line with How to Comply.
7. The operator must comply with the approved PMP and OMP that has been incorporated into Table S1.2 in Schedule 1 of the permit. There is a requirement to alert sensitive receptors, this will dependent the problem and site conditions. It is not within our remit to enforce receptors undertaking their own monitoring. Any arrangements for any receptor to do their own monitoirng is of their own undertaking.
8. This has been clarified as meaning incoming deliveries being halted and /or waste already in storage being returned to customers or despatched to landfill.
9. The operator must carry out activities on site in accordance with the conditions in the permit. Our compliance officers will ensure that the operator complies with the permit. Furthermore, under condition 4.3.1 of the permit, the operator must notify us without delay following the detection of 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; the breach of a limit specified in the permit; or any significant adverse environmental effects. We will then investigate in accordance with our Incident Catergorisation policy. An environmental permit amenity condition non-compliance has to be substantiated by an NRW officer.
10. We cannot take into account the witness statements and information relating to another permitted facility that was run by a different operator in this permit application determination,
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| **Response received from** |
| A number of responses were received form members of the public following publicising the application. Many of the responses referred to the same concerns.We are only required to consider relevant comments when determining an Environmental Permit application. Relevant comments and how we have considered them during our determination have been listed below. Comments which were not relevant have been included and are listed first |
| **Topic** | **Brief summary of issues raised** | **Summary of actions taken or show how this has been covered** |
| Comments not within scope of our determination | Comments relating to use of the site for this purpose* Oppose this type of activity in a populated area and is inappropriate for this location given proximity to residential properties
* Can a realistic environment impact assessment be carried out this time? If a visit had been made to a similar facility, like at North Shields on Teeside, it would have been obvious that the previous facility wasn’t appropriate to be near a hospital or residential area
* Loading jetty is too close to the town
* Queried whether there are any other RDF sites in such close proximity to housing and if this is acceptable
 | The Local Planning Authority determines whether the activity is an acceptable use of land. It considers matters such as visual impact, traffic , access issues and lighting, and whether an environmental impact assessment is required, which do not form part of our environmental permit decision making process. The Local Planning Authority must also consider and respond to any objections they may receive on a particular planning application. The local planning authority stated in the consultation on this application that planning permission will be required for this site. |
| Comments relating to access, air emissions from traffic, lighting * Continuous lighting monitoring required
* Access from front street is a residential street and wholly inadequate to be considered an access route
* Consideration needs to be given to additional road transportation
* Concerns on the effect of noise and vehicle pollution. Adding large amount of traffic to this end of town will affect air quality, already congestion at certain times at London Road/A477 and air quality notably poorer at these times
* There are at least 42 chimney flue stacks and flares from Milford Havens petrochemical industry and also shipping emissions in the port, with only one air quality monitor
* Concerns that health suffers from these emissions, ask the local health board for incidence of cancer. Respondent already has health issues.
* No visible independent continuous air monitors in the Haven, even though we suffer with the pollution from other industry in area and there are many people with cancer in the area
* Shipping not mentioned for air pollution
* We need air monitoring continuously before any planning licences can be issued
* Add to considerable effect of pollution throughout area with little benefit to carbon footprint.
 | It was unclear from some of the responses what part of the application the concerns in regards to emissions to air were in reference to. Therefore, we have detailed our reponse as follows:* The International Maritime Organisation (IMO) regulates the emissions from ships.
* The Local Planning Authority regulates traffic and traffic emissions to and from the site
* There are no point source emisisons to air from the proposed activity, our response on this is further detailed in [section 5.2.3](#_5.2.3_Fugitive_emissions) of this Decision Document
 |
| Concerns about the operator’s intentions* They are doing this just for money, project is based on financial incentives not the population
 | The commercial decisions or intentions of the operator are not relevant to this application |
| Comments in regard to the consultation process* There was a meeting held to discuss this matter, there has not been much information that we have seen in relations to this to be able to help us understand or to put our thoughts/ objections towards this matter . On having spoken to several locals we find that they were also unaware, the recent meeting held approximately 15 persons to put views across out of a whole town we find this was a poor turn out but having heard people did not know this is probably the case why
* This is a PR exercise and the operator will get to do as they like, had difficulty accessing documents from online resource and even with copies emailed it suggests that NRW would rather not hear from the public in this regard
* Queried whether the applicant had advised the Sunderland Trust Heritage Centre or Pembrokeshire County Council (PCC) that they plan to surround their entire site with waste storage as theyhave just signed a 20+ year lease agreement with PCC
* There have been no widely dispersed statements of intent regarding possible hazard to health from the operator
 | We consulted on the application in accordance with the Environmental Permitting (England and Wales) Regulations 2016, our statutory Public Participation Statement, Working Together Agreements and our own Regulatory Guidance Note No 6: Determinations involving sites of high public interest.See [section 2.2](#_2.2._Consultation_on) of this decision document for further detail. The Sunderland Trust Heritage Centre was identified by the applicant in their risk assessment and by us in our searches. We encouraged the applicant to undertake their own enagagement strategy as part of the permit application, however any community engagement done or not done by the applicant is not of material relevance to our determination of this application. |
|  | Concerns about future changes to permit if granted:* Nothing in application suggests permit could not be “upgraded if granted” which respondent understands would not require further consultation.
* This facility should be located at a site at a location that would be suitable for further expansion/additional activity.
* Concerned the facility will get an approval now and over time there will be an increase in what will be allowed on the site.
 | We can only take into account the current application proposals in our determination. We have assessed the permit application based on all the pre-operational and pre-operational measures for future development being discharged and the site being fully operational. See [section 4.3.6](#_4.3.6_Pre-operational_conditions) of this decision document for further detail. Should the permit be granted, there are occasions when the site-specific conditions in a bespoke permit need to be changed. This process is called a variation. A variation may be initiated by the operator applying for one, or by us requiring one, for example after we have reviewed their permit conditions.When deciding whether to consult we will consider the likely public interest in the change and the scale of any potential environmental impact. |
| Comments relating to other existing waste facilities in the dockyard:* The existing waste handling facility proved to be a disaster that took a long time to resolve by the relevant authorities.
* suffered a lot when the last waste transfer was in use a few years ago. Last summer and this one so far has seen far fewer flies, it’s not an exaggeration to say dramatically less, not to mention the smell is far better. It wasn’t until the last one was shut down that I realised how much stress it had caused. Just the thought of going through that again is already affecting my wife and I.
* The last company in my opinion was at best shoddy and the thought of having years of what we had to put up with last time doesn’t bear thinking about.
 | These comments are not relevant to this specific permit application.The operator must carry out activities on site in accordance with the conditions in the permit. Our compliance officers will ensure that the operator complies with the permit.  |
| Other* Recommend for all NRW staff to read the book “zero waste solution”
* South Pembrokeshire Golf Club have noticed bad odours recently - either from the waste water plant or the existing waste transfer site. Respondant queried whether these been reported and addressed.
 | These comments are not relevant to the applicants proposals in this permit application.  |
| The permitted activity | Comments relating to what the facility will be doing:* What will areas A-D on the maps be used for? Where will waste be stored while waiting for a ship to arrive / during loading
 | A description of what the facility does and what the permit covers is outlined in [section 4.1.2](#_4.1.2__What) of this decision document.  |
| Discharges | Concerns about liquid effluent and risk to the waterway* Waste will have liquid effluent that will attract flies, smell and possibly run-off into the waterway
* The waterside location is a concern and the potential for pollution of the river is real and continuous if permitted.
 | No discharges to surface water have been permitted. External reas of the site shall drain to foul sewer, internal areas of the site shall drain to a blind collection point. Full explanation of emissions to sewer and pollution prevent measures is provided in [sections 4.3.4 and 4.3.5](#_4.3.4_Potentially_polluting) of this deicisn document. |
| Odour | Effect of odour from the proposed waste activities:* Waste will be stored closest to domestic properties so at greater risk of nuisance.
* Prevailing wind will blow into the town, ignores the fact that winds are variable and “adverse” winds (a south westerly wind will affect the Front Street residential and amenity area, and potentially the town centre) will be a regular nuisance for people close to this facility.
* Concerned that the proposed 5 days to deal with odour issues is unacceptable and will detriment to local domestic properties. Another respondant queried that the contingency action plan of 4-5 weeks from identification of an issue to removal of an odorous batch of waste (as opposed to just the odd bale which needs to be patched and/or quarantined) seems like a very long time and that this could be identified and rectified earlier.
* Awful smell when waste was stored outside previously even though it was wrapped. Won’t be able to enjoy residential gardens for relaxation purposes.
* Concerned about whether odour would be monitored and could the waste operator be required to remove all waste from site within XX days if there was a proven odour or pest issue and whether any time limits be set on resolving any issues and requirements to liaise and compensate be put in place.
* Questioned the impartiality of people employed by operator to undertake any monitoring.
* Queried how will pests be managed during transfer to and storage dockside
* Queried whether the operator shared their baseline odour surveys with NRW
* There is a coffee roasting facility as an odour source is a mile east of site, there is a high railway embankment that seems to shield closest residential properties from any nuisance. Concerned will add significantly to already high odour levels experienced in this area. Concerned that the operators will try to blame the waste water treatment plant or the PCC waste transfer site for any odour. How can NRW ensure that this isn't the case?
* Storage times of 3 months ignores that black bag waste is collected bi-weekly, concerned domestic properties will be blamed is there is a smell arising
 | The permit includes a plan to minimise the risk of odour from the site. This plan is included in table S1.2 Operating techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques.The operator has to manage their activities so that odour shall not cause pollution.Only an authorised officer of NRW can determine whether the odour condition has been breached by the site. Full explanation of the techniques that will be used to carry out the activity and control emissions is provided in [section 5.2.4](#_5.2.4_Odour) of this decision document.Waste stored at the quayside that is incidental to loading onto a ship is not covered by this permit. A full explanation of this is provided in [section 4.1.2](#_4.1.2__What) of this decision document. |
| Pests | Effect of pests from the proposed waste activities:* Plans should not include spraying chemicals
* Pembroke dock has already had a fly issue at the dockyard from waste units. Could not keep windows open or enjoy outdoor space in summer months. Concerns about the hospital, and flies spreading germs to vulnerable patients.
* Concerns about rats, vermin and seagulls who will be attracted to refuse, subjected local residents to public health hazards.
* Application focuses on odour and not negative effects of upsurge of flies with the impact on health and hygiene for local residents.
* Queried if the waste operator be required to remove all waste from site within a certain timescale if there was a proven odour or pest issue
* Queried how flies will be managed when waste is entering/leaving the site or moing moved to the dockside
* Queried the 4-5 weeks to establish that a large batch of waste is a source of flies and to rectify the issue as un-necessarily long time
 | The permit includes a specific pest management plan submitted by the applicant to minimise the risk of pests from the site. This plan is included in table S1.2 Operating techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques.The operator has to manage their activities so that 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.Full explanation of the techniques that will be used to carry out the activity and control emissions is provided in [section 5.2.5](#_5.2.5_Pests) of this decision document.Waste stored at the quayside that is incidental to loading onto a ship is not covered by this permit. A full explanation of this is provided in [section 4.1.2](#_4.1.2__What) of this decision document. |
| Fires | Risk of fire from the proposed waste activities:* Nothing to suggest operator has considered health of local residents, in particular from waste fires and chest conditions and the local hospital who are already in much weakened state.
* The application refers to Pembroke dock fire station, this is ill equipped to deal with anything but a minor incident and access to the site might be impacted by high winds where the Cleddau bridge would be impassable.
* If there was a fire, the water-run off from firefighting would pollute the river to an unacceptable level
 | The permit includes a written fire prevention and mitigation plan (FPMP) submitted by the applicant to minimise the risk of fire from the site. This plan has been assessed by us against our guidance, and Mid and West Fire and Rescue Service have been consulted on the application.This plan is included in table S1.2 Operating techniques in Schedule 1 of the permit. The operator must carry out activities in accordance with these operating techniques. Full explanation of the techniques that will be used to carry out the activity and control the risk of fire is provided in [section 5.2.6](#_5.2.6_Fire) of this decision document. |
| Noise | Effect of noise from the proposed waste activities:* Concerned will add significantly to already high noise levels experienced in this area
* We need noise monitoring continuously before any planning licences can be issued
 | It was unclear in these responses what part of the application their concerns of noise was from. The noise risk from undertaking the activity in line with the proposed way has been considered low due it being storing waste, and re-wrapping baled using an agricultural baler, where necessary, approximately once a month. Further detail is provided in [section 5.2.7](#_5.2.7_Noise_and) of this decision document.Any noise associated with transport to and from the site is under the remit of the Local Planning Authority.  |
| Waste types | Concerns on waste types proposed:* Waste is toxic and lowers everyday life standards
 | The permit limits the waste types that the site can accept to non-hazardous only and have additional pre-acceptance and acceptance criteria to ensure that odour, pest and fire risks associated with it are minimised as described above.All waste must be classified and where required hazardous properties assessed in line “Guidance on the classification and assessment of waste: Technical Guidance WM3“.  |
| Operator Competence | Concerns on operator competence:* operator is lacking experience in the handling of large amounts of waste material
* what if any track record has the company which is proposing this facility have and are they are competent
 | The operator meets the requirements for being considered a competent operator based on our standards in RGN 5: Operator competence (version 4.0). We took additional steps to ensure that the operator would have competent resources on site to meet the permit conditions, but assessing the how many people they would have, what they were already trained in and how the opertaor had analysed any skill gaps. We assessed these sections of the operators EMS to be in line with How to Comply, and incorporated them into Table S1.2 as they’ll be carrying out the other measures incorporated into S.1.2 to control the key risks from the facility. See [section 4.2.2](#_4.2.2_Technical_ability) of this document for further detail.  |
| Receptors | Potential for environmental damage to receptors:* Have not considered all local factors, as only a small proportion of these people live close to the town
* Martello tower is being sold on by PCC, concerns that new owner will be downwind of odour and pests
* Local economy may be impacted if there are environmental problems, there are several businesses in close vicinity that offer food service including café, 3 licenced premises and a convenience store.
* NRW should be aware of the SSSI sites. There are more appropriate sites for this use that would not risk SSSI locations.
* Proximity to a hospital - although the site has been moved it is still within a few 100 meters.
* Can time limits be placed on resolving issues such as operators be required to liaise closely with local residents, the health board and local businesses in the event of any issues
* Proximity to heritage centre, Front Street amenity space, market, proposed street food venue and maritime museum
 | We have screened for receptors in line with our screening criteria. Further detail is in [Section 4.1.1](#_4.1.1_Location) of this decision document of receptors identified in our searches. Listed and historical assets have been assessed by the applicant and by us. Cadw did not raise concerns about the Martello Tower specifically for us to take into account. The Tower has been closed since 2017, however, we have assessed it on a basis that people may frequent and potentially at risk of odour and pests, rather than the structure itself is at risk from the proposed activity. Environmental designations, including the SSSI, have been identified and for reasons set out in section 6.1.1 we have assessed the activity as not likely to damage any of the flora, fauna or geological or physiological features which are of special interest.In regards to these and all other receptors including but not limite dot food businesses and the hospital, we have assessed their management plans for key risks of the acitivity of pests, odour and fire and have determined that the measures are suitable and in line with our guidance, including when to alert receptors. These plans have been incorporated into Table S1.2 of the permit. Further details on the measures included and how we are controlling this via the permit conditionsare included in [sections 4.3.4](#_4.3.4_Potentially_polluting), [4.3.5](#_4.3.5_Pollution_prevention), [4.3.6](#_4.3.6_Pre-operational_conditions), [5.1.1](#_5.1.1_Methods_used), [5.2.1,](#_5.2.1__Local) [5.2.2](#_5.2.2_Setting_permit), [5.2.3](#_5.2.3_Fugitive_emissions), [5.2.4](#_5.2.4_Odour), [5.2.5](#_5.2.5_Pests) and [5.2.6](#_5.2.6_Fire) of this Decision Document.  |