# Natural Resources Wales permitting decisions

# Bespoke permit

We have decided to grant the permit for North Powys Bulking Facility operated by Powys County Council.

Thepermit number is [insert number]

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

**Purpose of this document**

This decision document:

* explains how the application has been determined
* provides a record of the decision-making process
* shows how all relevant factors have been taken into account
* justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant’s proposals.

**Structure of this document**

* Key issues
1. [Our proposed decision](#_Our_proposed_decision)
2. [How we reached our decision](#_How_we_reached)
3. [The legal framework](#_The_legal_framework)
4. [The regulated facility](#_The_regulated_facility)
5. [Minimising the environmental impact](#_Minimising_the_environmental)
6. [Biodiversity, Heritage, Landscape and Nature Conservation](#_Biodiversity,_Heritage,_Landscape)
7. [Other legal requirements](#_7._Other_legal)
* [Annex 1 the decision checklist](#_Annex_1:_decision)
* [Annex 2 the consultation and web publicising responses](#_Annex_2:_Consultation,)

# 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 Previous application (PAN-013001)**

Following pre-application discussions with us, Powys County Council submitted an application on 05/02/21 (reference PAN-013001). This application was for the storage and bulking up of mixed municipal waste, bulky materials, textiles, food waste, Absorbent Hygiene Products (AHP’s), green waste, glass waste, non-hazardous batteries and Waste Electrical and Electronic Equipment (WEEE) and dry mixed recyclables (comprising of paper cardboard, cans and plastic). This application was refused on 14/03/22, as the applicant’s Fire prevention and mitigation plan did not meet the requirements of our ‘Fire Prevention and Mitigation Plan Guidance - Waste (Version 2 August 2017)’.

**2.2 Receipt of application**

Powys County Council submitted a new application to us on 09/06/22 (reference PAN-018305). The application is for exactly the same activity proposed under PAN-013001.

This application was duly made on 09/06/22. 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’ section below.

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.

**2.3 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 and Working Together Agreements.

We publicised the application by a notice placed on our website. This notice included a link to our online public register where the application documents could be viewed.

We consulted on the application with the following bodies, in accordance with our Working Together Agreements:

* Environmental Health - Powys County Council
* Local Health Board – Powys Teaching Healthboard
* Local Planning authority – Powys County Council
* Mid and West Wales Fire and Rescue Service
* Public Health Wales
* Hafren Dyfrdwy Water Services Company

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

For members of the public, we also took the additional steps of publicising the application on social media ensuring that the public were informed that the application was available to comment on. Local press outlets were made aware of the application, as were the local MP and MS. Furthermore, we organised a virtual engagement event on 27 October 2022 as part of the consultation process, this gave any interested members of the community an opportunity to ask questions about the application, our role and the assessment process, thereby supporting an individual to submit an informed response.

Summaries of the consultation and our response to representations received are detailed in Annex 2 of this document.

Receiving comments/ responses and addressing concerns:

We have taken all relevant representations from consultation and publicising the application into consideration when making our ‘minded to’ decision. Summaries of this consultation and our response to representations received are detailed in Annex 2 of this document. Where representations were duplicated, we have grouped representations by issue and addressed that issue.

**2.4 Further information**

Although we were able to consider the application duly made on 09/06/22, we needed more information in order to determine it. We issued a request for information notice (Schedule 5 Notice) on 12/01/23. A copy of the information notice was placed on our public register, as were the responses when received.

The applicant submitted odour monitoring reports, accredited laboratory report showing the concentrations measured during odour monitoring campaigns and amended versions of the odour impact assessment, odour management plan and fire prevention and mitigation plan, in response to this request.

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 application and additional information subsequently submitted. We have given the public the 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 along the A483 to the southwest of the village of Abermule, and near Newtown, Powys. The site is situated in the new development of Abermule Business Park. The following receptors are located (in metres from the site).

* Business units within the business park are adjacent to the site (to the east)
* Residential dwellings, the closest being approximately 50m west (Bryn-y-Maes) and residential areas 215 m (Maesderwen) and 270m (Court Close) to the northeast and further afield
* Railway line runs along the southern boundary of the site
* B4386 is approximately 20m north, A483 is approximately 30m northeast
* The River Severn is approximately 210m north of the site
* Montgomery Canal (SSSI ID: 111) is located approximately 380m north of the site
* Hollybush Pastures (SSSI ID: 925) is approximately 1200m north of the site
* Smith Park Country Holiday Park is approximately 490m northeast
* Abermule is approximately 650m northeast
* Abermule County Primary School is approximately 800m northeast
* Several areas of ancient woodland are located within 1km of the site, ranging from approximately 400m to 1km to the northeast and approximately 700 to the east.
* Dolforwyn Castle (Local wildlife site) is located approximately 900m northeast.

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 mixed municipal waste, bulky materials, textiles, food waste, Absorbent Hygiene Products (AHP’s), green waste, glass waste, non-hazardous batteries and Waste Electrical and Electronic Equipment (WEEE) and dry mixed recyclables (comprising of paper, cardboard, cans and plastic). This is source segregated waste from kerbside collections. As the waste is already segregated upon arrival at the site, no sorting or segregating is required, or permitted to be carried out on site. Treatment activities that can be carried out at the site are limited to manual/ mechanical bulking up of waste for onward transfer. All waste will be stored inside a building – ‘Bulking Shed’ (an enclosed and ventilated building), with the exception of green waste and glass waste which will be stored externally, in designated storage bays. All waste materials will be bulked up 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 bulking up and storage of waste will take place on an impermeable surface with a sealed drainage system, discharging to foul sewer. 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 permitted area is directed to/ collected at a specific point. The rainfall dependent site run-off discharges from external storage area will be directed to the foul sewer via an interceptor. Clean, rainfall dependant drainage from areas of the site not used in connection with the storage and/or treatment of waste will be discharged directly to soakaway via an interceptor.

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.

**R4**: Recycling/reclamation of metals and metal compounds.

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

**D14**: Repackaging prior to submission to any of the operations numbered D1 to D13

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

The permitted activities will take place in the area on the site plan in Schedule 7 of the permit. This is where waste will be bulked up and stored.

**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 5.0); 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, the type of waste accepted, the annual throughput of the waste to be accepted and the environmental management system in place. We will use the Opra score to calculate how often we visit the site to check compliance with the permit. 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 environmental management system (EMS) that meets the requirements of our technical guidance note EPR1.0 ‘How to comply with your environmental permit (Version 8)’.

The document ‘Operational Techniques’ is an outline of their environmental management system and is referenced in Table S1.2 of the permit. This document is available to view on our online public register as outlined in section ‘Further information’ 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 our regulatory guidance note RGN 5: Operator competence (version 5.0). The operator has chosen to use the industry scheme method.

The nominated technically competent manager (TCM) holds 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.

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 check that the nominated technically competent manager has passed 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.

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 operator’s continuing competence through compliance visits and checks.

# 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. 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 on Abermule Business Park. This area was an open agricultural field, with an unnamed road prior to development. The Cambrian Railway runs in a north-east to south-west orientation and is located approximately 3m south of the site, with an unnamed road to Abermule to the north. The River Severn is approximately 250m north of the site, with a series of farm related buildings located between 20-200m northeast of the site.

**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, Powys 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.

Some 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.

**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, and determine 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 a site condition report in full before we can issue a new permit.

We did not accept the operator’s site condition report as it did not include the whole of the permitted area. Furthermore, the site investigation report submitted as part of the site condition report, recorded that no asbestos was encountered in the subsurface samples from made ground and natural soils, however asbestos debris and stockpiled material containing asbestos were identified in the area of the former road – this area is within the permit boundary.

We advised the operator that the site condition report should be amended to include the whole of the permitted area and to include information on the site clearance and remediation that has been carried out. The operator subsequently submitted a revised site condition report (dated May 2023). This report included Site Clearance Plan July 2019, Contamination Remediation Strategy (dated November 2019), and Verification report April 2021 which were previously not submitted.

The report addresses previous concerns regarding asbestos debris within stockpiled material however, it is not clear from the verification report if the buried asbestos cement board has been removed. The buried asbestos is shown on the Site Clearance plan and discussed in the Remediation strategy (4.2) however it is not mentioned in the Verification report or the site condition report. The buried asbestos board is located in the northern corner of the site in an area of car parking, very close to the boundary. It may be the buried asbestos material has been removed or was/is off site, however there is no information provided to confirm this. If the asbestos has been ‘capped’ by car park and remains buried in-situ this may be acceptable for human health, however this is not recorded in the site condition report.

We are content to consider the site condition report satisfactory to determine the baseline of the site. The site condition report has recorded a baseline that no asbestos contamination in the subsoil is present, therefore if any asbestos contamination is found at permit surrender it will be assumed to be from the permit operation and will require remediation.

**4.3.4 Potentially polluting substances**

Emissions can happen when you store waste. We have set strict measures in the permit to control these. No hazardous waste is permitted at this facility.

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 are described in sections 4 and 5 of this decision document.

**4.3.5 Pollution prevention measures**

We considered the location of the site, 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 of waste must be carried out on impermeable surface with sealed drainage.

The site benefits from an impermeable pavement with a sealed drainage system. The impermeable surface will prevent any liquids from leaching into the ground. All storage of wastes will take place on the impermeable surface and all run-off, including rainwater will be via the drainage system. Clean surface water from the building roofs and the external yard area, not associated with waste storage, will run to one of two soakaways via an interceptor. Drainage from the remainder of the site including waste storage areas, the vehicle washdown, storage slab and office/welfare facilities will flow to foul sewer via an interceptor, in accordance with the discharge consent with the local sewerage undertaker.

This will prevent 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 an impermeable surface with sealed drainage.

Wastes must be stored in accordance with the permit. We have set specific requirements for how the operator must store potentially polluting wastes to reduce the risk of pollution.

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.

**4.3.6 Flood risk**

We reviewed the flood data on our website and identified that the site was in a risk zone for flooding. This was based on the best available information, and we acknowledge that over time some areas may become out of date due to changes in land use i.e., new developments. The site has been recently developed, therefore the flood map showing the primary risk as being from surface water would have reflected the site conditions before development of the site commenced. The maps show ‘low to high flood risk from surface water and small watercourses’.  We have reviewed the information and there is no connection within the flood outlines to adjacent watercourses, therefore the only risk at the site is from surface water flooding. The operator confirmed in their Schedule 5 response that the developed site has been designed with impermeable surfacing with an area for management of surface water i.e., ‘the engineered flood water alleviation area’. This is therefore part of an overall sustainable drainage system (SuDS) to manage surface water from the developed site.

# 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
* Noise
* Pests
* Fire

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

* 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 operator’s risk assessment adopted two approaches to assess the impacts from the proposed activities, one is the Environment Agency’s Horizontal Guidance Note H1: Environmental Risks Assessment tool which enables a detailed evaluation of identified exposure pathways; 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. 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 materials in 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 propose measures 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 management plans 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 an Odour Impact Assessment (OIA) and Odour Management Plan (OMP) with their application.

Odour Impact Assessment (OIA)

The operator submitted an odour impact assessment (V1.2) to consider the risk of odour from the activity. We assessed the odour impact assessment in accordance with the Environment Agency guidance ‘H4 Odour Management – How to comply with your environmental permit’; we refer to this guidance as ‘H4 guidance’ hereon in. We found that further information was required, and we requested this by way of a Schedule 5 Notice, issued on 12 January 2023; the applicant’s response to the Schedule 5 Notice was provided on 15 February 2023. The additional information supplied by the applicant satisfied the requirements of the Schedule 5 Notice.

This included a revised odour impact assessment (V1.3) to clarify:

* Details as to how fugitive emissions were proposed to be minimised during the day-to-day operations; this was provided in the revised OIA (section 3.2).
* How odour could accumulate overnight and on the weekends within the bulking facility when the facility is not operational; this was provided in the revised OIA (section 3.2).
* Details on how the OIA has considered the variability of odour emissions with increased temperatures over the summer months; this was provided in the revised OIA (section 4.2).

We assessed the revised OIA (V1.3) in line with the standards set out in the H4 guidance. We agree with the conclusion of the OIA that odour emissions from the site are not likely to exceed the benchmark levels. We have detailed our assessment to explain our conclusion in this document.

The operator used the odour benchmark level of 1.5 ouE/m3 for the residential receptors and 3 ouE/m3 for the business units as H4 guidance lists these types of receptors as high and medium sensitivity respectively.

In order to derive odour emission rates from the different waste types, the operator carried out odour monitoring at other sites. Odour monitoring of food waste and residual waste was carried out at the Rhayader bulking facility and odour monitoring of AHP waste at the Crymlyn Burrows waste management site. We initially commented that the operator had not provided the odour concentration analysis results from the independent accredited laboratory, nor the calculation method used; following the Schedule 5 request, the operator submitted the accredited laboratory reports including details of the sampling methodology used and the calculation method used to derive the emission rates.

The operator provided further details in the revised OIA (section 4.2) that the waste sampled on both occasions is representative of the waste that will be accepted at the proposed facility and represents a reasonable worst-case scenario (with regards to age, nature, condition of wastes sampled).

To model the worst-case scenario, the operator modelled the odour sources as area and volume sources, un-enclosed and without the containment of the ‘Bulking Shed’. As a sensitivity analysis the operator also modelled the odour sources within the Bulking Shed (an enclosed and ventilated building). In this scenario the total odour emissions within the building have been combined and represented as five-point sources, on the north-eastern wall of the building. The main scenario is not representative of the actual operations on-site, therefore we have based our conclusions on the sensitivity analysis scenario (Appendix C) as this is more representative of the operations and emissions from the site.

Due to the proximity of the commercial receptors to the bulking facility and odour sources (approx. 30m), there is uncertainty associated with the results at the commercial receptors. Therefore, we have included an Improvement condition in the permit, requiring the operator to carry out odour monitoring of on-site odour sources to confirm the odour concentrations used in the submitted Odour Impact Assessment reflect odour emissions from the proposed operation and that they are representative during warmer months of the year.

This monitoring must be carried out in accordance with H4 guidance, and the operator must submit the results of this monitoring to us. We will use this information to check whether the predictions in the odour impact assessment are accurate and sufficient to mitigate odour emissions produced at the site. If the monitoring results do not reflect the information presented in the assessment, we can use our powers under condition 2.3.1(b) of the permit to request a revised odour management plan from the operator, or if subsequent activities at the site exceed the benchmarks or give rise to odour pollution.

The operator has followed the H4 guidance in assessing the impact of odours. H4 defines benchmark levels for odour, above which there would be considered to be potential for odour annoyance. The benchmarks are based upon the 98th percentile of hourly average concentrations for odour modelled over a year as follows:

• 1.5 odour units for the most offensive odours

• 3 odour units for moderately offensive odours

• 6 odour units for less offensive odours

The modelling predictions at the selected receptors have been assessed against the odour benchmark level of 1.5 ouE/m3 for residential receptors (high sensitivity) and 3 ouE/m3 for the business units (medium sensitivity).

As there are a mixture of odours associated with this type of activity the consultant has used the European Odour Unit, this uses a detection threshold to determine impact and is based on the 98th percentile of hourly averages.

In order to derive emission rates for the residual and food wastes to be stored within the proposed site, the operator carried out an odour monitoring study in April 2022 at Powys County Council’s Rhayader bulking facility.

The odour emission rates for the AHP wastes used in this assessment are the same as the previous report and were obtained through an odour monitoring study carried out in January 2021 at the Crymlyn Burrows waste management facility. Odour emission rates for the soiled textiles have been taken from data published by UK Water Industry Research (UKWIR).

The operator has assumed that all residual waste stored on-site is at the measured ‘freshly tipped’ emission rate which the operator defines as: “*within 1-hour of agitation from tipping, representing the period of maximum odour emissions”.* In addition, section 4.2 of the revised OIA states that the waste measured on both occasions is representative of the waste that will be accepted at the proposed facility and represents a reasonable worst-case scenario (with regards to age, nature, condition of wastes sampled).

Section 3.2 of the OIA states that food waste will be stored on-site for a maximum of 24 hours throughout the week, but up to 72 hours over the weekend. The OIA further states that any food to be stored over the weekend will be stored within sealed skips. To account for the additional time food waste is on-site and hence the potential additional odour due to putrefaction, the monitoring results related to food waste stored for up to 24 and 48 hours has been extrapolated to give a value for food waste stored for between 48- and 72-hours. This has been used in the modelling, whereby the emission rates have been pro-rated to account for the weekday and weekend emission rates.

With regards to the control of fugitive emissions, the operator has provided additional information in section 3.2 of the revised OIA. The report states that the bulking shed is accessed via five roller shutter doors which are located on the south-west of the building. Air is drawn in by two louvres on the southwestern wall when the roller shutter doors are closed and extracted by 5 fans on the north-eastern wall of the building.

With regards to the accumulation of odour overnight when the facility is not operational, the operator has clarified this in section 3.2 of the revised OIA, and as above states that the ventilation system would be operated at a reduced rate overnight so therefore no build-up of odours within the building.

This allows for the bulking shed to be maintained under negative pressure at all times. The OIA states that: *“the ventilation system has been designed to achieve a ventilation rate of approximately 1.5 air changes per hour (equating to an approximate extraction airflow of 22,750m3/hr) during operational hours (7am and 6pm, 7-days per week). Outside of operational hours (between 6pm and 7am), the ventilation system would be operated at a reduced rate… and…The higher ventilation rate applied during operational hours would minimise the potential for fugitive odours to be released from opening of the roller shutter doors during use”.* When the building is not in use and the doors would not be opened the report states reduced ventilation would be sufficient to maintain negative pressure. In addition to the above, section 3.2 of the revised OIA also outlines control measures to ensure negative pressure is maintained.

As the monitoring of waste to derive odour emissions was carried out in January and April, we requested that the operator provide details on how the variability of odour emissions with increased temperatures over the summer months has been considered. The operator provided a response to this in the revised OIA (section 4.2). For the food and residual waste measured in April 2022 the report states; *“During the winter months, lower temperatures can result in a lower level of microbial activity within the waste, and therefore lower potential odour emissions from the waste. Therefore, the monitoring data gathered in April, during a period of mild temperatures, represents a mid-point between summer and winter conditions, representing ‘average’ potential odour emissions from the waste. The odour monitoring on waste at the Rhayader WTS was undertaken on ‘freshly tipped’ (within one hour of tipping from the collection vehicles) waste. Odour emissions from waste generally decline following agitation, therefore the odour emission rate measured from ‘freshly tipped’ residual waste, represents a worst-case scenario.”* For the AHP waste measured in January 2021, the report states: *“AHP waste typically comprises nappies, sanitary pads, tampons, adult incontinence products and personal care wipes. As such, AHP waste has a comparatively low organic content, and therefore odour emissions from AHP waste are not considered to vary during periods of elevated temperatures”.* The operator did not provide any evidence to suggest that AHP waste has a low organic content, however control measures are in place to minimise odours from AHP waste.

Section 6 of the submitted report provides details on the model inputs, a number of assumptions have been made in this section relating to the delivery/collection times of the waste stored within the building and volume of waste within the bays as the week progresses. Table 6-1 shows the different waste types within the building, and the storage capacity of each waste bay (as a percentage of filled area). This represents the variable nature of the volume of waste throughout the week as a result of delivery and collection. The operator has assumed a 1m fill height for the calculations but states: *“The fill height during normal operations is anticipated to be up to 3m. Consideration of a lower fill height results in a greater surface area, thus representing a more conservative assumption.”*

Table 6-2 provides the model parameters for the area sources and is based on either data obtained through the previously mentioned monitoring studies or data published by UKWIR.

Table 6-3 provide the model parameters for the volume sources on-site and includes the food waste and AHP skips, in relation to the calculated air exchange in this table, the operator states: *“Calculated in consideration of a skip volume of 13m3 and three air changes per hour (acph). This air exchange rate is considered a highly conservative assumption, as the food waste skips present during the odour monitoring study were observed to provide a high level of containment. Lower exchange rates would result in lower emission rates.”* In addition, this table shows that the monitoring data for food waste at 24 hours has been extrapolated to provide odour emission rates for food waste at 48 and 72 hours.

For the sensitivity analysis the operator has modelled both a grid and discrete receptors. The modelled discrete receptors (17 residential and commercial receptors) are illustrated in Figures 5-1 and 5-2 of the OIA.

The operator has used AERMOD dispersion modelling software for both modelling approaches. Table 6-5 and Figure 6-1 shows the meteorological stations surrounding the site, however the report states that these stations are a considerable distance from the site with differing surrounding land use and terrain, therefore the consultant has obtained Numerical Weather Prediction (NWP) meteorological data, extracted at the proposed site location, for 5 years (2015 – 2019).

Table 6-6 of the submitted reports listed the surface roughness values used for the assessments. These values may not be representative of the surrounding land use in the UK. We carried out our own sensitivity analysis using surface roughness values representative of the surrounding land use.

We have undertaken check modelling using Lakes AERMOD air dispersion software, we have used Met Office Numerical Weather Prediction 1.5km resolution meteorological data (2017-2021) extracted at the proposed site location, the consultant’s odour emission rates, plus our calculated emission rate, with and without the reduction factor used for variable bay fill volume.

The operator has used 30m resolution Shuttle Radar Topography Mission (SRTM) terrain data for both modelling approaches, the operator processed this data using the AERMAP function in AERMOD to calculate terrain heights, due to the elevated terrain in the surrounding area, topography has been included in the modelling.

The sensitivity analysis in Appendix C is more representative of site operations, so results generated from this assessment are more appropriate to use for risk assessment purposes.

Appendix C presents the approach and results of the sensitivity analysis that has been carried out. The odour sources have all been sited within the Bulking Shed which is an enclosed and ventilated building. The operator combined the odour sources and represented this as five-point sources, representing the five horizontally orientated ventilation fans located along the north-eastern wall of the Bulking Shed.

Table C-1 shows the Maximum Odour Emission Rate Calculation with a maximum weighted emission limit being used in the modelling; a total odour emission rate of 693 ouE/s has been used. This has been derived from maximum variable emission factors presented in the table and again relies on the information presented in Tables 6-1 to 6-3 in the main report. Table C-2 presents the emission parameters used in the modelling. Our conclusions assume that the values used are representative of actual site operations and we have included an Improvement condition in the permit to confirm the information presented in the submitted OIA. The operator is required to carry out monitoring in accordance with ‘BS EN 13725:2022 Stationary source emissions. Determination of odour concentration by dynamic olfactometry and odour emission rate’. If the monitoring results do not reflect the predictions in the plan, we can use our powers under condition 2.3.1(b) of the permit to request a revised odour management plan from the operator, or if subsequent activities at the site exceed these benchmarks or give rise to odour pollution.

Building downwash has been included in the sensitivity analysis, the operator has assumed a 0 m/s efflux velocity in their modelling in-line with AERMOD guidance as they have modelled a horizontal source (ambient temperature). For the sensitivity assessment in Appendix C of the submitted report the operator predicts that the odour impact at all residential receptors (DR1 – DR11) is <0.1 ouE/m3 as a 98th percentile of hourly averages. Overall, we agree that the 1.5 ouE/m3 benchmark is not likely to be exceeded. For the business units (commercial – medium sensitivity) the operators’ highest predicted odour concentration is 1.47ouE/m3, overall, we agree with the operators’ conclusions that the odour benchmark of 3 ouE/m3 is not likely to be exceeded.

The operator has included the methods for calculation of the emission rates in Appendix E of the revised OIA.

Odour Management Plan (OMP)

The operator submitted a revised OMP (V1.2) with their revised OIA (V1.3). This plan described the activity, identified sources of odour and receptors and proposed prevention and mitigation measures to reduce odour emissions and deal with potential impacts. We assessed these measures in line with the standards set out the H4 guidance and conclude that 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.

The OMP has been produced in accordance with our H4 guidance and in conjunction with the revised odour impact assessment. It has been updated to include the revisions made in the OIA with regards to the retention time of waste on-site, in particular the extended period of time over the weekend where food wastes will be retained on-site and the inclusion of additional receptors, namely the commercial units adjacent to the site.

The operator intends to install a weather station on site prior to the commencement of operations as the nearest meteorological recording stations are located a considerable distance from the site and have significantly differing characteristics. This will enable site operatives to record daily weather conditions in the Site Diary, sourced from the site’s weather station.

The operator must install a weather station on site, before they can start the activity. This is set out in the pre-operational measures table, S1.4 of Schedule 1 of the permit.

The OMP includes details on waste storage measures used to prevent odour, this includes:

* Depositing food waste from the removable pods/stillages within the refuse collection vehicles into the dedicated food waste bay, within the building.
* On Fridays, food waste stored in the food waste bay will be transferred into sealed skips (hinged lid with rubber seals) for storage, to mitigate the risk of odour over the weekend.
* AHP waste will be deposited within a dedicated bay and subsequently transferred into a sealed skip (hinged lid with rubber seals) at the end of each weekday.

These measures have been included in Table S1.1 and S1.2 in Schedule 1 of the permit.

Regular cleaning is key in preventing odour emissions. The OMP includes the following measures:

* The bulking shed floor is swept daily and washed down weekly by use of a pressure washer
* All bays and bay walls are cleaned/swept out three times per week

When not in use, the recycling and refuse collection vehicles used to collect the waste are parked at the site. There is potential these vehicles to be a source of odour following collection operations from waste residue retained in the vehicles. The OMP includes a cleaning regime to mitigate this risk, including:

* Cleaning vehicles once per week
* Food storage pods/stillages within the vehicles are cleaned once per day (following collection operations) to remove residual food waste material
* Cleaning of RRVs or RCVs will be undertaken by use of a pressure washer within the ‘wash area’

The OMP contains information relating to potential odour sources and how they will be minimised, and the OMP details the ways in which community impacts associated with odour from the site operations will be mitigated. The OMP details the procedures to monitor the odour on-site, including site walkovers, these will be carried out under normal operations, during adverse meteorological conditions and in the event of an odour complaint, this is outlined in Section 3.8 and complies with H4 guidance.

The OMP (Section 3.8.4) details the monitoring and recording and reporting of results.

Section 4 contains a comprehensive list of contingencies in the event of various scenarios that could occur on-site, this is required by H4 guidance.

Section 4.3 states: *“In the event that the material storage areas are not considered to have sufficient capacity, the Site Supervisor will consider the option for diverting incoming material to other waste management facilities to prevent build-up of material beyond capacity”.*

There is also a detailed account of how complaints will be received, recorded, and actioned by the on-site staff. If complaints are received by the operator, they will be investigated in accordance with section 4.8.2 of the OMP. Root causes will be reviewed, and revised management 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.

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.

Section 5 details emergency actions that will be undertaken in case of accidents or incidents that could result in the loss of control of an odorous substance, numerous scenarios have been considered.

Section 6 deals with Document Updates and Reviews & Management procedures. 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.

**5.2.5 Noise and vibration**

Noise impact assessment

We carefully considered emissions from noise and vibration during our determination. Condition 3.3.1 in the permit states that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site.

The operator submitted a noise impact assessment with their application. This was produced in accordance the standards set out in British Standard 4142:2014+A1:2019 – ‘Methods for rating and assessing industrial and commercial sound’. We assessed the noise impact assessment in accordance with the standard and agree with the conclusions that the predicted noise impacts as a result of the activities are not likely to exceed the level at which adverse impacts are present.

Impacts of noise from equipment and activities associated with the operation of the proposed facility were assessed at three locations representative of the receptor locations for daytime only due to the operating hours of the site. All receptors are residential properties.

Overall, impacts of external free field noise at sensitive receptors resulting from equipment and activities associated with the proposed development have been reviewed in accordance with the assessment criteria of BS 4142:2014+A1:2019 ‘Methods for rating and assessing industrial and commercial sound’.

The operator assumed a sound penalty of +3dB at all receptors for impulsivity due to the glass deposits and an additional +3dB penalty for Intermittency at Bryn-y-Maes. The report states that no penalties for tonality or ‘other sound characteristics’ should be applied, and we have included a condition in the permit to reflect this. We have included an Improvement condition in the permit to confirm the predictions made in the submitted noise impact assessment. The operator must submit the results of this monitoring to us. If the monitoring results do not reflect the predictions made in the NIA, we can use our powers under condition 2.3.1(b) of the permit to request a revised noise management plan from the operator, or if subsequent activities at the site exceed these limits or give rise to noise pollution.

The operator carried out 2 background noise surveys; one was carried out between the 28th August 2020 to the 1st September 2020 to establish baseline noise levels at the southwest of the site (MP2), this is representative of the background sound levels at Bryn-y-Maes (residential receptor). The second baseline noise survey was carried out between the 4th September 2020 to the 8th September 2020 (MP1), this location is representative of 2 background sound levels at Maesderwen and Court Close (residential receptors).

The operator’s noise impact assessment utilised CadnaA noise modelling software using the ISO 9613-2 methodology, to predict the noise rating level at sensitive receptors.

The modelling included a 3m high barrier which represents a wall that will surround the glass deposit area and a 2.8m barrier representing a wall at Bryn-y-Maes. This is shown in Appendix 3 ‘Proposed Fencing Plan – Bryn-y-Maes Drawing Number 2395/0300.003.’The noise impact assessment alsoincludes detailed information relating to the barriers design, location and construction. Powys County Council own the Bryn-y-Maes building, and this barrier will act as mitigation to ensure noise levels are minimised and the noise impact criteria can be reached. The operator must construct this noise barrier (fence) on site, in accordance with the information provided in the noise impact assessment, before they can start the activity. This is set out in the pre-operational measures table, S1.3A of Schedule 1 of the permit.

Table 5-7 of the NIA presents the results of the modelling assessment and shows that the noise levels generated on-site does not exceed the measured background sound levels and therefore the potential impact from the site is not likely to cause adverse impact at any receptor. The impact at Maes-y-Bryn is -1dB below background, Maesderwen is -11dB below background and Court Close is 0dB below background.

We undertook check modelling using CadnaA noise modelling software using the ISO 9613-2 methodology and submitted CadnaA modelling files that were modified as part of our assessment. Our check modelling results generally agrees with submitted results.

Noise management plan

Section 6 of the noise impact assessment includes a noise management plan. The submitted noise management plan was supported by a quantitative noise modelling assessment of predicted impacts at receptors as a result of scheduled operations.

We assessed this plan in line with the standards set out in our ‘Noise and vibration management: environmental permits - GOV.UK (www.gov.uk)’ guidance. The plan described the activity, identified sources of noise and receptors and proposed mitigation measures to reduce noise emissions and to deal with potential impacts.

Section 6.2 of the plan lists the receptors, the impacts from the operations (as determined in the noise modelling assessment) and the dominant noise sources that effect each receptor.

The submitted Noise Management Plan is suitable in terms of possible noise impact at receptors generated due to the onsite activities and what relevant mitigation measures will be taken if noise impact is significant according to BS4142. The noise management plan will be reviewed annually and updated as necessary.

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

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

**5.2.6 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 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.

**5.2.7 Fire**

We carefully considered the potential fire risk from the activity during our determination. Condition 3.5.1 in the permit states that 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 and mitigation 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.

The 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]. We refer to this guidance as the ‘FPMP guidance’ hereon in.

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 2-3 of the approved plan and produced the rest of the plan to address these risks.

The maximum time the waste is stored on site is included in Table 2-1 of the FPMP. Waste is moved on and off site swiftly and the majority of combustible waste types are stored for a number of days (maximum of one week) before being transferred off site prior to further recovery or disposal, with the exception of non-hazardous batteries and Waste Electrical and Electronic Equipment (WEEE) which is to be stored for a maximum of 3 months. All storage times for the different waste types are in line with the minimum requirements in Table 1 of our FPMP guidance.

All waste stored within the ‘Bulking Shed’ will be stored within designated storage bays, with the exception of non-hazardous batteries, textiles and WEEE which will be stored in suitable containers. External designated storage bays will be used to store glass waste and green waste. Internal and external storage bays are constructed from pre-cast concrete and their construction and installation is in line with the standards of our FPMP guidance.

A firefighting strategy has been set out by the operator should a fire occur on site. The site benefits from a fire detection and alarm system including flame detectors located inside of the building and covering all internal waste storage areas. If a fire were to occur outside of operational hours flame detectors will trigger the fire alarm system. The alarm system is monitored 24 hours a day, 7 days a week by an alarm receiving station. If a detector is triggered, the receiving station is alerted and the Powys County Council out of hours service and the emergency services are contacted immediately.

Two emergency access points for the FRS to access the site have been included in the FPMP and are shown on FPMP site plan (Drawing 002A). Access point 1 is the main access road into the site and access point 2 is an additional access route along the western boundary of the site, off of the A483.

In accordance with the FPMP guidance, we have assessed the minimum amount of water required during a worst-case scenario incident - based on the largest waste stockpile on site on fire. For this site, the largest stockpile on site is 207m3 (residual waste), in the ‘bulking shed’.

The primary water source to be used during an incident is a 250,000-litre water tank situated in the northwestern area of the site. Based on the largest stockpile (207m3) and in accordance with the FPMP guidance, 245,916 litres of water are required. Therefore, the 250,000 litres provided by the water tank provides a sufficient amount of water.

The tank benefits from two hose connectors to enable the FRS to access the water and the tank is located in an area that can be easily accessed by the FRS. The operator has included measures to ensure that the tank remains full, and the tank is fitted with a level gauge to enable the water level to be inspected daily. If the water level drops, site operatives will top up the tank immediately. Maintenance of the water tank is included in the operator’s maintenance procedure and the tank is inspected and maintained every 12 months, in accordance with the tank suppliers. To ensure that the water in the tank is safe for the FRS to use and to mitigate the risk of stagnant and potentially contaminated water, the tank is covered at all times.

During periods where the tank is out of use for maintenance, the operator will:

* Temporarily pause waste acceptance and divert all waste to an alternative, suitably permitted facility until the tank has been refilled.
* Reduce stockpiles to half their normal volume; and
* Notify the FRS that the tank is temporarily out of use so they can revert to the secondary water source described below.

These measures are considered proportionate and suitable to ensure the maintenance and integrity of the water tank and thus ensuring a sufficient supply of water, should a fire occur.

Whilst the water tank provides a sufficient amount of water and satisfies the requirements as set out in the FPMP guidance, the site also benefits from two hydrants. Hydrant 1 is located at the entrance of the site. Hydrant 2 is a private hydrant located within the site. Both hydrants have been adopted by Mid and West Wales Fire and Rescue Service.

We carefully considered the operator’s measures to prevent firewater escaping the site during an incident and we are satisfied that these measures meet the standards in the FPMP guidance. The site benefits from an impermeable surface with a sealed drainage system and includes an engineered firewater containment system. All firewater will be contained within the site via site kerbing and permanent bund comprised of a 100mm high containment wall along the southern boundary and a 75mm bund at the site entrance. The penstock valves will be closed to prevent the release of any firewater run-off to surface water or foul sewer. Penstock valves prevent firewater run-off from going to the soakaways. The closure of the penstock valves is completed automatically when the fire alarm is activated without the need to be on site, allowing the penstock valves to be closed outside of operational hours. The sites firewater containment system has the capacity to contain 259,000 litres (259m3) of firewater run-off. This is sufficient to contain the potential firewater generated, based on a worst-case scenario – i.e., the largest stockpile (207m3) on fire, which in accordance with our FPMP guidance the required amount being 245,916 litres.

Any firewater generated during an incident and contained within the containment system will be tankered off site to a suitably permitted facility. Approved contractors have been included in the FPMP.

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

Mid and West Wales Fire and Rescue Service have conducted a site visit and also assessed the fire prevention and mitigation plan, their comments are detailed 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.

The storage 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.

Clean surface water from the building roofs and the external yard area will run to one of two soakaways via an interceptor. Drainage from the remainder of the site including waste storage areas, the vehicle washdown, storage slab and office/welfare facilities will flow to foul sewer via an interceptor, in accordance with the discharge consent with the local sewerage undertaker.

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

**5.2.9 Emissions to sewer**

The waste facility will give rise to run-off from the external waste storage areas. The run-off will be discharged to foul sewer via the emission point agreed in accordance with the trade effluent consent from the local sewerage undertaker, Hafren Dyfrdwy.

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 stored outside will be green waste and glass waste. The run-off will be treated at a Hafren Dyfrdwy wastewater treatment works.

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.

# Biodiversity, Heritage, Landscape and Nature Conservation

**6.1.1 Sites Considered**

The operator’s risk assessment was reviewed by us for sites of heritage, landscape or nature conservation, and/or protected species or habitat.

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 enrichment, 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:

* Montgomery Canal (Site Code: UK0030213)

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

* Montgomery Canal (SSSI ID: 111)
* Hollybush Pastures (SSSI ID: 925)

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

a) 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 proposed site is approximately 380m south of SSSI Montgomery Canal and approximately 1200m south of SSSI Holly Pastures. All run-off from within the building and from the external areas of the site shall go to foul sewer. There are no discharges to surface water permitted. The River Severn separates the proposed site and the SSSIs, and therefore there is no hydrological pathway. See section 4.3.5 of this document for further detail. The operating techniques listed in section 5 of this document that have been incorporated into Table S1.2 of the permit further reduce the risk to the SSSIs.

And;

b) The proposed permission has no likelihood of significant effect on the special area of conservation as there is no pathway for features to be affected. The SAC is approx. 380m north of the proposed site. All run-off from within the building and from the external areas of the site shall go to foul sewer. There are no discharges to surface water permitted. The River Severn separates the proposed site and the SAC, and therefore there is no hydrological pathway. See section 4.3.5 of this document for further detail. The operating techniques listed in section 5 of this document that have been incorporated into Table S1.2 of the 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.

Dolforwyn Castle - non-statutory Local Wildlife Sites (LWS) and Ancient Woodlands are located within 1km of the 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. Areas within the immediate vicinity of the site are known to support populations of Great Crested Newts (GCNs). The GCN is a European protected species. 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 (bulking up of waste only) is acceptable from the point of view of environmental protection, so Article 23(3) does not apply.

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, 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.

# 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 our policies for complying with our 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**

Areas within the immediate vicinity of the site are known to support populations of Great Crested Newts (GCNs). GCNs are listed in Section 7 Priority species of the Environment Wales Act 2016. A full assessment of the application and its potential to affect species has been carried out as part of the permitting process. We consider that the application will not affect the features of the species.

**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 our duties under the Welsh Legislation.

We are satisfied that this decision is consistent 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.

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 (HRA)**

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 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 HRA 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 are two SSSIs 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.

# 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 our Public Participation Statement and our Working Together Agreements. | ✓ |
| Responses to consultation and web publicising | The web publicising and consultation responses (Annex 2) 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. |  |
| **Environment Wales Act 2016 – Biodiversity and resilience of ecosystems duty** |
| Consideration of Section 6 | Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions. NRW is satisfied that in this case, we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for an EPR permit. |  |
| **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 facilityA 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 satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5). | ✓ |
| 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 (As documented in section 3.2 of OGN 200 form 1, or section 5 if applicable) | ✓ |
| **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.The operator’s risk assessment and specific noise, odour, pests and fire management plans are satisfactory.Full explanation of the operator’s risk assessment and specific management plans is provided in sections 5.1.1, 5.2.3, 5.2.4, 5.2.5, 5.2.6 and 5.2.7 above. | ✓ |
| Operating techniques | We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.The operator has identified appropriate measures, as set out in the relevant technical guidance note for wasteactivities; ‘How to comply with your environmental permit’.Full explanation of the techniques that will be used to carry out the activity and control emissions is provided in sections 4.2.1, 4.3.5, 5.2.3, 5.2.4, 5.2.5, 5.2.6 and 5.2.7 above.We have incorporated relevant management plans and other guidance/ standards in Table S1.2 Operating techniques in Schedule 1 of the permit. The operator must carry out the activity in accordance with these standards.If any of the management plans, techniques or standards incorporated in Table S1.2 need to be revised – to reflect improvements in industry standards or to include additional control measures – we can use our power under condition 2.3.1(b) of the 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 and storage have been included in the permit and identified by the operator
* the appropriate measures are in place to prevent fugitive emissions.

We have excluded the following wastes for the following reasons:* consisting solely or mainly of dusts, powders or loose fibres
* odorous or odour producing
* sludges
* hazardous waste
* clinical wastes
* liquid wastes

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. | ✓ |
| Pre-operational conditions | Based on the information in the application, we consider that we need to impose pre-operational conditions.Full explanation of the pre-operational conditions we’ve included in the permit is in section 5.2.4 above. | ✓ |
| Improvement conditions | Based on the information on the application, we consider that we need to impose improvement conditions.We have imposed improvement conditions to ensure that:* the appropriate measures are in place to prevent pollution from odour.
* the appropriate measures are in place to prevent annoyance from noise and vibration.

Full explanation of the improvement conditions we’ve included in the permit is in sections 5.2.4 and 5.2.5 above. | ✓ |
| 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.Full explanation of the measures we’ve incorporated in the permit is in sections 4.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.2.6 and 5.2.7 above. | ✓ |
| **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.Full explanation of how we considered technical competence requirements is in section 4.2.2 above. | ✓ |
| Relevantconvictions | 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 and web publicising responses

Summary of responses to consultation and web publication 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** |
| Environmental Protection – Powys County Council (dated 19 October 2022) |
| **Brief summary of issues raised** |
| * The consultee advised that there are planning conditions relating to noise, included in the approved planning permission - “Abermule Business Park Abermule Montgomery Powys Ref. No: P/2018/0587 | Validated: Wed 06 Jun 2018 | Status: Approve”, specifically the following:
* The use shall not be carried out outside the hours of 07:00 to 18:00 Monday to Sundays.
* Prior to occupation of the business/employments units on the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will include an implementation plan for the for any mitigation. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1

The consultee advised that business units were planned for the rest of the business park in future. The consultee confirmed that no complaints have been received. |
| **Summary of actions taken or show how this has been covered** |
| The operator has submitted a noise impact assessment, produced in accordance with BS4142 and described in section 5.2.5 above. The operator also submitted a dedicated noise management plan. The measures in the plan are suitable and proportionate to reduce the risk of noise emissions from activities carried out at 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.In addition to this, we have included an Improvement condition whereby the operator is required to carry out noise monitoring to ensure that the noise emissions meet the predicted levels included in the NIA, as provided in section 5.2.5 above.Full explanation of the techniques that will be used to carry out the activity and control emissions is provided in section 5.2.5 above. |

|  |
| --- |
| **Response received from** |
| Mid and West Fire and Rescue Service (dated 03/November 2022) |
| **Brief summary of issues raised** |
| With reference to the previous consultation response submitted in February 2022, the Fire and Rescue Service have reviewed the available water supplies contained in Fire Prevention & Mitigation Plan and are now happy that the firefighting water requirements have been met according to the guidance. |
| **Summary of actions taken or show how this has been covered** |
| The Fire Prevention and Mitigation Plan has been incorporated into Table S1.2 of the permit. The operator must carry out activities in accordance with these operating techniques. |

|  |
| --- |
| **Response received from** |
| Public Health Wales (dated 21 October 2022) |
| **Brief summary of issues raised** |
| 1. Our main concern with sites that store and manage waste is the risk of fire. Where fires do occur, they can present a potentially serious risk to public health and the environment. In order to achieve good fire risk management, we agree with the Waste Industry Safety and Health Forum (WISH) that waste management operators should go beyond basic legal and regulatory compliance. As such we strongly recommend that the operator follow and adhere to the WISH ‘Reducing Fire Risk at Waste Management Sites’ Guidance (see <https://www.wishforum.org.uk/wp-content/uploads/2020/05/WASTE-28.pdf>).
2. The Regulator should be satisfied that the proposed on-site water tank will be adequate for fire-fighting purposes including the potential of a protracted on-site fire. In our view, it is still unclear how such a proposal will be sufficient to help extinguish a prolonged fire.
3. Regarding odour emissions from storing food waste, the applicant states that the odour impact assessment has been updated to reflect the storage of food waste under normal conditions. We have not seen sight of the revised odour plan and therefore cannot comment upon the applicant’s conclusion that the results of the odour dispersion modelling predict that the odour concentrations resulting from the operations are below the relevant benchmark criterion at all sensitive receptors.
 |
| **Summary of actions taken or show how this has been covered** |
| 1. In Wales operators are required to submit fire prevention and mitigation plans produced in accordance with our technical fire guidance in Wales “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. We have assessed the Fire Prevention & Mitigation Plan submitted and have deemed the measures as appropriate and in line with our technical guidance.
2. We have assessed the capacity, access, maintenance and monitoring of the on-site water tank and we are satisfied that it meets the requirements of the FPMP guidance. The guidance requires the operator to calculate the amount of water required during a fire based on a worst-case scenario (i.e., the largest stockpile on fire). The on-site water tank provides more water than is required. In addition to this, whilst the operator is not required to propose additional water supplies over the amount provided by the water tank, the operator has included two hydrants that the FRS could access, if they required to do so.
3. The consultation request with the link to application documents included the OIA and OMP was re-sent to the consultee on 24 October 2022.
 |

|  |
| --- |
| **Response received from** |
| Public Health Wales (dated 25 October 2022) |
| **Brief summary of issues raised** |
| After reviewing the applicant’s revised odour impact assessment and odour management plan dated June 2022, Public Health Wales advised that it was unlikely that concentrations will adversely impact on nearby receptors.Public Health Wales noted that given the perceived association between odour and ill-health, they recommended that the proposed odour management system is robust enough to reduce odour emissions so as not to give rise to community concerns. |
| **Summary of actions taken or show how this has been covered** |
| We have assessed the odour management plan submitted in accordance with the H4 guidance. This management plan includes suitable measures to prevent and reduce odour emissions 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.Full explanation of the techniques that will be used to control odour emissions is provided in section 5.2.4 above. In addition to this, we have included an Improvement condition whereby the operator is required to carry out odour monitoring to ensure that the odour emissions meet the predicted levels included in the OIA. |

|  |
| --- |
| **Response received from** |
| Abermule with Llandyssil Community Council (dated 22/11/2022) |
| **Brief summary of issues raised** |
| Odour* Concerns on the odour impact assessment and the data used in the modelling.
* Concerns on the odour emission rates used.
* Concerns that extractor fans will direct odour towards nearby receptors.
* Little data on airflow from the building and no assessment on the increased odour concentration levels which will exist when the fans are first switched on in the morning after overnight odour build up, or especially following weekend-long storage of waste materials within the facility.
* Concerns on the levels of odour used as inputs to the model. It states in the assessment that under ‘Normal Operating Conditions’ waste will not be present for more than 4 days, but there are no guarantees of this.
* The current collection cycle for kerbside residual waste in Powys is every 3 weeks, but there is a ratified proposal within PCC’s budget for 2023/2024 to increase this to 4-weekly collections; the assessment fails to mention this. It is also widely accepted that there is a direct linkage between increased odour generation and storage time for organic containing wastes. What is the point in making a big thing about the waste only being 4 days old when it will already be 3 – 4 weeks old on arrival?
* In the previous application PCC cited a document from which it sourced representative odour levels for waste. For this application, they have provided figures measured from representative sites, trying to impress us by indicating that these measurements have been made in accordance with BS EN13725:2022. In reading an overview of this standard, it is indicated that it should not be used where emission rates are variable, or in the determination of odour emission rates from volume sources, such as fugitive emissions from buildings. The 2022 version of the standard was published on 8/3/22, but somehow PCC have managed to adhere to it in January 2022? The assessment uses representative data measured in January and April when the average temperatures in Wales for these months are 4°C and 8°C respectively, whereas the average temperature in July can be as high as 21°C. There is very little information in the assessment of the conditions under which the measurements were made, temperature, amount of waste etc. etc. Neither does it indicate who made the measurements, and what were the credentials of the people making the measurements? To meet the 98th Percentile criteria, we strongly suggest measurements must be made of municipal waste collected at 3 (or 4) week intervals in July when average temperatures are at their highest. We would go as far as to say that these measurements should be made over a three month period (June – August).
* The output of the dispersion model is expressed in concentration levels averaged over a 1 hour period. The document in footnote (1) below clearly indicates that these are not suitable units when considering odour concentration levels as the peaks and troughs are averaged out. The cited document indicates that units averaged over a 3 minute period are far more representative for assessing human perception and annoyance levels and that concentration levels can be almost twice that of the units averaged over 1 hour. In another paper we have read it indicates that it is well known, however, that for dispersion modelling of odours, the Gaussian model is inappropriate because it gives only hourly averaged concentrations, whilst the human response time for the detection of odour is typically of the order of 1 s.
* We believe it is an essential safeguard that this Odour Impact Assessment MUST be subjected to a comprehensive independent ‘peer review’ by a suitably accredited external agency.
* There is no discussion in the assessment of how the model is going to be validated.
* In the Pre-application consultation report submitted for planning approval, PCC confirmed that food waste will be transported to site in sealed containers, and then transferred on-site to sealed skips which are then taken off-site once full. In this Odour impact assessment there is only mention of sealed units for AHP waste and for food waste (but only over weekends), which is contrary to the information provided in order to get planning consent. For the food waste handling which does have planning approval, we insist that conditions are attached to the permit which require PCC to store food waste in sealed skips as was submitted when obtaining planning approval.
* We feel that PCC have completely underestimated the impact of odour from municipal waste that is 3 – 4 weeks old.

Fire* No automatic fire suppression systems installed.
* PCC’s approach is out of line with the WISH 28 guidance which advocates an Environmental Permit applicant should seek professional guidance (including a positive encouragement to consult with their insurers) and be aspiring to attain a ‘high bar’ in reducing fire risks, rather than adopting a high-risk, ‘the minimum it can get away with’ approach.

It is considered highly pertinent that the Environment Agency’s (EA) guidance on Fire Prevention and risk mitigation stipulates: “If you store waste in a building, you MUST install a fire suppression system.” Rainwater ‘run-off’ from the bulking shed roof is connected directly into the underground soak-away drainage system (not controlled by any penstock valves), and consequently water drainage from the roof cannot be isolated from the underground soak-away system. Thus in the event of a major fire contaminated firewater run-off from the roof cannot be prevented from entering the soak-away system and hence entering nearby water courses. |
| **Summary of actions taken or show how this has been covered** |
| OdourWe carefully considered emissions from odour during our determination, as one of the key issues as provided in section 5.2.4 above. We assessed the revised OIA (V1.3) in line with the standards set out in the H4 guidance. We agree with the conclusion of the OIA that odour emissions from the site are not likely to exceed the benchmark levels. We have detailed our assessment to explain our conclusion in this document, in section 5.2.4.We have included our generic condition to control odour emissions. The operator has to manage their activities so that odour shall not cause pollution. 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.In addition to this, we have included an Improvement condition whereby the operator is required to carry out odour monitoring to ensure that the odour emissions meet the predicted levels included in the OIA.Full explanation of the techniques that will be used to carry out the activity and control emissions is provided in section 5.2.4.FireWe have assessed the fire prevention and mitigation plan submitted in accordance with 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. We have also consulted with the Mid and West Wales Fire and Rescue Service. The techniques in the FPMP are considered proportionate and suitable for the activity being carried out. In accordance with our technical guidance, it is not a mandatory requirement for a fire suppression system to be installed. 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.Full explanation of the techniques that will be used to prevent and mitigate fire is provided in section 5.2.7 above. |

|  |
| --- |
| **Response received from** |
| Abermule with Llandyssil Community Council (dated 23/11/2022) |
| **Brief summary of issues raised** |
| Abermule with Llandyssil Community Council is of the opinion the doubts raised in the RSK review back up many of the points raised in our submission of 22nd November, and are sufficient to require an independent OIA to be commissioned, together with the associated measurement of odour from the individual odour sources likely to be present at the facility during worst case periods of the year.The review of the submitted odour impact assessment, produced by RSK Environmental Limited included the following points:The odour impact assessment is based on detailed dispersion modelling using AERMOD, which is a validated, widely accepted dispersion modelling package commonly used in the UK for odour assessment and is considered appropriate.SLR is an established, reputable consultancy however no information is provided on the authors of the assessment or their competence, or of any formal quality control review and authorisation.The modelling methodology and assumptions appear appropriate and typical, however little detail is provided, and it would be difficult to replicate the model based on this report.The modelling is based on 5 years (2015 to 2019) of Numerical Weather Prediction (NWP) ‘meteorological data’ because no weather stations were considered representative of the site. This is an accepted approach, although the source of the NWP does not appear to be given.The selection of receptors and their sensitivities appears reasonable, though no details of the occupants of the proposed Abermule Business Park are available and some commercial uses such as food retail may be considered ‘high’ in sensitivity.The odour was considered ‘most offensive’ and a criterion of C98,1-hr 1.5 ouE/m3 applied at ‘high sensitivity’ (residential) receptors and C98,1-hr 3 ouE/m3 at ‘medium’ sensitivity (commercial premises) receptors. This is considered appropriate and consistent with NRW’s H4 guidance.The assessment states that all waste materials storage and handling, with the exception of green waste and glass, will be inside the Bulking Shed, from which air will be extracted by five ventilation fans discharging horizontally through the north-eastern wall, and replaced by louvres in the south-west wall. No further details of this ventilation such as operational hours, air velocity or changes per hour are given, however vertical discharge from a tall stack at an appropriate velocity would be likely to provide better dispersion and therefore lower impacts, and would generally be considered BAT. The location of these discharge points in the northeast wall would be likely to result in odorous air being directed towards the commercial receptors at the proposed Abermule industrial estate.Based on the outcome of a ‘sensitivity analysis’ odour sources were modelled as un-enclosed area/volume emission sources (i.e., without consideration of the containment provided by the Bulking Shed structure) which is reported to represent the ‘worst-case’ assessment approach in terms of predicted off-site odour concentrations, compared with odorous air assumed to discharge from the five extract fans as point sources.The absence of any information of the fans or air extract rates provides no evidence to support the suggestion that building will be maintained under ‘negative pressure’, and in reality, emissions are likely to be more complicated including fugitive emissions from the roller shutter doors during vehicle access and through gaps in the building envelope.The extract fans as point sources were assumed to have a very low velocity in accordance with AERMOD guidance, however in reality, the discharge will be at a considerably greater horizontal velocity, therefore it may be possible that this approach may not well represent at of odour levels at nearby receptors, such as those at the proposed Abermule Industrial Park, which are only 28m from these sources.The emissions rates were estimated based on odour sampling carried out at other facilities, however little detail is provided on this and there may be a number of concerns about the odour emission rates measurements and calculations. The absence of a more detailed account of how emissions rates have been measured and calculated undermines the veracity of the report.No information is provided on the Consultants or laboratory which carried out the odour emission rate measurements, though it is stated that the laboratory was UKAS accredited. This is important for a number of reasons, and specifically because of the challenges and practicalities of measuring odour using a Lindvall hood on potentially uneven solid emitting surfaces.The odour emissions were measured in April rather than in the warmer summer months, which may mean that emissions from the wastes containing organic materials (food waste, residual wastes and AHP) are underestimated because decomposition rates and consequent emissions may be greater at warmer ambient temperatures.The estimation and prediction of future odour emission rates from the small areas of wastes in storage bays does not appear to take account of emissions from soiled surfaces. In reality, bay walls and floor surfaces will become contaminated and emit odours.The emissions rates used in the modelling appear low. In our experience, odour concentrations in waste handling building headspace, and extracted air from municipal waste facilities (without grinding/milling, screening and separation facilities) elsewhere are typically up to around 2,000 ouE/m3. As a benchmark, if a nominal extraction rate of 6.0 m3/s, were assumed, then the odour emission rate would be 12,000 ouE/s, considerably greater than the 693 ouE/s estimated for the North Powys Bulking Plant, and potentially suggesting that the odour emission rates used may be highly optimistic, which would significantly underpredict odour impacts.The specific odour emission rate used for soiled rags and textiles based on measurements by UKWIR is an order of magnitude greater than those for the other wastes with putrescible components, food waste, residual waste and absorbent hygiene products waste, and this may also suggest the odour emissions rates sampled from these materials are very low estimates.Overall, although no information is provided on the authors or any quality control review, the assessment appears to have been undertaken using appropriate techniques in line with relevant guidance. However there are a number of significant concerns which in our opinion may result in the assessment significantly underestimating impacts, specifically:* The discharge of extracted air at low level towards receptors seems inconsistent with BAT;
* Little detail is provided on the building extraction/ventilation and its ability to control fugitive emissions;
* The approach used to model the odorous air discharges may underestimate odour concentrations at nearby receptors, particularly the Abermule Business Park;
* The odour emission rates used in the modelling appear very low in our experience, and there is a lack of detail on the measurement and derivation.
 |
| **Summary of actions taken or show how this has been covered** |
| We requested a revised OIA via a Schedule 5 Notice and the operator submitted a revised OIA to us on 15 February 2023. We assessed the revised OIA (V1.3) in line with the standards set out in the H4 guidance. We agree with the conclusion of the OIA that odour emissions from the site are not likely to exceed the benchmark levels. We have detailed our assessment to explain our conclusion in this document, in section 5.2.4.We have included our generic condition to control odour emissions. The operator has to manage their activities so that odour shall not cause pollution. 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.In addition to this, we have included an Improvement condition whereby the operator is required to carry out odour monitoring to ensure that the odour emissions meet the predicted levels included in the OIA.Full explanation of the techniques that will be used to carry out the activity and control emissions is provided in section 5.2.4. |

Following the Schedule 5 Notice response received from the operator on 15 February 2023, we re-consulted with the external organisations, as listed above in section 2.3.

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

|  |
| --- |
| **Response received from** |
| Public Health Wales (dated 1 March 2023) |
| **Brief summary of issues raised** |
| The Schedule 5 notice includes updated information on the fire prevention and mitigation plan, odour impact assessment and related management plan.  Having reviewed the updated information, and in particular the odour impact assessment we concur with the conclusions drawn that the results of the dispersion modelling predict that the odour concentrations resulting from site operations are below the relevant benchmark criterion at all considered receptors.  It is therefore unlikely that concentrations will adversely impact on nearby receptors.  However, given the perceived association between odour and ill-health, we recommend that the proposed odour management system is robust enough to reduce odour emissions so as not to give rise to community concerns. |
| **Summary of actions taken or show how this has been covered** |
| We have assessed the odour management plan submitted in accordance with the H4 guidance. This management plan includes suitable measures to prevent and reduce odour emissions 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.Full explanation of the techniques that will be used to control odour emissions is provided in section 5.2.4 above. |

|  |
| --- |
| **Response received from** |
| Mid and West Fire and Rescue Service (dated 17 March 2023) |
| **Brief summary of issues raised** |
| As per the consultation response submitted on 28th October 2022, the Fire and Rescue Service have reviewed the available water supplies contained in Fire Prevention & Mitigation Plan and are now happy that the firefighting water requirements have been met according to Guidance Note 16 - Fire Prevention & Mitigation Plan Guidance –Waste Management. |
| **Summary of actions taken or show how this has been covered** |
| The Fire Prevention and Mitigation Plan has been incorporated into Table S1.2 of the permit. The operator must carry out activities in accordance with these operating techniques. |

|  |  |
| --- | --- |
| **Brief summary of issues raised** | **Summary of actions taken or show how this has been covered** |
| Comments relating to matters outside our remit* Oppose this type of activity in this area given that the site is on the edge of a small village
* I live on court close stones throw away from the proposed site - keeping recycling on a long-term basis is not acceptable so close to a residential area
* Powys County Council not listening to the community
* Additional traffic at key times will cause congestion at village junction with main road
* Threat to tourism businesses in the village
 | The planning authority determines whether the activity is an acceptable use of land. It considers matters such as visual impact, traffic, access issues and lighting, which do not form part of our environmental permit decision making process.The planning authority must also consider and respond to any objections they may receive on a particular planning application.See section 4.3.2 and the planning authority response above for further detail. |
| Risk of odour from the proposed waste activities:* The odour map for the previous refused application showed an unacceptable level of odour concentrations within the area in close proximity to the recently constructed Business Units. The recently submitted application shows that the odours have moved outside of the originally affected areas.
* NRW should demand that PCC undertake technological Air Quality readings over several weeks at different times on site and within the Community prior to the granting of any permit to operate the site
* Smells the wind blows mostly from Newtown direction to Abermule.
* Odour has been monitored at the Rhayader site which in incomparable with the size of the Abermule site.
* Food waste is being left in open bays – this waste could be at a resident's house for a week before it is collected by the recycling lorries.
* Potential 3 weekly collections which would impact on the smell.
* How can the building be kept under negative pressure when the doors will be kept being opened and the odour escape?
* No complaints from the business units – although no one has occupied the units yet
* The site cannot be in a negative state because the doors would be open at various times throughout the day, allowing the odour to come out in the open and the smell escape back into the village.
* The site in the summer is a sun trap which would only enhance the smell.
* How can the odour figures provided from another site reflect the same for the Abermule site?
* The village is made up of a lot of elderly people so the operation of this site would have an impact on their health as the smell emitted from the site would mean they could not sit in their gardens.
* Odour pollution from predominantly westerly winds will inevitably adversely impact the immediately adjacent business units.
* Five large extractor fans will be discharging odorous air towards the village.
* Reduction measures such as scrubbers are really merited to minimise odour impacts.
 | We carefully considered emissions from odour during our determination, as provided in section 5.2.4 above.We have included our generic condition to control odour emissions. The operator has to manage their activities so that odour shall not cause pollution. 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.In addition to this, we have included an Improvement condition whereby the operator is required to carry out odour monitoring to ensure that the odour emissions meet the predicted levels included in the OIA.Full explanation of the techniques that will be used to carry out the activity and control emissions is provided in section 5.2.4. |
| Risk of pests from the proposed waste activities:* Despite PCC stating there would be minimal infestations of flies, bluebottles and vermin etc, because the roller doors would be shut, there is flaw in the statement as I understand that in order to off load waste the collection vehicle has reverse slowly into the facility through the open door. This action will result in countless flies, bluebottles etc entering the facility unchecked.
* Flies and bluebottles will be present in collection vehicles and gain access to building.
* Possibility of seagulls, a very real nuisance in Newtown, coming to Abermule.
* The local authority no longer has a pest control department which may lead to haphazard attention in dealing with rat infestations that are certain to happen.
 | We have included our generic condition to minimise the risk of pests from the site. 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.The permit includes a plan 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.Full explanation of the techniques that will be used to carry out the activity is provided in section 5.2.6 above. |
| Risk of fire from the proposed waste activities:* The current access to the site to enable fire crews to be downwind of a potential inferno is narrow and restricted, squeezed between a potentially burning building and rail track.
* A second emergency access point on the UPWIND (south) perimeter should be required. Both Rhayader and Brecon sites have this, why should the Abermule site be different?
* Concern on reduced number of firefighters in Mid and West Wales FRS region.
* Concern that fire will spread to surrounding area
* Fumes from burning plastic could be toxic
* Concern to public health from fire
* The height of the building would require turntables to get above any fire in this unit. If a fire occurred access to the rear would be essential due to the prominent direction of the wind.
* The water hydrants on site would not be strong enough to continue to put out a fire. The previous permit application for the operation of this site was rejected due to the amount of water being available to put out a fire, so having a water storage tank would not solve the problem.
* Also a fire would have an impact on the major trunk road and the railway line which is near to the site and also wildlife like crested newts, birds, etc.
* There are regular reports of fires at similar facilities.
* Wrongful disposal of batteries is the primary source of fire ignition. How will they stop this happening and is water the best way of putting these fires out?
* Concerned that automatic fire suppression system is not being proposed.
* Fire at this site would not be able to be contained or dealt with sufficiently by the local fire brigades, as Abermule is some distance from any fire station.
* Concern that there will be sufficient water
* The location of the water tank will be a major problem for firefighters to access without dedicated emergency access.
* After about 10 days and start to breakdown the bacteria in the water, after a further week the water will start to turn stagnant, and parasites shall appear. Will PCC use this water to douse fires in the full knowledge that it might contain harmful bacteria that could damage the flora and fauna of the area and damage the ecology of the area?
* Idea that a water tank installed would answer the problem is flawed. It would take 4 fire tenders about 10 minutes to empty.
* How would this be refilled - if it were from mains water supply, this would impact on the village and the hydrants are insufficient to cope. This is why the permit was rejected last time - not enough water available in the event of a fire.
* The positioning of the water tank is near to a main sewer pipe which I see Severn Trent have allowed it to be closer than their original exclusion zone. If, at some point in the future, Severn Trent had to access their sewer pipe, how would Powys be able to move the water tank?
* Where would the water go when emptying the tank to move it to allow Severn Trent access to their pipe? Plus any work that Severn Trent due to their sewer pipe would mean that the site would have no water on site if needed if a fire were to break out whilst Severn Trent attended to their pipe and the water tank out of action whilst work is done.
 | We carefully considered the risk of fire during our determination, as provided in section 5.2.7 above.We have included our generic condition to minimise the risk of fire at the site. The operator has to manage their activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.The permit includes a plan to minimise the risk of fire from the site. This plan is included in Table S1.2 Operating techniques in Schedule 1 of the permit.Full explanation of the techniques that will be used to carry out the activity and control the risk of fire is provided in section 5.2.7 above. |
| Risk of fire water runoff* A fire would take days to control which would amount to millions of gallons of contaminated water. This is not acceptable as it would risk an ecological disaster in the River Severn.
* The runoff from this site would go into the surface water sewer that has an interceptor, but it would never cope with the amount of water that is required to extinguish a fire of this magnitude.
* Polluted water will end up in the water system.
 | Full explanation of firewater run-off and how this will be contained is provided in sections 4.3.5 and 5.2.7 above. |
| Site condition* Several areas of asbestos containing material were discovered, documented and subsequently reported on; however, the site condition report fails to record this.
* Informed by PCC Land Contamination Officer that the information I was inquiring about soil samples that PCC had commissioned was exempted information. Reason being that it is an ongoing PCC job and therefore exempt.
* The water tank would need a solid concrete base, which would have to be several feet deep. The positioning of the water tank is near to where asbestos was found on site, and I don't believe there is any evidence of the asbestos being removed safely.
 | Full explanation of the operator’s site condition report is included in section 4.3.3 above. |
| Risk of noise from the proposed waste activities:* We currently hear noise from the site now. With the larger volume of vehicles on and off site, it’s bound to get worse.
* To quote the application, a small number of houses nearby. Actually it’s 49. They will all be directly affected with noise.
* We will be impacted by noise e.g. smashing glass, lorries reversing etc
* My property, on the ridge to the west of the site, is most probably not within any notifiable boundary. However, it is already severely affected by the development. My biggest worry about the future is one of noise. Already, under certain prevalent conditions, I am woken at 6am with beeping from the reversing vehicles operating out of the site. I wonder if any of the data models provided to you take account of the terrain and topographic nature of the landscape.
 | Any noise associated with transport to and from the site is under the remit of the Planning Authority.We carefully considered emissions from noise during our determination. We have included our generic condition to control emissions of noise. The operator has to manage their activities so that these emissions shall not cause pollution.The operator submitted a noise management plan. This plan includes suitable measures to minimise noise from the site and 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.In addition to this, we have included an Improvement condition whereby the operator is required to carry out noise monitoring to ensure that the noise emissions meet the predicted levels included in the NIA, as provided in section 5.2.5 above.Full explanation of the techniques that will be used to carry out the activity and control noise emissions is provided in section 5.2.5 above. |
| Concerns on waste types proposed:* The community was advised at a public meeting on 4th December 2018 that black bag waste would not be dealt with at the new facility.
* Food waste, originally advised to the community would be stored in sealed food containers, is to be tipped into open skips within the facility.
 | We carefully considered emissions from odour during our determination, as provided in section 5.2.4 above.Full explanation of the techniques that will be used to carry out the activity and control odour emissions is provided in section 5.2.4. |
| Concerns on operator competence:* The operators have a well-deserved reputation for not sticking to any operating rules placed on them. There arrogance towards any form of restrictions is well known. Ask the people who live near to other sites operated by PCC.
* I’ve spoken to people who live near to the other PCC sites, and they have told me that they are affected by the smell, rats and by flies.
 | The operator meets the requirements for being considered a competent operator based on our standards in RGN 5: Operator competence (version 5.0).Full explanation on the operator’s competence is provided in sections 4.2.1, 4.2.2 and 4.2.3 above.We have included our generic condition to minimise the risk of pests from the site. 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.The permit includes a plan 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.Full explanation of the techniques that will be used to carry out the activity is provided in section 5.2.6 above. |
| Concern on risk of flood in the area* To add to that if the River Severn / Hafren was in full flood the flood risk due to that additional amount of water would increase dramatically for the housing
 | The developed site has been designed with impermeable surfacing with an area for management of surface water i.e., ‘the engineered flood water alleviation area’.  This forms part of an overall sustainable drainage system (SuDS) to manage surface water from the developed site. |
| Potential for environmental damage to the following receptors:* I suffer with asthma and am really concerned about the effects it could have on my health.
* It states within documentation for the permit that no complaints have been received from the business units. It seems that Powys has omitted the fact that the units are not currently occupied so there is no one to make a complaint, but I am sure, if they were occupied, the owners would be complaining about odour that would be emitted from the site, as well as the possibility of a fire on site as the units are literally next to the recycling site and would impact on their operations.
* The proposed site is next to a village with a school and near a caravan park
* The site will affect our enjoyment of our gardens and local outside space
 | We have assessed the operator’s management plans for key risks of the activity of pests, odour, noise and fire and have determined that the measures are suitable and in line with our guidance. 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 conditions are included in sections 4.3.4, 4.3.5, 5.1.1, 5.2.1, 5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.2.6 and 5.2.7 of this Decision Document.We have screened for receptors in line with our screening criteria. Further detail is in Section 4.1.1 of this decision document of receptors identified in our searches. This includes the receptors noted by the respondent.Our permitting decisions look at the design and operation of the processes, to prevent pollution and minimise impacts on the environment and human health. This is done on a case-by-case basis.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 Categorisation policy. An environmental permit amenity condition non-compliance has to be substantiated by an NRW officer. |