

Welsh Government

**M4 Corridor around Newport**

Environmental Statement Volume 3:  
Appendix 11.5

Environmental Permitting Strategy

M4CaN-DJV-EAC-ZG\_GEN-PM-EN-001

At Issue | March 2016

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# 1 Introduction

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## 1.1 Background

**1.1.1** Welsh Government proposed to construct the M4 Corridor around Newport (M4CaN). This would comprise a new section of M4 motorway approximately 23 km in length between Castleton and Magor and a number of Complementary Measures. The new route would pass to the south of Newport and crossing Newport Docks on an elevated section and bridge over the docks. The road is subject to planning approval under the Highways Act 1980, as amended.

**1.1.2** This Environmental Permitting Strategy (EPS) has been designed to deliver an appropriate plan going forward to identify environmental permissions required to support M4CaN (referred to hereafter as the 'Scheme'). The EPS focusses on new permissions required to support pre, during and post construction phases along with potential changes to existing regulated facilities under the Environmental Permitting (England and Wales) Regulations 2010 (as amended) (EPR).

**1.1.3** The route of the new section of motorway and location of the existing environmental permitted regulated facilities are shown in Figure 1.

## 1.2 Objectives

**1.2.1** The objective of the EPS is to provide a plan and approach for all Environmental Permitting required by the scheme. The EPS will;

- identify all new environmental permits required to enable the activity to proceed;
- identify changes to existing permitted facilities;
- identify associated risk assessments, plans and reports required to support changes to permits or applications for new permits; and
- work with Natural Resources Wales (NRW) to develop a common understanding of the EPS.

## 1.3 General Approach

**1.3.1** Considering the complexity and scale of the Scheme, it is considered appropriate to group activities which have similar permit scenarios. To date, a desktop review has been undertaken, assessing the route, identifying where pre-, during and post-construction activities may require regulatory control under the EPR.

**1.3.2** The desktop review also focussed on existing permitted sites which fall within the line of the proposed alignment. The EPS approach will focus on the following:

- new permissions;
- alterations to existing permissions, and
- identification and where appropriate development of risk assessments, plans and reports to support applications for both new and changes to existing permissions.

## **1.4 Structure of Remainder of this Report**

### **1.4.1** The remainder of this report is structured as follows:

- Section 2 – Existing Permissions. This section summarises the existing permissions that are likely to be affected by the Scheme;
- Section 3 – New Permissions. This section sets out the anticipated environmental permits likely to be needed to deliver, construct and operate the Scheme; and
- Section 4 – Environmental Permitting Strategy. This section sets out the work and documentation needed to obtain new permits or change existing permits.



## 2 Existing Permissions

### 2.1 Desktop Review

**2.1.1** The new section of motorway will directly cross a number of regulated facilities (see Figure 1). Following a desktop review and liaison meeting with NRW, the sites listed in Table 1 have been identified as being impacted.

**Table 1: Sites Identified as Impacted by the New Section of Motorway**

Permit Ref	Environmental Permit	Permit Operator	Site
EP6	EPR/GP3331SV	Tata Steel UK Limited	South Side Queensway Non-Hazardous Landfill
EP5	EPR/HP3899FC		Llanwern South Side of Queensway Landfill
EP7	EPR/BS3905IP		Llanwern Works
EP4	EPR/BR9715IB	Solutia UK	Newport Chemical Complex
EP1 & EP9	EPR/DP3733BK & JHT/PMB/H14/7	Newport City Council	Docks Way Landfill (Area 1 & 2)
EP10	EPR/FP3295SN	Roderick Reginald Thomas	A1 Skip Hire

**2.1.2** If the new section of motorway impacts the permitted activity, there may be cause for the permit to be changed. It is assumed that any regulated land taken as part of the Compulsory Purchase Order for this Scheme may lead to partial permit surrenders for the above facilities, as the Welsh Government (WG) will not want to be holders of an Environmental Permit. As part of a partial surrender application, it will need to be demonstrated that:

- the land does not pose an unacceptable risk to the local environment;
- the sites' condition has not deteriorated from that at time of permit issue in the case of industrial installations; and
- is not and will not cause a significant risk to the environment in the case of landfills

**2.1.3** Once the partial permit surrender of land has occurred, the surrendered area will no longer be regulated by NRW under EPR.

**2.1.4** Natural Resources Wales determine the application of surrenders based on risk. Four tiers of surrender application types exist;

- **Notification** – For Part B installations (other than those that relate to a waste operation), mobile plant, standalone water discharge activities, and stand-alone groundwater activities.
- **Basic surrender** - where activities are inherently low risk, i.e. land and groundwater should not be at risk. No report is required at surrender. Some mining waste facilities and wastes deposited for recovery may qualify for this route.
- **Low risk surrender** – where activities could in principle pollute land or groundwater but the operator can show through waste acceptance records (where applicable) and pollution control measures that the legal test set out

above has been met. A report is required but not one involving intrusive monitoring data. All the non-radioactive substances facilities covered here may qualify, depending on circumstances.

- **Full surrender** – a detailed report is required, using monitoring data:
  - a surrender site condition report for waste facilities and installations to show satisfactory state; and
  - a completion report for landfills to show the waste deposited will not cause an unacceptable risk of pollution or harm to human health or the environment.

**2.1.5** The type of surrender application applied for in each case will be dependent on the final detailed design, due in spring 2018. At the time of writing, the strategy land at Docks Way Landfill and Solutia will likely require a low risk surrender application. At Docks Way, the land taken falls outside of the permitted waste cells and Solutia's land take remains outside of the permitted activities.

**2.1.6** It is worthwhile noting that this strategy document does not look into the detail of Compulsory Purchase Order of land. Instead, the strategy simply addresses and agrees what regulatory requirements are required for the new section of motorway, to support the draft publication of orders and then how permits will be managed during the construction phase.

### Dockways Area 2 Landfill

**2.1.7** The new section of motorway will impact on Dockways Area 2 permitted boundary. The route is within close proximity to disposal cell 2. The waste cells of the landfill will not be impacted by the route. Post construction, a partial surrender application will be required and a new permit in place. The application will require the relevant supporting document listed below.

- Application Forms.
- OPRA Profile.
- Non-Technical Summary.
- Environmental Management System.
- Site Condition Report.

### Dock Ways Area 1 Landfill

**2.1.8** The historic landfill lies immediately north of Docks Way Area 2 Landfill. The once active landfill is now in a state of closure. No waste types are accepted onto the site; the area is capped and is covered with a grassed capping liner. The Docks Way Link Road runs alongside the permitted boundary. Anecdotal evidence suggests uncontrolled tipping took place outside of the permitted boundary. No changes to be made to the historic permit.

### South Side Queensway Non-Hazardous Landfill

**2.1.9** The facility is a historic landfill, currently regulated by permit EPR/GP3331SV, superseding EAWML 30009. The Non-Hazardous Landfill is an in-house disposal facility for the Llanwern steel plant. The permit regulates the disposal of

a maximum 13,500 tonnes per annum of waste, of that 10,000 tonnes Non-Hazardous and 3,500 tonnes of Inert Waste, in the fully re-engineered cell. However, it is known that the site has not been actively accepting waste.

**2.1.10** The new section of motorway will cross through Reedbed 26. The reedbed will require partial excavation to construct the motorway and will split the permitted area into two. The permit will require a partial surrender to remove the land required for the new section of motorway, thus amending the regulated boundary. The permitted area comprises a larger area which has been used since the 1970s for various waste management activities. Due to the historical activities at the site, the material is likely to require some treatment before re-use. Post-construction, a partial surrender application will be required and a permit in place. The application will require the relevant supporting document listed below.

- Application Forms.
- OPRA Profile.
- Non-Technical Summary.
- Environmental Management System.
- Hydrogeological risk assessment (HRA).
- Stability risk assessment (SRA).
- Landfill gas risk assessment (LFGRA).
- Site Condition Report.
- Proposed plan for closing the site & procedures for looking after the site once it has closed.

### Llanwern South Side Queensway Non-Hazardous Landfill

**2.1.11** The new section of motorway will cross through, Lagoon 12, and 25, which form part of the closed landfill. The site is operated, maintained, monitored and controlled in line with the requirements laid out in the accepted site Closure Report (Geotechnology, 2008) and supporting information. NRW have confirmed the site is regulated under EPR. The closure report details monitoring and reporting requirements. The permit will require changing through a partial surrender, provided the Regulator is provided with the following.

- Application Forms.
- OPRA Profile.
- Non-Technical Summary.
- Environmental Management System.
- Hydrogeological risk assessment (HRA).
- Stability risk assessment (SRA)
- Landfill gas risk assessment (LFGRA)
- Site Condition Report.
- Proposed plan for closing the site & procedures for looking after the site once it has closed.

## Llanwern Works

- 2.1.12** Llanwern Steel Works produces 2,000,000 tonnes of hot rolled coil per year in various sizes and a variety of finishes for the manufacturing sector. The regulated facility consists of hot rolling, cold rolling, pickling and galvanising activities.
- 2.1.13** Process waters from the facility are treated to remove solids and oils, combined with drainage from a lagoon before discharging into the Severn Estuary via a Mid Effluent Outfall.
- 2.1.14** Lagoon 27 forms part of the on-site treatment facility. Divided into four equal quarters, accepting waste from the Hot Mill activity. The new section of motorway will pass through the two southerly quarters of the lagoon. The lagoon waste will be excavated to make way for the new section of motorway. The excavated waste is likely to require some treatment before re-use.
- 2.1.15** Post-construction, a partial surrender application and permit will be in place. The application will allow for the excavation of lagoon waste, with the addition of a new bunded area separating the newly excavated southern quadrants of lagoon 27, and those lying north of the original lagoon 27. The partial surrender application will enable the permit boundary to be amended, removing the southern quadrants of lagoon 27 from the permit. Welsh Government will not want the motorway to be part of an environmental permit.
- 2.1.16** Post-construction, a partial surrender permit application will be required and a permit in place. The application will require the relevant supporting document listed below.
- Application Forms.
  - OPRA Profile.
  - Non-Technical Summary.
  - Environmental Management System.
  - Hydrogeological risk assessment (HRA).
  - Stability risk assessment (SRA).
  - Landfill gas risk assessment (LFGRA).
  - Site Condition Report.
  - Proposed plan for closing the site & procedures for looking after the site once it has closed.

## Newport Chemical Complex

- 2.1.17** The new section of motorway passes directly over the south east corner of the regulated facility. Currently, it is envisaged a piled pier will be constructed into the south east corner of the site. The regulated activity would remain intact, although the permitted boundary will be impacted.
- 2.1.18** To support a permit application, NRW would need information on the planned design of the new section of motorway at the Solutia site and demonstration that the PCB cell would not be adversely affected.

**2.1.19** Discussions with the site operator on 5/08/2015 confirmed the construction of the new section of motorway and that operation (post-construction) will not impact the onsite regulated activities. To remove parts of the land required for the new section of motorway, an application to partially surrender the land will be made to the Regulator. The application will take the form of a low risk permit surrender.

**2.1.20** The low risk surrender application will require the relevant supporting document listed below.

- Application Forms.
- OPRA Profile.
- Non-Technical Summary.
- Environmental Management System.
- Site Condition Report.

### **A1 Skip Hire**

**2.1.21** An intermediate junction will be located at Docks Way, connecting the existing A48 (Southern Distributor Road) and the new section of motorway. The Docks Way Link Road linking the A48 and Docks Way Junction runs alongside Docks Way Landfill and the adjacent Associated British Port owned land. The construction of the spur road will consume the A1 Skip Hire site in its entirety.

**2.1.22** Prior to construction, an application to surrender the permit in full to the Regulator will be required. The application will require the relevant supporting document listed below;

- Application Forms.
- OPRA Profile.
- Non-Technical Summary.
- Environmental Management System.
- Surrender Site Condition Report.

## **2.2 NRW Requirements**

**2.2.1** The partial and full permit surrender applications supporting information requirements will vary depending on the regulated facilities and the change required. NRW will confirm the information requirement. As part of the surrender application process, existing reports may be updated, rather than started afresh.

## 3 New Permissions

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### 3.1 Introduction

**3.1.1** The new section of motorway crosses over varied terrain, from agricultural farm land, docks to historic landfill within the confines of the city. Material re-use during the construction of the new section of motorway is a priority. Construction activities will require a number of permitting requirements which are set out below.

**3.1.2** Material re-use of site won soils would be planned in accordance with the Definition of Waste Development Industry Code of Practice (CL:AIRE, 2011) and controlled via a Materials Management Plan (MMP). An Outline Materials Management Plan is provided as part of Appendix 3.2 of this ES (Volume 3).

**3.1.3** Baseline information on the material resources for the new section of motorway has been reported in the 2014 Preliminary Sources Study Report (PSSR) (Arup, 2014).

**3.1.4** The route of the new section of motorway to the south of the Llanwern Steelworks requires significant materials contained within the former lagoons and reedbeds to be treated. The waste materials contained within the lagoons typically comprise very soft silts with elevated levels of metals, hydrocarbons, cyanides, PCBs and pH. The areas of reedbeds located west of the lagoons, used for the treatment of industrial water, were identified as having elevated levels of metals, hydrocarbons and cyanides. This material is likely to require treatment with the aim of it being reused within the footprint of the new section of motorway.

**3.1.5** Elsewhere relatively isolated areas of potential land contamination exist. Any arisings are expected to be reused following risk assessment. A separate Land Contamination Management Strategy (Appendix 11.3, Volume 3) provides further detail on the approach to dealing with historical contamination within footprint of the new section of motorway.

### Waste Bespoke Operation Permit / Mobile Plant Licence

**3.1.6** The treatment of materials will be subject to the Environmental Permitting Regulations. If the activity is carried out within a period lasting no longer than 12 months, the treatment, subject to regulatory approval, can be carried out in accordance with a Mobile Plant Licence and respective deployment. If the treatment of materials exceeds 12 months, the treatment activity will require regulation by means of a waste bespoke operation permit.

**3.1.7** Where the treatment of materials is carried out in accordance with a Mobile Plant Licence, any subsequent point source discharge will require a separate permission. In this case, the following applications and supporting documents will be required.

- Application Forms.
- OPRA Profile.
- Management Supervision.

- Conceptual Site Model and Risk Assessment.
- Pollution Control.
- Emission Monitoring Plans.
- Record Keeping - Commissioning, operating and maintenance.
- Acceptance Procedures.

### New Bespoke Water Discharge Activity

**3.1.8** The treatment of waters arising from construction activities, including point source discharges resulting from the treatment of materials regulated by mobile plant licence will require regulation by NRW. An application for an environmental permit will be submitted prior to works commencing. The new bespoke water discharge permit application will require the following supporting documents;

- Application Forms.
- Environmental Management System.
- Non-Technical Summary.
- Site specific remediation strategy.
- Environmental Risk Assessment.

### Abstraction Licence

**3.1.9** If the new section of motorway requires any de-watering operations for dust suppression or pressure testing on site, an abstraction licence will be required. The Regulator will require the following to support an abstraction licence application.

- Application forms.
- Water features survey.
- Hydrogeological risk assessment.
- Appropriate ecological survey.
- Geomorphological briefing.
- Amenity value report.
- Justification of need.

### Marine Licence

**3.1.10** The construction and operation of the River Usk Crossing and Ebbw Bridge is deemed a licensable marine activity. A marine licence is required before carrying out any "licensable marine activity" in Welsh waters. This includes:

- deposit of substance or object, in the sea or on or under the sea bed;
- construct, alter or improve any works either in or over the sea or on or under the sea bed; and
- dredging (whether or not involving the removal of any material from the sea or sea bed).



- 3.1.11** A marine licence requirement is applicable if the activity takes places in any area which is submerged at mean high water spring tide (MHWS). This includes:
- waters in any area that is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide, but:
    - into which seawater is caused or permitted to flow, whether continuously or from time to time; and
    - From which seawater is caused or permitted to flow, whether continuously or from time to time;
  - The waters of every estuary, river or channel, so far as the tide flows at MHWS.
- 3.1.12** In 2013, the Welsh Government delegated their role as the licencing authority for Welsh Waters to Natural Resources Wales.
- 3.1.13** The new section of motorway will cross the River Ebbw and pass to the south of the Docks Way Landfill site. Foundations of the River Ebbw underbridge will be located between MHWS and the Mean High Water (MHW) marks within intertidal saltmarsh habitat on the east and west banks of the river.
- 3.1.14** To the east of the River Ebbw, the new section of motorway would continue north east towards Newport Docks. The River Usk Crossing will cross Newport Docks between the South Dock and North Dock, before straightening out over the main bridge crossing of the River Usk. The bridge crossing will take the form of a 2.1 km long elevated structure, including a high level cable stayed bridge crossing of the River Usk. The east pier for the River Usk Crossing will be located on the east bank of the River Usk, outside the wetted channel (above MHW mark) but within saltmarsh habitat.
- 3.1.15** A marine licence application will be submitted to NRW ahead of construction activities. The application will require the relevant supporting document listed below.
- Application forms.
  - Environmental Impact Assessment.
  - Project Description.
  - Scaled extract of an Ordnance Survey Map or Admiralty Chart with location of project, complete with North Arrow and Scale.
  - Construction plans and sectional drawings showing those proposed works below/seaward of MHWS, which should give details of the materials to be used (for beach replenishment the quantity, particle size and source of material to be deposited and deposit location is also required).
  - Method Statement.
- 3.1.16** The provisions of the Marine Works (EIA) Regulations 2007, as amended by the Marine Works (EIA) (Amendment) Regulations 2011 will apply to the Scheme as a result of the need for crossings of tidal areas of the River Ebbw and the River Usk. The ES provides the information required by the Highways Act 1980, as amended, together with the other relevant information listed in the EIA Directive (as amended) and the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended).



## Flood Defence Consents

**3.1.17** Construction works carried out over, under or near a main river, or in a flood plain or flood defence (including a sea defence) will require a Flood Defence Consent. The new section of motorway will notably cross both the Rivers Ebbw & Usk. The works will require a Flood Defence Consent, from Natural Resources Wales.

**3.1.18** The Flood Defence Consent application will require the relevant supporting document listed below.

- Application Forms.
- Plans showing location of works.
- Detailed drawings.
- Method statement.
- Water Framework Directive Assessment.

## Land Drainage Consents

**3.1.19** An ordinary watercourse includes all rivers and streams that aren't main rivers and all ditches, drains, cuts, culverts, dikes, sewers (other than public sewers) and passages through which water flows. The new section of motorway will require a number of Land Drainage Consents, for works falling within the Caldicot and Wentlooge Levels Internal Drainage District. The responsibility for Land Drainage Consenting within the district lies with NRW.

**3.1.20** The Drainage Strategy Report (Appendix 2.2, Volume 3) details the structures including outfalls and culverts required for the new section of motorway.

**3.1.21** As described in Chapter 2 of the ES, a number of watercourses will be culverted. The majority of the reens to be culverted have only a small catchment and a box culvert, sufficient to cater for the flows and provide sufficient head room for maintenance will be provided.

**3.1.22** In addition to the primary culverts, a number of small diameter culverts will be required. These include culverts for access tracks for water treatment areas, culverts to take runoff from cut off ditches, and to allow connectivity of field ditches. The details of these will be developed during detailed design.

**3.1.23** Where necessary, reen bridges would be provided. Reen bridges are culverts with spans larger than 3 metres, while culvert crossings would have spans smaller than 3 metres.

**3.1.24** The Land Drainage Consent application will require the relevant supporting documents listed below;

- Application Forms
- Plans showing location of works
- Detailed drawings
- Method statement
- Water Framework Directive Assessment

## Environmental Protection Licences

- 3.1.25** A European Protected Species Licence will be sought from NRW for any works which could affect European Protected Species.
- 3.1.26** The Conservation of Habitats and Species Regulations 2010 protects species which have been designated as European Protected species (EPS). NRW must be satisfied;
- “there is no satisfactory alternative” to the work as proposed; and
  - that the proposed actions “will not be detrimental to the maintenance of the population of the species at a favourable conservation status (FCS)”.
- 3.1.27** A licence application will be submitted to the Regulator prior to works. Any application will include an appropriate application form together with method statement. The method statement will include:
- survey information;
  - mitigation and compensation;
  - project surveillance and post project monitoring; and
  - compliance

## 3.2 Memorandum of Understanding: Environment Agency and Highways Agency Annex 1 – Water Environment

- 3.2.1** The Annex sets out commitments made by both the Regulator and the Highways Agency on how they will work together to protect and where possible improve the water environment and implement the Water Framework Directive. NRW recommend the principles set out in the Memorandum of Understanding (MoU) for the new section of motorway.
- 3.2.2** EPR 2010 controls water discharge and groundwater activities. The regulations require the regulator to protect surface and groundwater against pollution and deterioration.
- 3.2.3** The MoU states that Highway surface run-off discharges may contain soluble and insoluble pollutants that have accumulated on the carriageway following periods of dry weather. In storm events, these pollutants may be transported via the highway surface water drainage system and discharged to a receiving watercourse. In some circumstances, the pollutants in highway run-off may exert an acute and/or chronic impact on the chemical quality and ecological status of the receiving water. Although the Highways Agency has a right to discharge highway run-off, it has no right to pollute. The Regulator has a duty under the Water Resources Act 1991 to achieve water quality objectives in waters. There are powers to serve anti-pollution works notices to prevent or remedy pollution of controlled waters.
- 3.2.4** The MoU requires both the Regulator and the Highways Agency to work together for new highway schemes, identifying the key constraints and potential consequences on the quality of surface waters and, where a risk of pollution is

identified, agree reasonable mitigation which, on major highway schemes, will form part of the Environmental Impact Assessment (EIA).

- 3.2.5** Surface water run-off from the new section of motorway will discharge into controlled waters at 12 locations. The WTA's will be designed to collect and polish highways run-off before discharging into the local reens system. The MoU (Environment Agency & Highways Agency, 2009) states a permit (discharge consent) to discharge highways run-off is not required; however the new section of motorway will be required to demonstrate acceptable pollution control, forming part of the EIA.

## 4 Environmental Permitting Strategy

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### 4.1 Introduction

**4.1.1** The new section of motorway will impact the regulated boundaries of permitted facilities (see Figure 1). This impact will be a case for the permits regulating the facilities, to be changed. In order to make changes to environmental permits, an application must be submitted by the operator to the Regulator. Table 2 below outlines the requirements of the Regulator to support an application for change at each of the facilities listed.

**4.1.2** Applications to the Regulator will require supporting information, enabling the Regulator to assess the environmental permit application and make a decision whether to issue with environmentally protective conditions or refuse. The supporting information requirements (Table 2) will be agreed with the Regulator.

**4.1.3** Applications submitted to the Regulator will need to demonstrate that all risks have been identified, assessed and that appropriate techniques will be employed in the management of the risks. The Regulator will need to be satisfied that any works taking place within the regulated facility, applies appropriate control measures, minimises risk to the environment and does not impact the operators' compliance with their permit.

### 4.2 EPS Requirements

**4.2.1** All environment permit applications submitted to the Regulator, whether the application is for a new activity, to change or surrender the activity, must include a non-technical summary. The summary should avoid using technical terms, detailed data and scientific discussion. The summary should provide an overview of the regulated facility and summarise key technical standards and control measures from the applications supporting risk assessments.

**4.2.2** Applications submitted to the Regulator must be on the appropriate forms supplied by the Regulator. Applications are also subjected to an application fee. The Operational Risk Appraisal Assessment (OPRA) provides a risk rating which is used to allocate regulatory resources to determine how much a business will be charged for the activity. An OPRA must be supplied with all new and changes to existing waste operations and installation regulated facilities. OPRA is used to define the application fee of any application submitted to the Regulator.

**4.2.3** Hydrogeological Risk Assessment is a key process in the evaluation of landfill developments. The aim of the risk assessment is to protect groundwater. The Risk Assessment must be completed in line with the Environment Agency's H1 Annex J Groundwater Guidance and appropriate annexes (Environment Agency, 2011a, 2011b). Permit application submissions or changes to existing permits will require an appropriate HRA.

**4.2.4** For landfill activities the Regulator will require a Stability Risk Assessment Report, this is normally completed in conjunction with a Conceptual Model, Environmental Setting and Installation Design (ESID) Report. The Conceptual Model should be prepared on the basis of findings from, but not limited to, hydrogeology, stability and landfill gas risk assessments. The M4CaN does not propose to create a new landfill, however where the new section of motorway

impacts landfill sites, the Regulator may require additional updates to existing reports.

**4.2.5** Any land taken from the regulated facility as part of CPO will need to be removed from the permit. Site plans in Environmental Permits show where the operator is authorised to carry out their regulated activities. An Updated Permit Boundary Plan and a new Site Layout will be required to update the confines of the permitted site.

**4.2.6** The Regulator recommends operators produce and periodically update a Site Condition Report (SCR). An SCR describes and records the condition of the land and groundwater within the regulated facility. An SCR enables the operator to demonstrate that the land and groundwater has been protected during the lifetime of the permit and the land has been left in a satisfactory state at time of permit surrender.

**Table 2 Environmental Permit Application Supporting Documents**

	Permitted Sites						
	Docks Way Area 2 Landfill	Docks Way Area 1 Landfill	South Side Queensway Non-Hazardous Landfill	Llanwern South Side Queensway Non-Hazardous Landfill	Llanwern Works	A1 Skip Hire	Newport Chemical Complex
Application Type	Low Risk Partial Surrender	Low Risk Partial Surrender	Partial Surrender	Partial Surrender	Partial Surrender	Full Surrender	Low Risk Partial Surrender
Application Forms	✓	✓	✓	✓	✓	✓	✓
OPRA	✓	✓	✓	✓	✓	✓	✓
Application Fee	✓	✓	✓	✓	✓	✓	✓
Non-Technical Summary	✓	✓	✓	✓	✓	✓	✓
Site Condition Report	✓	✓	✓	✓	✓	✓	✓
Environmental Risk Assessment	n/a	n/a	✓	✓	✓	✓	n/a
EMS	✓	✓	✓	✓	✓	✓	✓
Permit Boundary Plan with emissions sources	✓	✓	✓	✓	✓	✓	✓
Site Layout Plan	✓	✓	✓	✓	✓	✓	✓

	Permitted Sites						
	Docks Way Area 2 Landfill	Docks Way Area 1 Landfill	South Side Queensway Non-Hazardous Landfill	Llanwern South Side Queensway Non-Hazardous Landfill	Llanwern Works	A1 Skip Hire	Newport Chemical Complex
Application Type	Low Risk Partial Surrender	Low Risk Partial Surrender	Partial Surrender	Partial Surrender	Partial Surrender	Full Surrender	Low Risk Partial Surrender
Stability risk assessment (SRA)	n/a	n/a	✓	✓	n/a	n/a	n/a
Conceptual Model, Environmental Setting and Installation Design (ESID) Report	n/a	n/a	✓	✓	n/a	n/a	n/a

## References

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Arup (2014) Preliminary Sources Study Report, July 2014.

CL:AIRE (2011) Definition of Waste: Development Industry Code of Practice, Contaminated Land: Applications in Real Environments, London 2011.

Environment Agency (2011a) H1 Annex J Groundwater Guidance.

Environment Agency (2011b) H1 Guidance Note Overview document.

Environment Agency & Highways Agency (2009) Memorandum of Understanding between the Environment Agency and the Highways Agency Annex 1 – Water Environment.

Geotechnology (2008) Llanwern Landfill South Side Queensway Corus Works Llanwern – Waste Management Licence EAWML/30009. Report Number 664.1/0/0708.



# Figures

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Permit Ref	Chainage	Regulated Facility	Reference	Status
EP 1	8600-8700	Newport Docks Way (Area 2) Landfill	EPR/DP3733BK	Active Permissions
EP 4	11200-11500	Newport Chemical Works	EPR/BR9715B	Active Permissions
EP 5	14900-16000	Llanwern South Side of Queensway Landfill	EPR/HP3899FC	Working towards a state of closure
EP 6	1600-16300	South Side Queensway Non-Hazardous Landfill	EPR/GP3331SV	Active Permissions
EP 7	16300-16400	Tata Steel Strip Products UK (Llanwern Steelworks)	EPR/BS3905IP	Active Permissions
EP9	8600-8700	Newport Docks Way (Area 1) Landfill	EPR/HP3899FC/V003	State of Closure
EP10	8600-8700	A1 Skip Hire	EPR/FP3295FN	Active Permissions

Legend

Permanent Highway Land within Fenceline (including Water Treatment Areas)

Other Permanent Land Take

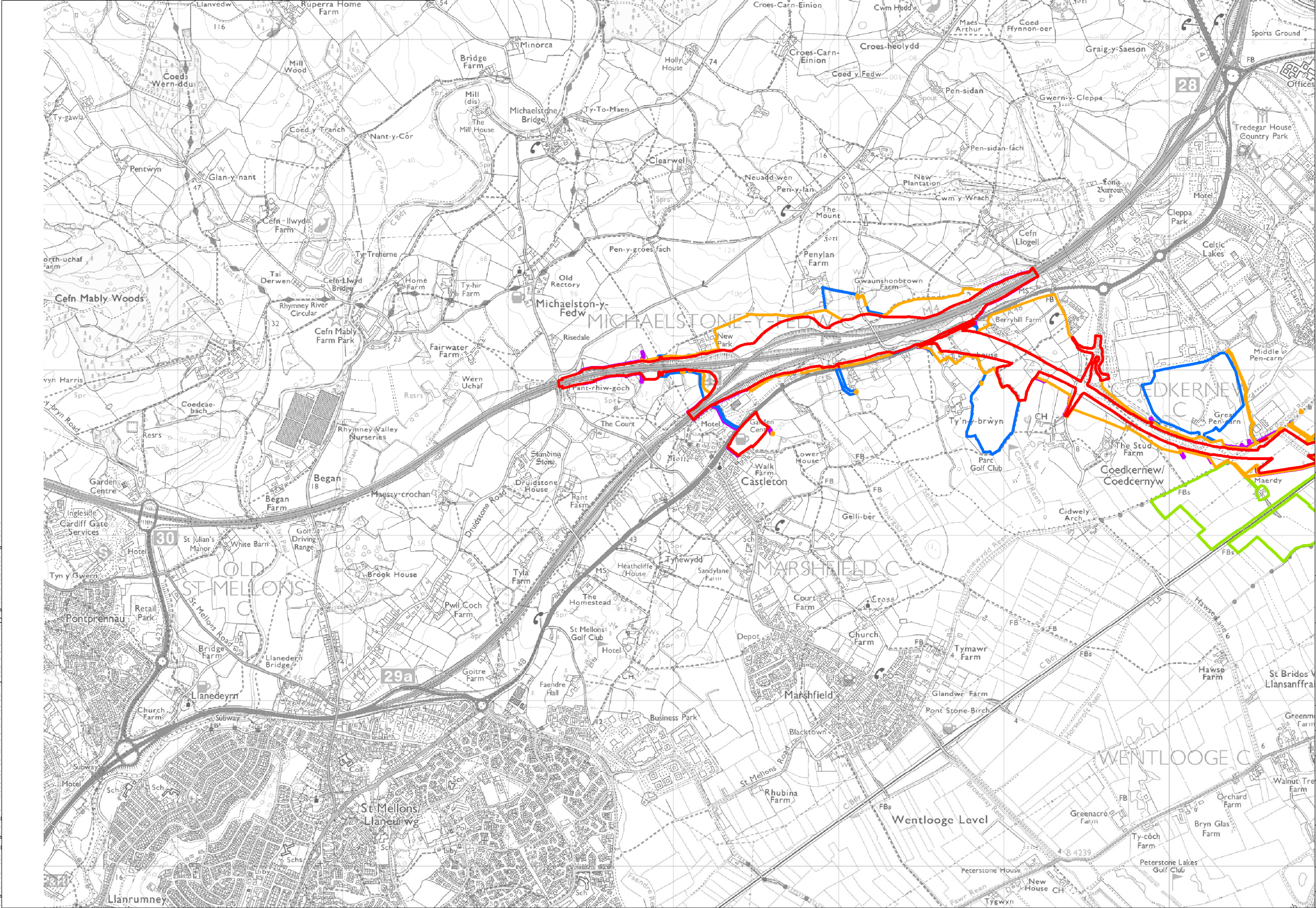
Temporary Construction Land


Easement Only

Ecological Mitigation

Permit Boundary

Permit Location





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Welsh Government

Appendix 11.5

Permitted Sites

Figure: 1a

Revision: -

Date: March 2016


Status: At Issue

Drawn: RJJ

Checked: AJC

Scale: A3 @ 1:25,000

0 500 1,000 m

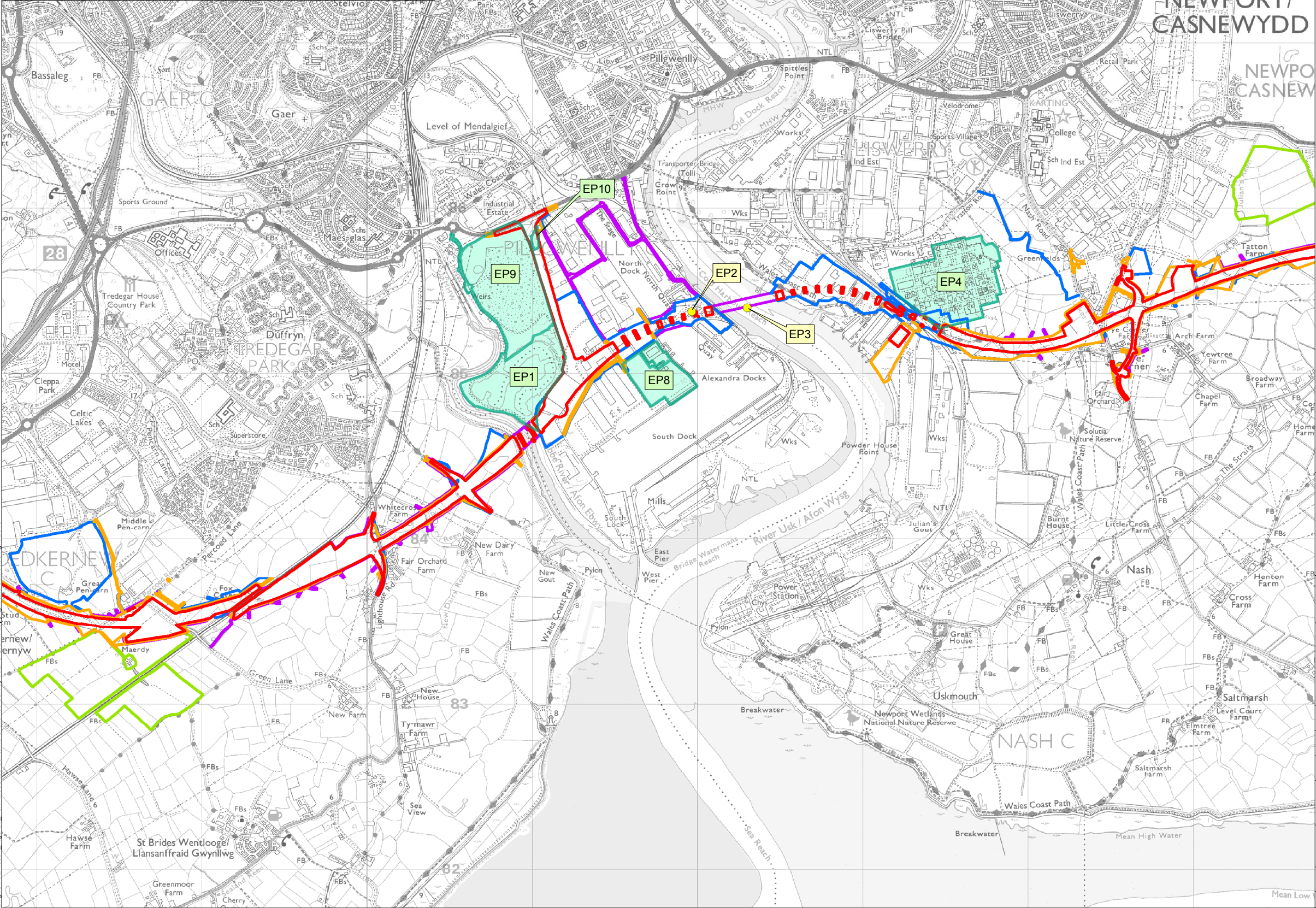


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dwg ref: JER6591\_Figure1\_PermittedSites



Permit Ref	Chainage	Regulated Facility	Reference	Status
EP 1	8600-8700	Newport Docks Way (Area 2) Landfill	EPR/DP3733BK	Active Permissions
EP 4	11200-11500	Newport Chemical Works	EPR/BR9715B	Active Permissions
EP 5	14900-16000	Llanern South Side of Queensway Landfill	EPR/HP3899FC	Working towards a state of closure
EP 6	1600-16300	South Side Queensway Non-Hazardous Landfill	EPR/GP3331SV	Active Permissions
EP 7	16300-16400	Tata Steel Strip Products UK (Llanern Steelworks)	EPR/BS3905IP	Active Permissions
EP9	8600-8700	Newport Docks Way (Area 1) Landfill	EPR/HP3899FC/V003	State of Closure
EP10	8600-8700	A1 Skip Hire	EPR/FP3295FN	Active Permissions



- Legend**
- Permanent Highway Land within Fenceline (including Water Treatment Areas)
  - Other Permanent Land Take
  - Temporary Construction Land
  - Easement Only
  - Ecological Mitigation
  - Permit Boundary
  - Permit Location



Llywodraeth Cymru  
Welsh Government

Appendix 11.5

Permitted Sites

Figure: 1b

Revision: -

Date: March 2016

Status: At Issue

Drawn: RJJ

Checked: AJC

Scale: A3 @ 1:25,000

0 500 1,000 m

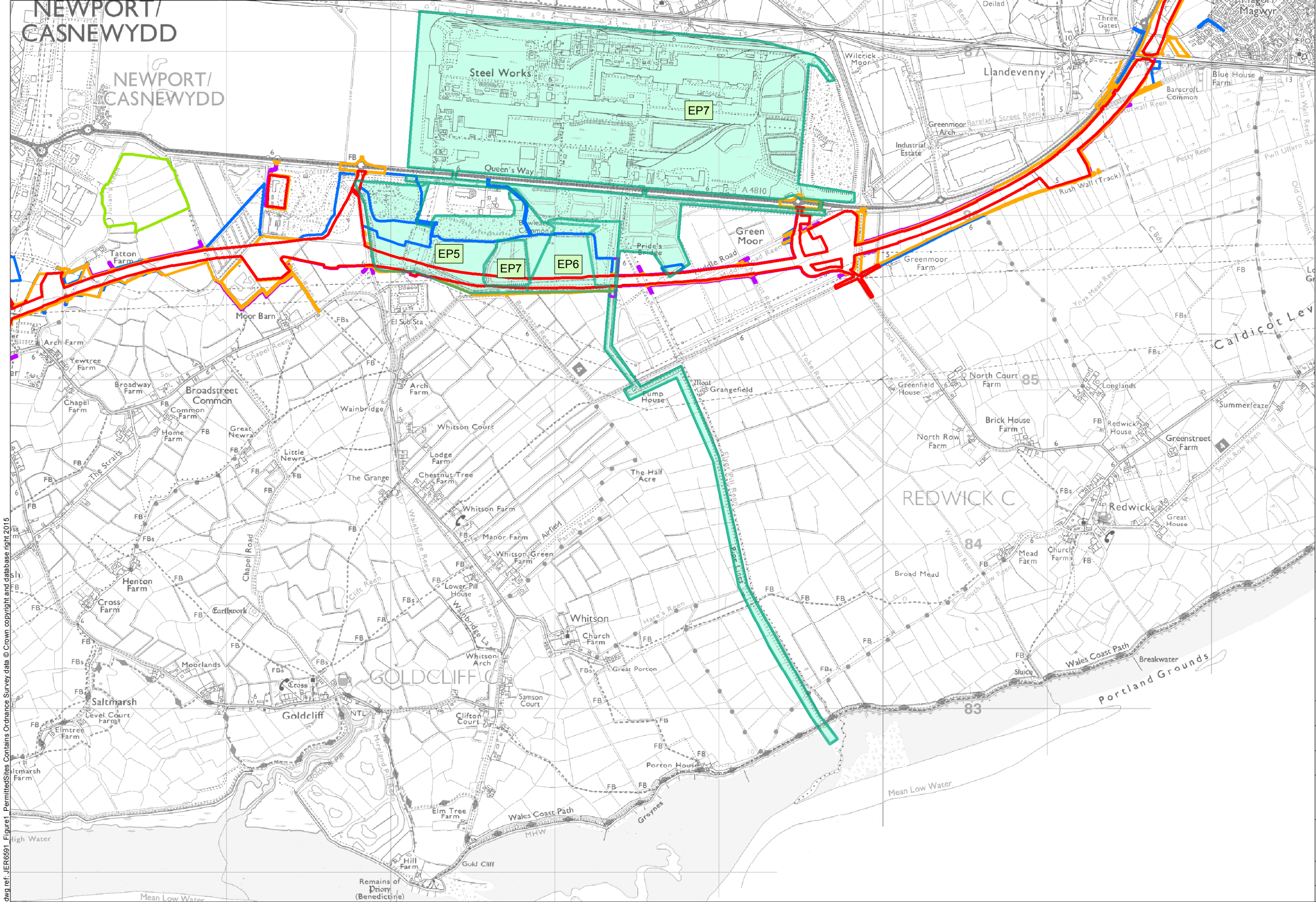
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dwg ref: JER6591\_Figure1\_PermittedSites




Permit Ref	Chainage	Regulated Facility	Reference	Status
EP 1	8600-8700	Newport Docks Way (Area 2) Landfill	EPR/DP3733BK	Active Permissions
EP 4	11200-11500	Newport Chemical Works	EPR/BR9715B	Active Permissions
EP 5	14900-16000	Llanwern South Side of Queensway Landfill	EPR/HP3899FC	Working towards a state of closure
EP 6	1600-16300	South Side Queensway Non-Hazardous Landfill	EPR/GP3331SV	Active Permissions
EP 7	16300-16400	Tata Steel Strip Products UK (Llanwern Steelworks)	EPR/BS3905IP	Active Permissions
EP9	8600-8700	Newport Docks Way (Area 1) Landfill	EPR/HP3899FC/V003	State of Closure
EP10	8600-8700	A1 Skip Hire	EPR/FP3295FN	Active Permissions



**Legend**

- Permanent Highway Land within Fenceline (including Water Treatment Areas)
- Other Permanent Land Take
- Temporary Construction Land
- Easement Only
- Ecological Mitigation
- Permit Boundary
- Permit Location



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Appendix 11.5

Permitted Sites

Figure: 1C

Revision: -

Date: March 2016

Status: At Issue

Drawn: RJJ

Checked: AJC

Scale: A3 @ 1:25,000

0 500 1,000 m

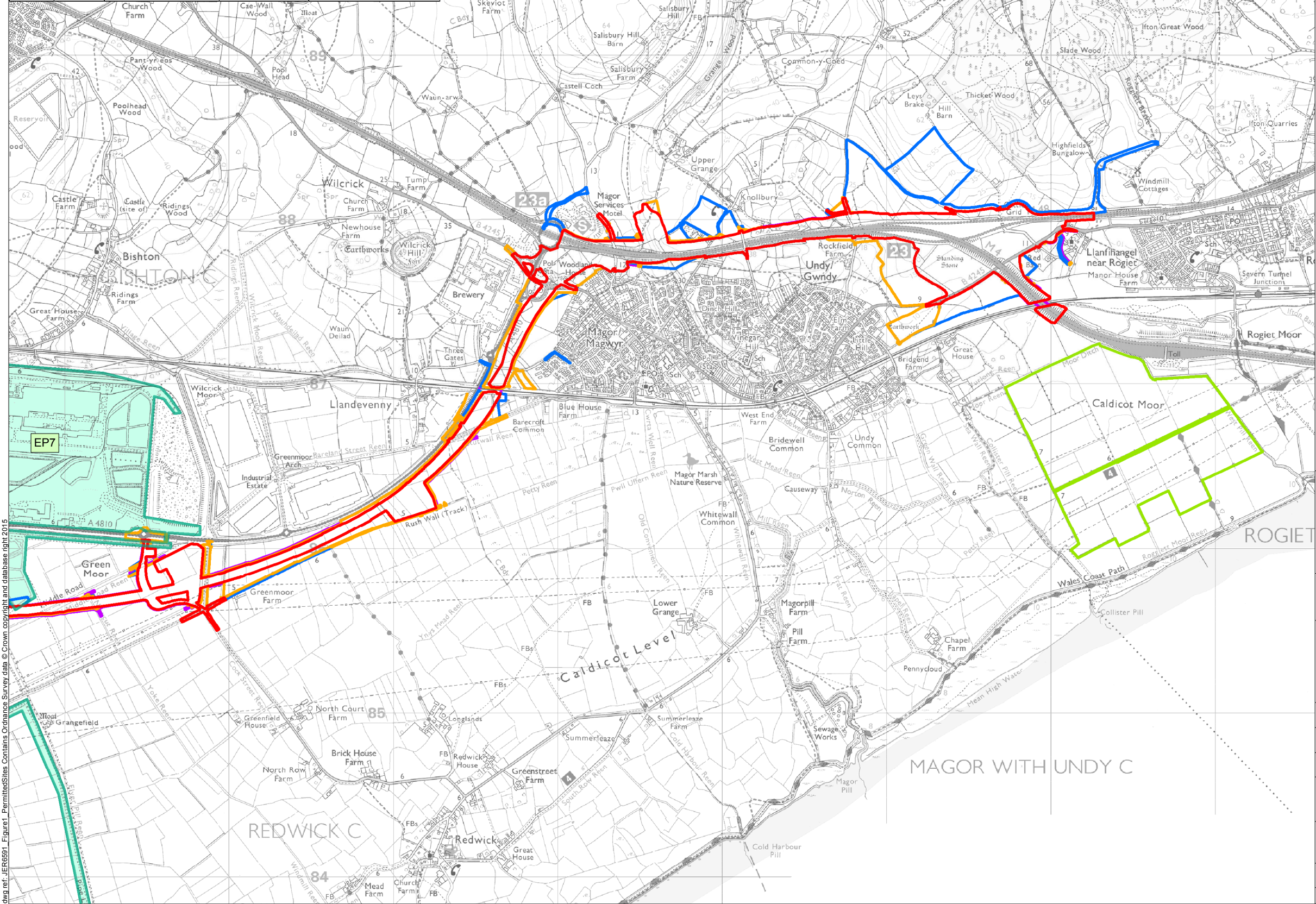
N

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dwg ref: JER6591\_Figure1\_PermittedSites



Permit Ref	Chainage	Regulated Facility	Reference	Status
EP 1	8600-8700	Newport Docks Way (Area 2) Landfill	EPR/DP3733BK	Active Permissions
EP 4	11200-11500	Newport Chemical Works	EPR/BR9715B	Active Permissions
EP 5	14900-16000	Llanern South Side of Queensway Landfill	EPR/HP3899FC	Working towards a state of closure
EP 6	1600-16300	South Side Queensway Non-Hazardous Landfill	EPR/GP3331SV	Active Permissions
EP 7	16300-16400	Tata Steel Strip Products UK (Llanern Steelworks)	EPR/BS3905IP	Active Permissions
EP9	8600-8700	Newport Docks Way (Area 1) Landfill	EPR/HP3899FC/V003	State of Closure
EP10	8600-8700	A1 Skip Hire	EPR/FP3295FN	Active Permissions



- Legend**
- Permanent Highway Land within Fenceline (including Water Treatment Areas)
  - Other Permanent Land Take
  - Temporary Construction Land
  - Easement Only
  - Ecological Mitigation
  - Permit Boundary
  - Permit Location



Appendix 11.5

Permitted Sites

Figure: 1d

Revision: -

Date: March 2016

Status: At Issue

Drawn: RJJ

Checked: AJC

Scale: A3 @ 1:25,000

0 500 1,000 m

N

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dwg ref: JER6591\_Figure1\_PermittedSites



# Annexes

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## **Annex A - Environmental Permitting Strategy Requirements – Meeting with the Regulator**

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# Minutes

Project title

Meeting name and number Meeting with NRW to discuss Permit Implications 1 File reference

Location NRW, St Mellons Time and date 14:00 March 2016

Purpose of meeting

Attendance David Willey, Natural Resources Wales (NRW)  
Amy Powell, (RPS)

Apologies N/A

Circulation Jessica Poole (NRW), Richard Graham (RPS) & Peter Ireland (RPS)

## 1. Environmental Permits, new environmental permits or changes to existing permits needed for M4CaN

(Action Initials)

AP provided a project overview, detailing where environmental permitting (regulated) fits in the scheme. The Scheme alignment at the time of the meeting it was as per drawing M4CaN - DJV – EWE- ZG\_GEN - DR - EN – 0005 and is within the TR111 route corrido. The M4CaN overlaps existing environmentally permitted (regulated) facilities and other environmental permits are expected to be needed to facilitate construction of the Scheme. Going forward a common approach was agreed tot

- |   |       |
|---|-------|
| 1. Identify existing regulated activities lining the M4CaN.   | AP/DW |
| 2. Identify the physical impact on the existing regulated activities.   | AP    |
| 3. Agree the information required to support a change to any existing permits.  | DW    |
|   | AP    |
| 4. Identify new environmental permit requirements to facilitate construction of the Scheme.                                   | AP    |
| 5. Formulate a permitting strategy detailing the permitting requirements for the scheme, based on commonly agreed assumption. | DW    |
| 6. Agree permitting strategy.   |       |

Applications to change existing permissions will not be prepared for submission, at this stage of the project. Instead the intention is that the permitting strategy will detail the process to enable future changes at existing regulated facilities by the permit holder. It will also detail the supporting information required by the Regulator to demonstrate appropriate management of the risks associated with the regulated activities.



## 2. Identify existing NRW regulated activities

(Action Initials)

Action point 1 was completed within the meeting. Using existing project database and GIS, the M4CaN and NRW's active permissions layers were uploaded onto the GIS system. Using GIS as a visual aid, the route was mapped and active permits and consents overlapping the M4CaN route alignment identified. The active permission search included Installations, Waste Operations, Water Discharges, Waste/Water Exemptions and Abstraction Licences.

From east to west along the route the following regulated facilities were identified as being directly impacted from the M4CaN alignment;

Site Name	Permit Reference	Operator
South Side Queensway Non-Hazardous Landfill	EPR/GP3331SV	Tata Steel UK Limited
Llanwern South Side of Queensway	EPR/HP3899FC	Tata Steel UK Limited
Newport Chemical Works	EPR/BR9715IB	Solutia UK Ltd
Docksway Area 2 Landfill	EPR/DP3733BK	Newport City Council

To have an understanding of the current regulation at each site, DW agreed to supply the following information, if available on the public register:

DW

- Site drainage and monitoring location point plans.
- Last 5 years of groundwater/surface water monitoring data.
- CQA reports
- Operating Techniques
- Closure Report for EPR/HP3899FC

AP and DW discussed the scale of impact at each of the regulated facilities and how/if the impact will affect the regulated activities of each site. If permitted activity is impacted, the permit will require change, by means of a variation application submitted to the Regulator by the operator. If land is removed from the regulated facility, a partial surrender will be required and this will also require approval from the Regulator via an application process.

DW

DW will detail the supporting information required to support a variation and surrender application for each of the above sites.

DW

During the discussions, an area to the west of Llanwern Steelworks appeared to show active workings outside of the regulated activities in the area. The proposed spur road passes through the un-known site. DW will investigate and inform M4CaN team if additional facilities need to be accounted for in the permit strategy.

### Newport Chemical Works

An elevated section of the M4CaN will pass over the south eastern corner of the Newport Chemical Works operated by Solutia UK Ltd. It is anticipated piers with piled foundations are likely to be located within the regulated boundary of the site. DW took the view, that if the piers and piles do not impact or affect the regulated activity on the site, no change will be required to the active permit.

AP

AP will confirm the location of the piers to NRW although the final location of the piers will not be confirmed until project design freeze later in the year.

DW will confirm whether there are additional requirements with regard to the operational COMAH Licence at the site.

DW

### **Materials Management**

The scheme will look to re-use material in line with the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP). It is anticipated that some material along the route may require treatment prior to re-use due to potential contamination and poor geotechnical properties for instance where the route cross the Llanwern steelworks lagoons. The treatment activity will require regulation either by mobile site plant permission, with any water discharge subject to a separate permission, or if the activity exceeds 12 months the activity will require regulation a waste operation permit.

DW noted technical advice on the supporting assessments requirements will be provided by NRW Geoscience Team.

### **3. AOB**

Future meetings will be held to discuss progress, NRW to provide steer on the strategy's acceptability.

### **References**

Drawing M4CaN-DJV-EGT-ZG\_GEN-DR-EN-0070

CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP)