

Mr Robert Harry
Glen Harry (Haulage) Ltd
Langcross Farm
Pen Y Turnpike Road
Dinas Powys
South Glamorgan
CF6 4HG

Our ref: NRW/SE/REV/EAWML30175

Date: 16th September 2015

Possible Revocation of Environmental Permit

Dear Mr Harry,

We are writing to advise you that we regard operator competence seriously and are now assessing your suitability to continue to hold the following environmental permit:

**Tynewydd Landfill Facility
EPR/BP3495FN**

We intend to submit a report for consideration to our Wales Enforcement Panel who will consider the course of action we propose to take, including whether your permit should be revoked.

Our view is that it is necessary to consider revocation of your permit due to the following issue:

Natural Resources Wales (NRW) understands that the regulated facility has ceased to be in operation. This is due to the fact that there has been a civil dispute between you and the landowner which means that you are no longer allowed legal access to the site.

Regulation 7 of the Environmental Permitting Regulations 2010 provides that the operator of a regulated facility is the person who has control over the operation of the regulated facility. If, as is the case here, the regulated facility has ceased to be in operation, the person who holds the permit is treated as the operator. In assessing whether the operator is able to exercise control over the site, the operator must demonstrably have the authority and ability to ensure that the permit is complied with. This will be assessed by NRW by considering a number of factors, which include the following:

Does the operator have the authority and ability to:

- Manage site operations through having day-to-day control of plant operations
- Ensure that permit conditions are effectively complied with
- Ensure that regulated facilities are suitably controlled in an emergency



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

In light of the current circumstances on site, NRW considers that you lack the necessary control to demonstrate that you have the ability to deliver any of the above factors. For that reason, we would strongly advise that you take the necessary steps to surrender your permit, failing which we will be left with no alternative but to consider full revocation.

Before we submit the papers to the Wales Enforcement Panel, we are giving you an opportunity to explain and demonstrate why you remain suitable to continue to hold the permit below:

Tynnewydd Landfill Facility - EPR/BP3495FN

We advise you to make a submission about your suitability. You should submit it in writing to the address below within 21 days of the date of this letter. Please be aware we will not make multiple requests for this, if you do not reply or your response is inadequate we will not write to you again. Therefore, please ensure your response fully details the considerations you wish the Wales Enforcement Panel to take into account. Factors to include in your response are:

- Confirm how you intend to demonstrate to NRW that you have the necessary authority and ability to manage site activities on a day to day basis;
- What you have or intend to do to ensure the site is fully compliant with the permit conditions;
- Details of how you would exercise suitable control over the site in an emergency;

Send the response to:

Cyfoeth Naturiol Cymru/Natural Resources Wales
St Mellons Business Park
St Mellons
CF3 0EY

Yours sincerely

Rhys Hughes

Natural Resources Wales

Cyfoeth Naturiol Cymru

Industry and Waste Taff & Ely Team Leader
03000 65 3072

Rhys.Hughes@naturalresourceswales.gov.uk

Rhys.Hughes@cyfoethnaturiolcymru.gov.uk

Mr Robert Harry
Green Circle Sustainable Developments Ltd
Langcross Farm
Pen Y Turnpike Road
Dinas Powys
South Glamorgan
CF6 4HG

Our ref: NRW/SE/REV/EAWML30222

Date: 16th September 2015

Possible Revocation of Environmental Permit

Dear Mr Harry,

We are writing to advise you that we regard operator competence seriously and are now assessing your suitability to continue to hold the following environmental permit:

**Tynewydd Waste Transfer Station
EPR/UP3895FW**

We intend to submit a report for consideration to our Wales Enforcement Panel who will consider the course of action we propose to take, including whether your permit should be revoked.

Our view is that it is necessary to consider revocation of your permit due to the following issue:

Natural Resources Wales (NRW) understands that the regulated facility has ceased operation. This is due to the fact that there has been a civil dispute between you and the landowner which means that you are no longer allowed legal access to the site.

Regulation 7 of the Environmental Permitting Regulations 2010 provides that the operator of a regulated facility is the person who has control over the operation of the regulated facility. If, as is the case here, the regulated facility has ceased to be in operation, the person who holds the permit is treated as the operator. In assessing whether the operator is able to exercise control over the site, the operator must demonstrably have the authority and ability to ensure that the permit is complied with. This will be assessed by NRW by considering a number of factors, which include the following:

Does the operator have the authority and ability to:

- Manage site operations through having day-to-day control of plant operations
- Ensure that permit conditions are effectively complied with
- Ensure that regulated facilities are suitably controlled in an emergency



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In light of the current circumstances on site, NRW considers that you lack the necessary control to demonstrate that you have the ability to deliver any of the above factors. For that reason, we would strongly advise that you take the necessary steps to surrender your permit, failing which we will be left with no alternative but to consider full revocation.

Before we submit the papers to the Wales Enforcement Panel, we are giving you an opportunity to explain and demonstrate why you remain suitable to continue to hold the permit below:

EPR/UP3895FW – Transfer station

We advise you to make a submission about your suitability. You should submit it in writing to the address below within 21 days of the date of this letter. Please be aware we will not make multiple requests for this, if you do not reply or your response is inadequate we will not write to you again. Therefore, please ensure your response fully details the considerations you wish the Wales Enforcement Panel to take into account. Factors to include in your response are:

- Confirm how you intend to demonstrate to NRW that you have the necessary authority and ability to manage site activities on a day to day basis;
- What you have or intend to do to ensure the site is fully compliant with the permit conditions; Details of how you would exercise suitable control over the site in an emergency;

Send the response to:

Cyfoeth Naturiol Cymru/Natural Resources Wales
St Mellons Business Park
St Mellons
CF3 0EY

Yours sincerely

Rhys Hughes

Natural Resources Wales

Cyfoeth Naturiol Cymru

Industry and Waste Taff & Ely Team Leader
03000 65 3072

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