

PONTYPOOL PARK ESTATE OFFICE

PONTYPOOL NP4 5LE

Telephone 01495 762921
Fax 01495 753330

Emyr Roberts Esq PhD
Natural Resources Wales
St Mellons Industrial Estate
Cardiff CF3 0EY

John Hoff & Gareth O'Shea

Please reply direct, copied

7 January 2016

to me.

etc

14/1

Emyr Roberts,

Abandoned Caerphilly Council (inter alia) waste at Polo Grounds Pontypool

I have previously written (copied over) to NRW and WAG about NRW's failure to regulate this site. I have received fob-off letters in return, and no doubt you will not read this letter and I will be fobbed off again. But I fear the Polo Ground (Chris Baylis, Refac and Thornicrofts) saga may be one of failure by NRW/EA to carry out its regulatory function. This function is that for which we taxpayers pay, and on which we have a right to rely. Instead, I as freeholder have had to pay some £1million to clear mess deposited by others. This site, supposedly supervised, operated since 2009 under exemptions and without permit until late 2013, notwithstanding a prosecution in 2010. If NRW were certain of its case, why did the recent indictment (heard 5 January at Newport CC) only refer to the year 2014, being the year in which your current (competent) officer Tony Bruten first took over.

As it happens, I have the respect, emollient and pocket to resolve your problem. Not all neighbours of every abandoned site are so lucky. It would be a courtesy if NRW (and WAG, and Caerphilly Council) could show some respect in return, and explain to me why NRW/EA allowed the problem to happen, what enquiry has been made into NRW's procedures, and what steps NRW has taken to ensure (as much as possible) that such incidents are not repeated. You no doubt will be terrified that any admission of failure will expose liability. But the facts are manifest in any event; surely it must be possible for NRW to show some courtesy to an aggrieved customer without fear of being sued?

Jack Hanbury

Jack Hanbury

Mr Hanbury

PONTYPOOL PARK ESTATE OFFICE

PONTYPOOL NP4 5LE

Telephone 01495 762921
Fax 01495 753330

Mrs Ruth Brankin
WAG PSD Cabinet Division
Cardiff Bay CA99 1NA

7 July 2015

Caerphilly waste at Polo Grounds, Pontypool **Your refs TO/CS/00830/15 and CS/00575/15**

I attach over a letter from Tim Edwards of WAG Waste Regulation, triggered by my email of 29 May 2015 to Mr Sargeant. It is perhaps not a triumph, if predictable. A similar letter was written by Mr Sargeant to Lynne Neagle AM on 23 April 2015. I appreciate that NRW may be considering enforcement. But it would be a pity if NRW and WAG did not take the opportunity to look into the matter themselves. Waste is not supposed to accumulate over several years on a licensed site. There may have been a procedural failure both by EA/NRW and the waste provider (largely Caerphilly Council since late 2013, and perhaps earlier?). It would be a pity if NRW and Caerphilly Council simply disclaimed responsibility for the cleanup, and did not take the opportunity to investigate the matter, if only to seek how to learn from the matter. If NRW and Caerphilly Council are unwilling to investigate the matter themselves, perhaps WAG might encourage them to do so. I note that WAG has called for evidence on waste crime, and has consulted on enhanced enforcement powers. It would be a pity if such enquiries were done in abstract, and did not draw on the various unfortunate examples in south east Wales (including this Pontypool site). Regulation and enforcement should not simply be an extra burden on the responsible operators, but also a way to control the irresponsible.

Jack Hanbury

PONTYPOOL PARK ESTATE OFFICE

PONTYPOOL NP4 5LE

Telephone 01495 762921
Fax 01495 753330

Professor Peter Matthews PhD
Natural Resources Wales
29 Newport Road
Cardiff CF24 0TP

8 September 2015

Waste accumulation at Polo Grounds Pontypool: prosecution of Refac and Thornicroft

You may be aware that NRW is prosecuting the companies Refac and Thornicroft, and their directors, for (I believe and *inter alia*) the illegal accumulation of some 10,000m³ at the Polo Grounds in Pontypool. Much but not all of the material came in 2014 from Caerphilly Council. The Polo Grounds site has been leased by this estate since 2009 to Refac, and NRW may ultimately be looking to me as freeholder to clear up the site, at an estimated cost of some £1 million. While I accept no liability (and I believe none is yet alleged), I have been in touch with the NRW officer new to the case since early 2014, and we all hope for a satisfactory conclusion. But it would be most unfortunate if NRW simply hoped that I would solve your problem, and did not take this opportunity to assess EA/NRW's performance over the last five years in order to upgrade its future management skills.

I believe the history is (*inter alia*) as follows: Refac traded without licence but under exemptions. A s39 notice was served on 17 August 2009, accreditation was suspended on 8 March 2010, and Refac was successfully prosecuted on 17 June 2010. On 11 July 2010 Refac was registered for a para 2.1 exemption FH0068UT for three years. Trading on the site continued under exemptions by Refac, Pontypool Steel and Thornicroft Steel (new 2.1 exemption MH0814DS registered 19 March 2013). The EA issued breach of exemption forms against Refac on at least 8 July 2011, 6 December 2011 and 5 March 2013, and on Thornicroft on 7 and 18 June 2013. Meanwhile, Refac had applied for a permit in September 2011 (EA stamped 5 January 2012). Thornicroft Steel had applied for a permit in June 2013, was granted a permit YB3597TU, plus exemptions, on 18 October 2013. In early 2014, a new NRW officer took over the case. Various notices were served on Thornicroft Steel, leading to the withdrawal of the exemptions and permit in October 2014. The 4,000 tonnes (approx.) of Caerphilly Council waste were almost all delivered to the site throughout 2014 until October.

But Thornicroft Steel had applied for administration on 12 March 2014 (Court stamped 13 March 2014), and Caerphilly Council and NRW were notified by management that the permit and exemptions would pass to Thornicroft Recycling, a company setup on 28 February 2014. I do not know NRW's reaction; Caerphilly continued to treat with Thornicroft Recycling until October 2014.

I suspect that, privately, NRW might agree this has not been a triumph of management. It would be helpful if, publicly, NRW could at least agree to investigate its performance. NRW has recently rejected my application to join the NRW board, citing that I had no evidence of relevant skills. But since August 2012, this has been your watch. Are you sure that you do not need my help?

Jack Hanbury