

## Compliance Assessment Report CAR\_NRW0039961

**Permit being assessed:** MB3333DG.

For: The Old Forge, held by Jonathan Mark Rees

At: The Old Forge, Monastery Road, Neath Abbey, Neath, West Glamorgan, SA10 7DW.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 26/05/2022 between 10:00 and 11:30.

Parts of permit assessed: A, B, C, D, F

**NRW Lead Officer:** David Morgan.

**Report sent to:** Jonathan Rees, Operator on 06/06/2022.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2 Significant	2.3.1
C2 - General Management - Management system and operating procedures	C2 Significant	1.1.1 (a)
C3 - General Management - Materials acceptance	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4 No impact	4.2.2

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	62.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
B3	Ensure permit requirements are met in relation to infrastructure	09/06/2023
C2	Ensure copies of the Environmental Permit, Environment Management System and Fire Prevention & Mitigation Plan are made available on site. Ensure all onsite staff are aware of their responsibilities under these documents.	28/10/2022
G2	Submit all outstanding Waste Returns (annual data for 2021)	28/10/2022

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

### 4. Details of our assessment

A routine site inspection was undertaken on Thursday 26<sup>th</sup> May 2022. Present at the time of the inspection were: David Morgan (Natural Resources Wales), Mr Jonathan Mark Rees (Operator), Trevor Davies (Consultant acting on behalf of Mr Jonathan Mark Rees) and Mark Tymkiv (Technical Competent Manager for Mr Jonathan Mark Rees).

During the inspection, numerous issues were discussed, and significant non-compliances of the Environmental Permit were recorded. Please ensure you read this report carefully as you must take action to bring the site back into compliance or to prevent the site from falling into non-compliance in other areas. These actions will also be listed at the end of this report for ease of reference.

The following observations were made during the inspection:

#### **Site Security & Boundary**

The site appears to benefit from well-maintained security measures and infrastructure thus unauthorised access is unlikely. The site benefits from high walls, fencing around the perimeter of the site and this has been well maintained. There were no signs that fencing/walls was damaged.



An inspection of the site boundary outside the site was undertaken. The boundary on the canal side (rear of site upon entering through main gates) was free from any waste/debris. The boundary on the river side (right side of site upon entering through main gates) is inaccessible. There are large volumes of waste piled up in this area on the site.



**ACTION:** To ensure waste is not escaping site, you must find a way to check this boundary wall outside of the site.

It is recommended that efforts are made to reduce the main stockpile so access to the site boundary can be made.



### **Infrastructure & Waste Storage**

At the time of the inspection, the site appeared to be at full capacity in terms of waste storage. The operator noted that mixed scrap is accepted at site and deposited in one large stack of waste. This main stack is on hardstanding/unmade ground.



To the rear of the site, there is a concreted impermeable surface. It is noted that in recent years, there has been discussions regarding the possible installation of a sealed drainage system. In the previous inspection (2<sup>nd</sup> March 2020), officers requested confirmation of the drainage provisions for the site. During the inspection on 26<sup>th</sup> May 2022, it was confirmed by the operator that the impermeable surface is not served by a sealed drainage system.







This is currently a breach of the Environmental Permit. Currently, all waste is stored and treated in one large stack on site where the surface is hardstanding or impermeable and the impermeable surface is not served by sealed drainage as is required by the Environmental Permit.

**A non-compliance was recorded against condition 2.3.1 of the Environmental Permit (Category 2 – Significant) (Ref: B3)**

**ACTION:** You must ensure infrastructure is maintained to a level stated in the Environmental Permit.

**RECOMMENDATION:** It is recommended that the main stockpile on site is reduced. Following the removal of this waste, an assessment should be made of the site surface to ensure infrastructure and storage practices meet the requirements of the Environmental Permit (See Table 2.3 'Operating Techniques').



**Management Systems**

Following an inspection of the site, a request for various documents was made. Organisation of documentation related to the management of operations was poor. An up-to-date copy of the Environment Management System (formerly referred to as 'Working Plan') was not available. An up to-date copy of the Environmental Permit was not on site and the Fire Prevention and Mitigation Plan, which was incomplete, had to be located by the Technical Competent Manager, as the Operator appeared to have little or no knowledge of the requirements of this document.

Generally, records and management systems were poorly organised.

It was deemed that operations were not being managed in line with a written management system that identifies and minimises the risk posed by operations.

**A non-compliance was recorded against Condition 1.1.1 (a) of the Environmental Permit (Category 2 – Significant) (Ref: C2)**

**ACTION:** Copies of the Environmental Permit, Environment Management System and Fire Prevention and Mitigation Plan must be reviewed, updated, shared with Natural Resources Wales with copies made available on site. Also, the Operator and any onsite staff should have a thorough understanding of these documents in order to manage operations while the Technical Competent Manager is not on site.

**Waste Returns**

Our records indicate that Waste Returns for 2021 have not been submitted. You must ensure Waste Returns information is submitted as is required by your Environmental Permit.

**A non-compliance has been recorded against Condition 4.2.2 of the Environmental Permit (Category 4 – No Impact) (Ref: G2)**

**ACTION:** Submit Waste Returns information for the year of 2021

**Summary**

Following an inspection of the site on 26<sup>th</sup> May 2022, significant breaches of the Environmental Permit were recorded. Infrastructure does not meet requirements and the site is not being managed in line with a written management system.

As mentioned on site, the following points need to be addressed:

- Access to the site boundary (river side) is required to ensure waste is not escaping site and operations are not impacting this area outside the site
- Copies of the Environmental Permit, Environment Management System and Fire Prevention and Mitigation Plan must be printed out and kept on site. All staff working on site should have a thorough understanding of what these documents are and what requirements need

to be met to achieve compliance

- It was agreed that you would develop a plan (with timeline) to rectify the issue regarding infrastructure. It is recommended that you review on-site operations and infrastructure requirements that are detailed in the Environmental Permit

Thank you for your time during the inspection.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator



Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

### **What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

### **Full list of Industry and Waste action criteria (used in section 1 and 2):**

#### **A: Permitted activities**

- A1 Specified by permit

#### **B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

#### **C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

#### **D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

#### **E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

#### **F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

#### **G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

#### **H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

## Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

## Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

## Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

## What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

## Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.