

Compliance Assessment Report CAR_NRW0040466

Permit being assessed: BB3796FA.

For: The Scrapyard, held by Airfield Metals Limited

At: Carew Airfield, Tenby, SA70 8SX.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2206165).

On 21/09/2022 between 10:50 and 11:20.

Parts of permit assessed: Waste Storage

NRW Lead Officer: Sally Wakeford, accompanied by Angharad Clark.

Report sent to: Nening Jones, Director on 28/09/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C2 Significant	2.3.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1(a) & 3.4.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	35.1

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
C4	You must remove all wastes stored on the impermeable surface outside of any building by 07 October 2022	07/10/2022
C2	provide NRW with an Environment Management System (EMS) and Fire Prevention and Mitigation Plan (FPMP) prior to any activities taking place under this permit.	30/11/2022
G4	submit all outstanding waste returns	31/10/2022

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

A site inspection was conducted on 21 September 2022, by Sally Wakeford and Angharad Clark, following confirmation from NRW Officer Linda Warrick, that mixed waste was being deposited at the site. Nening Jones accompanied us on site.

The site holds permit EPR/BB3796FA, however there are conditions within this permit that requires a building to be used for depositing the permitted wastes. Waste must not be deposited directly on the concrete outside.

It was noted on site that a building was in the process of being constructed, with concrete floor and roof structure complete. The blocks to complete the walls were on site, and awaiting the contractor to start the work. It is planned that this will be a 3-sided building, leaving access on one site for vehicles to deposit the waste.

Please note that the permit does not absolve you from the need to obtain any other consents or agreements, i.e. planning permission, that may be required to carry out your operation.

C4 – Storage, Handling, Labelling and Segregation – Permit condition 2.3.1 – CAT 2

A Category 2 breach has been recorded against permit condition 2.3.1 of the Environmental Permit because it was observed on site that a large pile of mixed waste, including black bag waste, plastic, cardboard, mattresses and construction waste, was present and not stored within a building as per the requirements of your permit.

Table 2.3

1. Unless stored or treated outside as specified waste:

a) all bulking, transfer or treatment of non-hazardous waste shall be carried out inside a building;

b) all non-hazardous waste shall be stored in a building or within a secure container.

c) all non-hazardous waste shall be stored and treated on an impermeable surface with sealed drainage system.

Whilst on site we discussed the requirements of the permit, that all bulking, transfer or treatment of non-hazardous wastes must be carried out inside a building. You can then store the wastes within a secure container on an impermeable surface with a sealed drainage system.

ACTION: You must remove all wastes stored on the impermeable surface outside of any building by 07 October 2022.



C2 – Management Systems – Permit condition 1.1.1 (a) and 3.4.1 – CAT 3

A Category 3 breach has been recorded against permit conditions 1.1.1 (a) and 3.4.1 because you do not have a Written Management System or Fire Prevention and Mitigation Plan in place, to ensure full compliance with permit conditions.

1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.

3.4.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

ACTION: you must provide NRW with an Environment Management System (EMS) and Fire Prevention and Mitigation Plan (FPMP) prior to any activities taking place under this permit.

****You will be issued with a Warning Letter following the importation of waste to an area without the correct infrastructure, EMS and FPMP in place****

G4 – Reporting and Notification to NRW – Permit condition 4.2.2 – CAT 4

A category 4 breach has been recorded against permit condition 4.2.2 as it has been noted that no waste returns have been submitted to NRW since the permit has been issued. If no waste has been imported or exported you must submit nil returns. However, it is clear that waste has been imported to the site, and therefore waste returns must be submitted including this waste.

4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

ACTION: submit all outstanding waste returns by 31 October 2022.

You must also submit waste returns within one month of the end of each quarter thereafter.

Building

Whilst on site it was noted that a building had begun to be erected. Once this building is complete, please provide evidence to NRW that it is complete.

You must ensure that all the required infrastructure (building and associated drainage) and management systems (EMS and FPMP) are in place prior to undertaking any activities under the permit.

**Exemptions and Permitted Activities:**

We discussed the use of the exemptions currently used on site for the wood and metal. Going forward, you can have exemptions on the permitted waste operations site. But you must keep these activities separate. The record keeping for the exemptions must be kept separate from the permitted activity. And you must be clear in your EMS which wastes are being stored or treated under which authorisation.

If the legal entities are the same on the permit and with the registered exemptions there is no need for transfer notes between the areas, however you should note and transfers in

your waste returns.

The EMS will need to be clear how the operator will manage the different risks from the different operations on site.

Thank you for taking the time to accompany officers around the site.

END

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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 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

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.