

## Compliance Assessment Report CAR\_NRW0040840

**Permit being assessed:** CB3698ZW.  
For: The Smithy, held by Towy Metals Ltd  
At: Aberarth, Aberarth, Aberaeron, Ceredigion, SA46 0LD.

**Type of assessment carried out:** Site Inspection, Reason: Routine.  
On 16/11/2022 between 14:00 and 15:00.  
Parts of permit assessed: See criteria listed

**NRW Lead Officer:** Jeremy Goddard.  
**Report sent to:** Mr. Michael Murphy, Company Director on 21/12/2022.

### 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) | Assessed (A)      |                  |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 0  | 0                          |

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?

No action required.

### 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.

#### **At this time, we do not intend to take any further action.**

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

The Smithy site near Aberarth was visited on 16 November 2022 by Jeremy Goddard and Rhodri Thomas of Natural Resources Wales (NRW). Officers met on site with Mr. Michael Murphy (Director of Towy Metals Limited) and Mid & West Wales Fire and Rescue Service officers. The weather was dry after a period of recent rain.

On 21 October 2022 Towy Metals Limited were issued with a standard rules Environmental Permit (rule set SR2012 No14) to run Metal recycling, vehicle storage, depollution & dismantling (authorised treatment) facility from the permitted area at the Smithy. The permitted area is confined to the smaller northern part of the site. Part of this area is also covered by planning permission for the recycling of scrap vehicles and other metals from Ceredigion County Council.

**General Site Observations:**

We undertook a walk around the site, along with Fire and Rescue Service officers. The site was pre-operational with no waste material located within the permitted area. Kerbing and drains had been installed from what will be the un-depolluted waste storage area. The drainage from the waste storage area was directed to a below ground circular storage tank via piping. There was no concrete surface to the storage area floor as Mr. Murphy stated that there had been a delay in concreting due to recent weather. The drainage tank was uncovered and full of rain / surface water. Mr. Muphy stated that this will be having a concrete cover installed.

It was the same scenario with the End-of-Life Vehicle (ELV) depollution bay which had no concrete floor/base. The drain from this area was also directed by pipe to the below ground circular tank which Mr. Murphy stated was sealed with no discharges into the water environment. Goddard suggested that Mr. Murphy may also wish to consider installing a kerb around the edging of the depollution bay concrete slab when constructed. Mr. Murphy stated that he would ensure that the fall of the concrete was directed towards the central drainage channel but would also install a kerb. A framework for the canopy over the depollution bay was in place but there was no roof or walls. Mr. Murphy stated that he would be purchasing a depollution system to install.

In addition to formal waste infrastructure Mr. Murphy had also located a portable office and installed a weigh bridge near the site entrance gate. Aggregate material had been imported to surface the other areas of the permitted site.

Mr. Murphy stated that he was having a sign/notice made up for the site entrance gate. Following the visit Goddard sent Murphy information which must be detailed on the site/notice in relation to the permit.

It was arranged that when ready to operate Mr. Murphy would contact Goddard so that NRW officers could revisit and undertake the first compliance visit.

Fire and Rescue Service Officers had a separate discussion with Mr. Murphy regarding the fire risk of the site when it is operational.

Following the visit Mr. Murphy sent Goddard a copy of the site's Fire Prevention and Mitigation Plan (FPMP). This will be saved for our records and assessed in conjunction with the Fire and Rescue Service as to its suitability.

**Other Observations:**

It was noted upon arrival that there was a small fire taking place on the section of the site outside of the permitted area. It was noted that there was still a considerable volume of waste on this area, which has been left by the previous owner. It is noted that the old caravans that

were previously located on this area have been broken up, with a big pile of the resultant waste material, along with a collection of old gas cylinders and some other waste types. The fire consisted of a couple of old bed mattresses and other domestic type wastes located near the large pile of broken up caravan remains. Mr. Murphy stated that the fire had been started by the occupant of the remaining caravan on site and that he had only found out about it himself when he arrived shortly before NRW and Fire and Rescue Service officers. Mr. Murphy stated that the caravan occupant had already been told that they couldn't burn any waste materials on site. **Please ensure that there is no further illegal disposal of waste on any part of the site and that any remaining waste material located on site is disposed of in a legal and appropriate manner.**

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.