

Compliance Assessment Report CAR_NRW0040841

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 01/12/2022 between 14:00 and 14:45.

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
A1 - Specified by permit	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F5 - Amenity - Deposits on road	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?

Criteria	Action needed	Complete by
C2	Please submit electronic copy of your Environmental	31/01/2023

Criteria	Action needed	Complete by
	Management System to NRW for review.	

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.

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 1 December 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 Mr. Jamie Kinch (employee of Towy Metals Limited). Site Technical Competent Manager, Mr. Mark Tymkiv was not in attendance. The weather at the time of the visit was dry.

I have completed a First Inspection Checklist of the site and will forward this to Mr. Murphy in a separate email.

General Site Observations:

We undertook a walk around the site on what was the first day of operations. Since the previous visit on 16 November 2022 the floor of the waste storage area and the End-of-Life depollution bay had been concreted, see Photo 1. There was a pile of scrap metal on the storage area along with an un-depolluted End-of-Life Vehicle (ELV) and a burnt-out agricultural harvester.



Photo 1 - Concreted Waste Storage Area

No depollution equipment had yet been sourced so the depollution bay was not in use. Mr. Murphy stated that any vehicle received would be kept on the concreted waste storage area prior to the depollution equipment being installed. A concrete floor had been laid on the depollution bay with a thin concrete lip added to three sides (left, right and rear) of the base, see Photo 2.



Photo 2 - Concreted ELV Depollution Bay

Any agricultural machinery arriving on site will need to be depolluted in line with industry standards, so you may wish to think about how this is achieved taking into account your depollution bay is only suitable in terms of size to deal with cars. Mobile Equipment, so this can be undertaken on the concreted waste storage area could be a solution. Regarding burnt out vehicles you need to carry out the necessary checks to ensure that any residual hazardous materials or liquids have been removed, before it can be classified as non-hazardous.

A concrete ramp had been installed leading up to the weighbridge near the site entrance. It was noted that the non-concreted aggregate surface of the site had started to break down and become slightly muddy due to heavy vehicle movements. You need to ensure that the surface is kept to a standard so that it does not cause pooling of water within the site or fugitive emissions through surface water run-off.

A site notice had been attached to the front gates detailing that the site was permitted by Natural Resources Wales and giving the permit number, see Photo 3. Also detailed were emergency contact numbers for the site and NRW. It is noted that there is an error in the NRW phone number, it should be 0300 065 3000 not 0300 065 30000. Please amend at the earliest opportunity.



Photo 3 - Site notice board at entrance gate

Review of Documentation:

Present on site in hardcopy form were the Fire Prevention and Mitigation Plan (FPMP), Environmental Management System (EMS) and site diary. Please ensure that all relevant checks, including infrastructure are undertaken as per required and recorded on the relevant check sheets and forms.

Annual Waste Returns:

Please ensure that waste returns are submitted to NRW for each calendar year. We must receive returns by 31 January for the previous January to December period and returns will now be due from the day of the permit issue on 21 October 2022.

Environmental Management System (EMS):

As requested on site please send me an electronic copy of your EMS for our records. Once received the EMS will be reviewed in due course.

Fire Prevention and Mitigation Plan (FPMP):

We have received an electronic copy of the site's FPMP, this will be reviewed in due course.

Other observations:

It was noted that there was still a considerable volume of waste in the part of the site outside of the permitted area, which has been left by the previous owner. The caravan remains along with a collection of old gas cylinders and some other waste types were still present. Mr. Murphy stated that when finances allow, he will arrange skips and complete the clearance of the adjoining site. This needs to be done as soon as possible.

ENDS.

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.