

Compliance Assessment Report CAR_NRW0040896

Permit being assessed: JB3036RA.

For: Pen Y Wain Farm, held by A Q A (Cardiff) Ltd

At: A Q A Autoparts, Pen Y Wain Farm, Ty Mawr Lane, Marshfield, Cardiff, Newport, CF3 2YF.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2208805).

On 20/12/2022 between 10:15 and 10:55.

Parts of permit assessed: 1,2 and 3

NRW Lead Officer: Jak Rose, accompanied by Carla Curtis.

Report sent to: Mohammed Ali , Operator on 17/01/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C2 Significant	2.3
A1 - Specified by permit	C2 Significant	2.2.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C2 - General Management - Management system and operating procedures	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
3	66

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
B4	Remove all hazardous wastes stored outside the building. Only depolluted ELVs and waste tyres are permitted to be stored outside of the building on hardstanding. All treatment operations must be carried out inside a building with a sealed, bunded impermeable surface. All hazardous waste must be stored and treated inside a building on an impermeable pavement with sealed drainage.	22/02/2023
A1	Operator shall not extend activities beyond the site, being the land shown edged in green on the site plan in schedule 7 to the permit.	31/01/2023

Criteria	Action needed	Complete by
C2	Burning of waste is strictly prohibited.	10/01/2023
C2	The current document titled 'Site Working Plan' needs improvement. The Operator must provide further detailed measures within this document provided. In particular focus must be given for the breaches outlined above such as the waste storage, spillages, areas of operation and incidents such as fires.	28/04/2023

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

This compliance report details the site inspection conducted by Natural Resources Wales (NRW) Officers on 20 December 2022 at: AQA (Cardiff) Limited Pen-Y-Wain Rd, Ty Mawr Lane, Marshfield, Cardiff CF3 2YF - Permit number **EPR- JB3036RA**.

Waste Regulation Officers Jak ROSE and Carla CURTIS arrived at site at 10:15 and spoke with Mr Qasir ABBAS in Marshfield Motors before and after the visit.

Officers were responding to a report that fires were seen on site during 11th December 2022. Photos were taken by the reporter showing lit fires at an area behind Marshfield Motors/AQA. This visit was in response to this incident. The last visit by NRW was during a routine inspection completed on 27 July 2022.

The weather conditions were fine and dry during the time of inspection. Officers were unaccompanied during the time of inspection.

Officers entered via the entrance gates adjacent to Marshfield Motors. These gates were open with no locks on the gate.

Permit Breaches

There was a total of **three** breaches. NRW is considering its next steps in line with its enforcement policy due to the severity and nature of these breaches.

B4 Containment of stored materials - Category 2 Breach; Permit Condition 2.3

The Operator was previously scored a Category 3 breach under this criterion in July 2022. During the inspection on 20 December 2022 Officers found large quantities of wastes such as un-depolluted End-of-life vehicles (ELVs), engines, other vehicle components and hazardous wastes that have the potential to cause a major impact to the surrounding environment. (See Photos 1-3)

Without the appropriate control measures storing these wastes outside of a building have the potential to pollute groundwater. Due to the proximity of the reens adjacent to the site, this is concerning. There has been a lack of consideration by the Operator as to how their activities shown in the photos below can impact the Marshfield reens which are considered to be Sites of special scientific interest (SSSI)

Permit Condition 2.3 states: *The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in **schedule 1, table S1.2,***



Photo 1 – hazardous wastes such as engine components stored outside building



Photo 2 – showing an un-depolluted ELV stored outside



Photo 3 – hazardous wastes stored outside building with oil residues visible on hardstanding

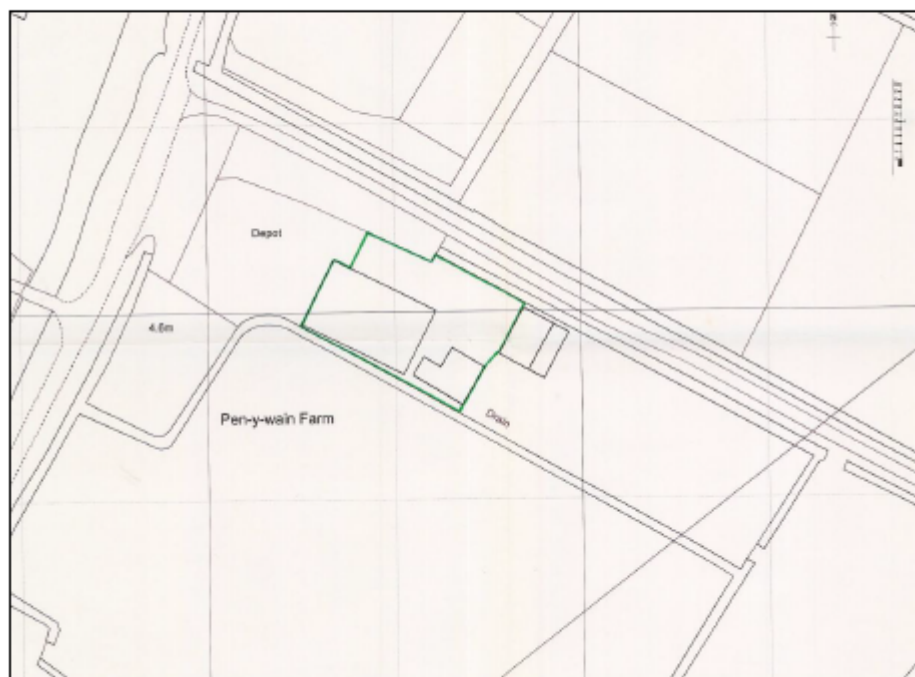
REMEDIAL ACTION: Remove all hazardous wastes stored outside the building. Only depolluted ELVs and waste tyres are permitted to be stored outside of the building on hardstanding. All treatment operations must be carried out inside a building with a sealed, bunded impermeable surface. All hazardous waste must be stored and treated inside a building on an impermeable pavement with sealed drainage.

DUE DATE: 22 FEBRUARY 2023

A1 Specified by permit - Category 2 Breach - Permit Condition 2.2

Permit Conditions 2.2.1 state: *The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit. See below extract from permit. (See below)*

Schedule 7 - Site plan



© Crown Copyright and database right 2013. Ordnance Survey licence number 100019741.

There was waste being stored outside the permitted area. Wastes included tyres, engines, other vehicle wastes and un-depolluted ELVs attributed to the dismantling activities of AQA (See Photo 4 below)



Photo 4 – wastes outside permitted area (outlined in red is where AQA permit boundary ends)

In your email dated 28 December 2022 you told Officer ROSE that “we are in the process to clear out everything to re start the business after a long covid period the waste storage outside the permit boundaries is temporarily and is/will be cleared out on the top priorities.”

Under no circumstances can wastes be stored outside of the permitted area unless demonstrated by the Operator that an emergency has happened. The removal of wastes from the building to be temporarily stored outside the boundary is not considered an emergency.

The removal of these wastes will be dealt with in line with NRW’s enforcement policy and the landowner will be contacted to remove these wastes.

These wastes were being stored without adequate infrastructure. Due to the proximity and sensitivity of the surrounding reens this has the potential to cause a major impact to the environment.

REMEDIAL ACTION: Operator shall not extend activities beyond the site, being the land shown edged in green on the site plan in schedule 7 to the permit.

DUE DATE: 31 JANUARY 2023

C2 Management system and operating procedure Category 3 Breach Permit Condition 1.1.1

Permit Condition 1.1.1 states: *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;

Photo 5 below shows the burned remains of wastes. These may or may not be the fires seen in the photo of the WIRS report ref: 2208805. There was further evidence of fires outside of the permitted area. The contents of these fires were remains of car parts. The Operator has been warned and there has been evidence of burning on site previously.



Photo 5 – remains of a fire in the yard area of the site

REMDIAL ACTION: Burning of waste is strictly prohibited.

DUE DATE: IMMEDIATE

C2 Management system and operating procedures – ACTION ONLY Permit Conditions 1.1.1

There is currently a 'Site Working Plan' that was sent to NRW in July 2021. The document has been reviewed and it must be improved in order to prevent future breaches. The Site Working Plan contains a written management system but its content is insufficient in respects of the containment of stored materials, spillage control measures and fire related incidents.

Due to the level of risk posed to the environment from site activities not being conducted in accordance with a written management system that identifies and minimises risks of pollution, an action will be detailed to ensure that the Operator carries out necessary works to bring site activities into compliance with its permit conditions.

REMEDIAL ACTION: The current document titled 'Site Working Plan' needs improvement. The Operator must provide further detailed measures within this document provided. In particular focus must be given for the breaches outlined above such as the waste storage, spillages, areas of operation and incidents such as fires.

DUE DATE: 28 April 2023

Officers left the site at 10:45.

If you have any issues with this report, please contact Officer Jak Rose at jak.rose@naturalresourceswales.gov.uk or mobile: 07866 157281

Thank you.

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

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.