

Statutory Notice

Environmental Permitting (England and Wales) Regulations 2016 Regulation 36

ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)

To: Castle Cement Limited

Hanson House, 14 Castle Hill, Maidenhead, Berkshire SL6 4JJ

Environmental permit: EPR/BL1096IB

Regulated facility: Padeswood Cement Works, Padeswood, Mold, Flintshire CH7 4HB

Natural Resources Wales considers that the following conditions of the environmental permit are being contravened:

1.1.1 General Management;

because the Operator is failing to operate the installation in accordance with their management system.

The root cause of contravention of Condition 3.2.1 below is that dust management, maintenance, incidents, and non-conformance procedures forming part of the Operator's management system are not being followed.

3.2.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions;

because emissions of dust from the site are causing pollution of a local residential area and the operator is not using appropriate measures, as set out in their management system, to prevent or minimise dust emissions.

Dust samples taken from cars of the local residential area demonstrate dust from the site is being deposited and interfering with resident's legitimate use of the environment and may result in damage to property i.e., car paintwork. This pollution, all be it intermittent, has been ongoing for a number of months. The Operator is failing to maintain appropriate measures such as:

- Enclosed storage, conveying systems, and production/processing of inherently dusty materials in that doors are left open and damaged containment have been pointed out to the operator on a number of occasions.

- Good housekeeping is not being adhered to, in that accumulation of dust is not regularly cleaned and spillages are not prevented, identified, and cleaned up in a timely manner.
- Full timely investigation and identification of the root cause of incidents is required as well as taking steps to ensure the problem is not repeated.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to ensure any contravention does not occur.



Date: 16 Feb 2023

Signed

Julia Frost – Team Leader Industry Regulation

Natural Resources Wales
Chester Road
Buckley
Flintshire
CH7 3AJ

Please see over for notes.

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Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this Notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Tel: 0300 0604400

Email: PEDW.Casework@gov.wales

Website: [Planning and Environment Decisions Wales | GOV.WALES](https://www.gov.wales/planning-and-environment-decisions-wales)

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

In this document "Natural Resources Wales" means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
1.1.1 & 3.2.1	Training Conduct a review of environmental training needs for all relevant staff, including contractors. Provide NRW with the environmental skills, competencies, qualifications, and training required (training plan) by all relevant individuals in writing. The training plan should include the format training should take, time involved and required frequency of refresher training.	28/02/2023
1.1.1 & 3.2.1	Training Conduct basic environmental awareness training for all employees. This training must, as a minimum include: <ul style="list-style-type: none"> • Company environmental policy • Environmental Permit • Responsibilities • IMS and local procedures (including and not limited to dust management, i.e., PG10 Control of dust not controlled by emission limits, housekeeping, cleaning up spills, containment and doors, reporting incidents, preventative action). • Importance of adhering to environmental controls • Records 	28/02/2023
1.1.1 & 3.2.1	Preventative Maintenance In line with your Maintenance Manual provide an up-to-date list of identified environmental issues requiring maintenance intervention to NRW in writing.	17/03/2023
1.1.1 & 3.2.1	Preventative Maintenance Undertake a review of all items of plant/equipment and their associated preventative maintenance programme in line with your Maintenance Manual to provide the following to NRW in writing: <ul style="list-style-type: none"> • The reviewed criticality and prioritisation level of associated plant and equipment on the above list. • The planned preventative maintenance program of plant and equipment on the above list. • Reviewed and improved work orders, procedures or method statements related to planned preventative maintenance tasks for plant and equipment on the above list. 	30/06/2023
1.1.1 & 3.2.1	Allocate Clear Roles/Responsibility Review and provide updated IMS and local procedures pertaining to control of fugitive dust and permit compliance to	28/04/23

	NRW in writing. These should provide clear allocation of roles and responsibilities for specific elements.	
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