

Compliance Assessment Report CAR_NRW0041261

Permit being assessed: BP3395CT.

For: Welsh Border Motor Spares, held by K S Nunns

At: Welshpool, Powys, SY21 7AZ.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 02/02/2023 between 11:42 and 12:29.

Parts of permit assessed: Operating Techniques, FPMP compliance

NRW Lead Officer: Gillian Coates, accompanied by Liz Park.

Report sent to: Kevin Nunns, TCM on 20/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
B4 - Infrastructure - Containment of stored materials	C3 Minor	Table 2.3 Operating Techniques
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1 of Permit and 3.4.4 of Fire Prevention and Mitigation Plan

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C1	Competency test scheduled for 21 February 2023, please supply copy of new competency certificate	31/03/2023
B4	Ensure all ELVs are fully depolluted on impermeable surface with sealed drainage before storing them on the outside hardstanding area. Treat areas of oil spillage, remove oil stained chippings and send for hazardous waste disposal.	10/03/2023
C2	All vehicles stored in firebreak zones to be removed. Vehicles to be stored in stockpiles with 6m firebreak separation between piles as per 3.4.4 in your FPMP	10/03/2023

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

NRW Officers Gillian Coates and Liz Park visited Welsh Border Motor Spares site unannounced to inspect the activities taking place under Environmental Permit BP3395CT. Weather conditions at the time of the inspection were dry and visibility was good. Officers were accompanied by Kevin Nunns the TCM.

Battery Storage

Batteries were kept on site in a covered sealed container which met the requirements of your permit, no batteries were observed to be leaking and the container was sound with no cracks.



Water Hydrant

Liz mentioned that she would be meeting the FRS on the industrial estate to discuss the capacity of the water hydrant that would serve your site and that of Potters Recycling in the event of fire. There may be implications for your FPMP as a result of this meeting.

Competency and Training

We discussed with the TCM that the competency certificate we had on file for him had expired. He printed off a confirmation of an appointment for the test on 21 February 2023 to evidence that this was in hand.

ACTION - Please email copy of your latest competency certificate by 31 March 2023

NON-CONFORMITIES IDENTIFIED

B4 - Containment of Stored Materials - Permit condition Table 2.3 Operating Techniques - CCS Cat 3

We observed several patches of fresh oil staining around vehicles namely

1) a white Volvo with registration CN60 JYW:



2) the area in front of the depollution bay



3) adjacent silver vehicle



We also observed that a partly depolluted black Vauxhall with registration DS11 PZW contained screenwash and was stored outside on a permeable surface.

Your permit requires that depollution activities must take place on an impermeable surface with sealed drainage and that only fully depolluted vehicles may be stored on the outside hardstanding surface.

The presence of the oil stains and the screen wash evidences that there are un-depolluted vehicles being stored outside on permeable surface and you have been scored a Category 3 for this breach of your permit.

ACTION - Ensure all ELVs are fully depolluted on impermeable surface with sealed drainage before storing them on the outside hardstanding area. Treat all oil spillages, remove oil stained chippings and send for hazardous waste disposal by 10 March 2023

C2 - Management Systems - Fire Prevention and Mitigation Plan 3.4.4 Storage of Depolluted Vehicles - CCS Cat 3

We observed a number of vehicles being stored alongside stockpiled vehicles as shown in the photos below:



These vehicles are stored within the 'firebreak' separation areas defined within your Fire Prevention and Mitigation Plan (FPMP) and there is no clear 6m separation zone between the stockpiled vehicles.

Condition 1.1.1 of your permit requires that

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; and

By storing vehicles within the separation areas there is evidence of non-compliance with the requirements of your FPMP and you have been scored a Category 3 breach.

ACTION - All vehicles stored in separation zones to be removed. Ensure that vehicles are stored in stockpiles with 6m firebreak separation between piles as per 3.4.4 of your FPMP to comply with your permit. Actions to be completed by 10 March 2023.

Thank you for your time and co-operation with this inspection. If you have any enquiries with your CAR please email me gillian.coates@cyfoethnaturiolcymru.gov.uk

Regards,

Gillian Coates

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.

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.