

## Compliance Assessment Report CAR\_NRW0041338

**Permit being assessed:** WP3395FT.  
For: Twyn Dismantlers Ltd, held by Caleb Griffiths  
At: Fleur-de-leys, Blackwood, Caerphilly, NP12 3UL.

**Type of assessment carried out:** Site Inspection, Reason: Routine.  
On 21/02/2023 between 12:20 and 13:40.  
Parts of permit assessed: 1,2, 3, and 5

**NRW Lead Officer:** Jak Rose, accompanied by Alexandra Tennant.  
**Report sent to:** Caleb Griffiths/Ashley Griffiths, Operator and TCM on 09/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C2 Significant	3.1.2
C2 - General Management - Management system and operating procedures	C2 Significant	1.2.2
B4 - Infrastructure - Containment of stored materials	C3 Minor	5.4.1
C1 - General Management - Staff competency/training	C3 Minor	2.3.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	6.1.2
D1 - Incident Management - Site security	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
5	70.1

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
B1	Ensure that the impermeable surface is sealed such that no liquids can bypass the raised pavement and run onto the hardstanding. Appropriate drainage channels must be installed to direct run off into the interceptor. Act to ensure full compliance with permit condition 3.1.2.	31/05/2023
C2	Ensure effective management of site activities and infrastructure in line with a suitable management system. This	24/08/2023

Criteria	Action needed	Complete by
	system must incorporate the activities of a vehicle depollution facility. Remove hazardous waste soils from site.	
B4	Reduce the stockpile volume of tyres and increase the separation distances between the combustible waste streams. Distances must be sufficient to reduce the risk of fire and from falling into nearby watercourse.	24/08/2023
C1	Submit evidence of technical competence to NRW	31/05/2023
G4	Submit all outstanding waste returns for the last two years.	24/08/2023

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 21 February 2023 at: The Twyn, Fleur-de-Lys, Blackwood, Caerphilly, NP12 3UE. EPR-WP3395FT.***

Waste Regulation Officer Jak ROSE, Hazardous Waste Officer Alexandra TENNANT and Nancy JONES, DEFRA arrived at 11:20 and met with Ashley GRIFFITHS, Technically Competent Manager (TCM) Officers spoke to Caleb GRIFFITHS, Permit Holder at the end of the inspection. NRW's last site inspection was completed on 18 March 2022. It was requested that an entire site inspection was undertaken. The weather conditions were overcast at the time of visiting.

To remind the operator, following each assessment Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the audit. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions. This can affect your site banding and annual subsistence fees; scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 - Significant impact on effect on the environment/people/property
- 3 - Minor impact or effect on the environment/people/property
- 4 - A non-compliance which has no potential environmental effect

**NRW last Compliance Inspection April 2022 - Actions from**

**CAR NRW003957**

Ensure that the impermeable surface is sealed such that no liquids can bypass the interceptors and leak onto the hardstanding – **INCOMPLETE**

Please send Natural Resources Wales the new WAMITAB certificate when it has been received. A deadline of the 30th of April 2022 has been set for this action. – **INCOMPLETE**

Manage site activities and infrastructure in accordance with permit condition 1.2.2. - **INCOMPLETE**

Remove material from tonne bags and skips from site in an appropriate manner and obtain hazardous waste consignment notes – **INCOMPLETE**

Submit all outstanding waste returns. Please ensure that future waste returns are submitted accurately and within one month of the end of each financial year. - **INCOMPLETE**

It was observed that there are a a number non-compliances regarding site's infrastructure and operations. Given that the inspection was less than a year ago the site has deteriorated significantly and now NRW are able to consider enforcement action.

Further photos of the site taken by Officer ROSE are included in the **appendix** of this report.

**Permit Breaches****Environmental Permitting (England and Wales) Regulation 36  
Statutory Enforcement Notice**

Due to the level of risk posed to the environment from site activities, a Statutory Notice will be issued to ensure that the Operator carries out necessary works to bring site activities into compliance with its permit conditions.

The lack of control measures increases the likelihood for significant impact on nearby sensitive receptors. This needs to be addressed as a matter of urgency.

**B1 - Engineering for prevention and control of emissions -  
Permit Condition 3.1.2 – Cat 2 Breach**

You have been scored a category 2 breach because NRW had previously requested works to the impermeable pavement bunding. Some concrete channels appear to have been installed to direct run-off towards the new interceptor on site. However, this is ineffective due to the raised edges of the pavement now being damaged and run off escaping the onto the hardstanding as seen in **Photo 1 (below)**

The impermeable surface can only benefit storage facilities and areas used for depolluting

vehicles that are contaminated with chemical residues if it is maintained effectively. Officers observed visible contamination from the runoff from the pavement, this chemical may be oil based due to the iridescent sheen on the surface, which is escaping onto areas of hardstanding. (See **photo 1**)



**Photo 1 – damaged pavement and visible pooling showing contamination run off from pavement**

**ACTION REQUIRED:** Ensure that the impermeable surface is sealed such that no liquids can bypass the raised pavement and run onto the hardstanding. Appropriate drainage channels must be installed to direct run off into the interceptor. Act to ensure full compliance with permit condition 3.1.2.

**DUE DATE: 31 May 2023**

### **C2 - Management system and operating procedures – Permit Conditions 1.2.2 - Cat 2 Breach**

A category 2 breach has been scored under the above permit condition because the following was noted during the inspection: -

- General site housekeeping has deteriorated significantly since NRW's previous inspection. Parts from dismantled vehicles were stored in mixed, disorganised piles. Some areas of the site were difficult for Officers to access due to the accumulation of these wastes.
- There were vehicles that were partially depolluted being stored on areas of hardstanding.
- The area of hardstanding in **Photos 2 and 3** shows contamination of the hardstanding surface with contaminants and wastes strewn across the area with no containment
- Officers observed a significant number of wastes that were present on the site with no suitable control measures. The Operator is required to segregate or store some hazardous wastes without a risk of impacting the environment. **Photo 4** highlights this in further detail.



**Photos 2 (above) and 3 (below)– shows accumulation of wastes being stored on hardstanding.**



(Continued) In **Photo 3** tyres stacked in close proximity to the River Rhydney



**Photo 4 (above) - Ruptured waste oil barrel leaking onto the impermeable pavement – lack of containment measures due to damaged pavement**



**Photo 5 – tonne bags with hazardous soils remaining on site since 2019**

The previous works to remove the contaminated soils have not been completed which are remaining on the site since 2019 (**See Photo 5 above**) The TCM Ashley explained that these have remained due to the costs involved in removing them. Waste testing sent to NRW suggests the waste must be classified as hazardous.

The current permit does not require a modern management system condition. The absence of an effective management system is the root cause of this non-compliance.

**ACTION REQUIRED:** Ensure effective management of site activities and infrastructure in line with a suitable management system. This system must incorporate the activities of a vehicle depollution facility. The Environmental Protection (Miscellaneous Amendment) Regulations England and Wales 2018 makes provision for this to be implemented on an older permit such as this one. Remove hazardous soils from site.

**DUE DATE: 24 August 2023**

## **B4 - Containment of stored materials – Cat 3 – permit condition**

### **5.4.1**



Officers observed tyres stacked on the edge of the permit boundary with the watercourse just behind tyres. Permit condition 5.4 requires that tyre stacks are not to be stored within 15m of the site boundary or building.

It was noted that significant quantities of tyres were being stored directly adjacent to a building on site, see photo 6 (**above**) and 7 (**below**) Ashley (TCM) stated that large quantities of tyres had been illegally tipped outside and the site had taken them in to store them temporarily, however, the storage of tyres was not compliant with permit condition.



At the time of the inspection. The current storage techniques represent a fire risk.

**Update: Ashley GRIFFITHS emailed Officer ROSE on 2 March 2023 with an attached waste transfer note for 570 tyres that were sent to Welsh Tyre Recycling Service Limited.**

If these wastes are reduced to a suitable amount, then the above breach score will be suspended.

**ACTION REQUIRED:** Reduce the stockpile volume of tyres and increase the separation distances between the combustible waste streams. Distances must be sufficient to reduce the risk of fire and from falling into nearby watercourse.

**DUE DATE: 24 August 2023**

### **C1 – Staff competency/training – Cat 3 Breach - permit condition 2.3.1**

A category 3 breach has been scored under the above condition because NRW has not received a current Certificate of Technical Competency.

**ACTION REQUIRED:** Submit evidence of technical competence to NRW

**DUE DATE: 31 May 2023**

### **G4 – Reporting and notification to Natural Resources Wales – Permit condition 6.1.2 – Waste returns**

Permit condition 6.1.2 requires the operator to submit an annual summary record of the waste types and quantities accepted and removed from the site within one month of the

end of each financial year.

This information should be submitted to NRW by means of an annual waste return. We do not have any records of waste returns submitted since 2013.

A Category 4 breach of permit condition 6.1.2 has been scored for failure to submit annual waste returns for since 2013. Full guidance on waste returns can be found on our website.

**ACTION REQUIRED: Submit all outstanding waste returns for the last two years.**

**DUE DATE: 24 August 2023**

## **Summary**

Out of the 4 non-compliances identified in the CAR form dated 4<sup>th</sup> March 2022. (CAR\_NRW0039577), the operator had not acted to fully resolve any of these non-compliances.

As outlined above, there were 5 non-compliances identified in this CAR form.

Due to significant continued non-compliance, Natural Resources Wales are in a position to consider a review of the Operator's competency, namely whether the operator is able and willing to comply with a permit.

Major improvements to site infrastructure and management are still required to ensure full compliance with the environmental permit, and ultimately to protect the environment. These improvements are required to be made urgently given the proximity to the nearby sensitive receptor, the River Rhymney.

Officers left the site at 13:40

If you have any issues with this report, please contact Officer Jak Rose at [jak.rose@naturalresourceswales.gov.uk](mailto:jak.rose@naturalresourceswales.gov.uk) or 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***

***Appendix***









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.