

Compliance Assessment Report CAR_NRW0041496

Permit being assessed: MB3333DG.

For: The Old Forge, held by Jonathan Mark Rees

At: The Old Forge, Monastery Road, Neath Abbey, Neath, West Glamorgan, SA10 7DW.

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

On 06/03/2023 between 10:00 and 11:20.

Parts of permit assessed: A, B, C, D

NRW Lead Officer: David Morgan.

Report sent to: Jonathan Rees, Operator on 09/03/2023.

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)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Ongoing (O)	2.3.1
C2 - General Management - Management system and operating procedures	Assessed (A)	
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
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
B3	You must install a sealed drainage system that serves the impermeable pad.	09/06/2023

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.

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

A site inspection was undertaken on Monday 6th March 2023. The purpose of the inspection was to follow up on progress made since non-compliances were identified during the previous inspection which took place on 26th May 2022.

At the time of the inspection on 6th March 2023, the following were present: David Morgan (Natural Resources Wales), Jonathan Mark Rees (Operator), Mark Tymkiv (Technical Competent Manager) and Trevor Davies (acting on behalf of Operator).

Previous Inspection

During the previous inspection, 25th May 2022, three non-compliances with the Environmental Permit were recorded. These non-compliances were recorded in relation to: waste returns, management systems and infrastructure. These non-compliances were reassessed on Monday 6th March 2023 and the following observations were made:

Waste Returns

Natural Resources Wales has since received all outstanding **waste returns** information. Please continue to submit waste returns within the time specified in your Environmental Permit. You are now compliant with this condition (condition 4.2.2 of the Environmental Permit)

Management Systems

Copies of the Environmental Permit, Environment Management System (EMS) and Fire Prevention and Mitigation Plan (FPMP) were made available on site. This item has been marked as compliant, however, please note; **these documents have not been assessed in any detail by Natural Resources Wales.**

You must ensure that the EMS and FPMP comply with the requirements set out in the relevant guidance ('How to comply with your Environmental Permit - EMS and 'Fire Prevention and Mitigation Plan Guidance - Waste Management')

'How to comply with your Environmental Permit':

<https://cdn.cyfoethnaturiol.cymru/media/2110/how-to-comply-with-your-environmental-permit.pdf?mode=pad&rnd=131467604540000000>

Fire Prevention and Mitigation Plan Guidance - Waste Management:

<https://naturalresources.wales/media/684379/guidance-note-16-fire-prevention-mitigation-plan-english.pdf>

Infrastructure

You must install a sealed drainage system (connection to foul sewer by agreement of Welsh Water or sump/onsite containment system) which takes all surface water run-off from the impermeable pad.

In order to clarify this point I have reviewed the conditions of your Environmental Permit. Please read the following carefully:

Table 2.3 'Operating Techniques' in your Environmental Permit states:

Table 2.3 Operating techniques

1. Uncontaminated ferrous metal wastes or alloys and uncontaminated non-ferrous metal wastes shall be stored on hard standing or an impermeable surface. All other wastes shall be stored on an impermeable surface with sealed drainage system.
2. All wastes shall be treated on an impermeable surface with sealed drainage system.
3. Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a cover to prevent ingress of water.
4. Metal filings and turnings shall be stored in containers with an impermeable base and a cover to prevent the ingress of water. No more than 50 tonnes shall be stored at any one time

Please note:

*** Uncontaminated ferrous metal wastes or alloys and uncontaminated non-ferrous metal wastes must be stored on hard standing or an impermeable surface**

*** All other wastes must be stored on an impermeable surface (concrete pad) that has sealed drainage**

*** All wastes must be treated on an impermeable surface with sealed drainage system**

In order to define ***Treatment***, the following information is taken from Table 2.1 'activities' of your Environmental Permit:

Table 2.1 activities

Description of activities	Limits of activities
R13: Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced)	Treatment consisting only of sorting, separation, grading, shearing, baling, compacting, granulating of cables, and cutting using hand-held equipment only, of ferrous metals or alloys and non-ferrous metals into different components for recovery.
R4: Recycling/reclamation of metals and metal compounds	<p>There shall be no treatment of lead acid batteries, other than sorting and separating from other wastes.</p> <p>Wastes shall be stored for no longer than 3 years prior to recovery.</p> <p>The maximum quantity of hazardous waste stored at the site shall not exceed 50 tonnes at any one time.</p>

Please note:

*** 'sorting' is considered to be a treatment activity***** condition 4.4.1 of your Environmental Permit clearly defines sorting as:**

"sorting" means sorting that may be undertaken by hand or machinery. Sorting enables materials to be processed/recycled appropriately. It may involve separation of different waste types or the separation of different metal types including:

- different ferrous metals;
- non-ferrous metals;
- non-metallic materials (e.g. paper and plastic).

Conclusion

All wastes must be treated (including sorting) on an impermeable surface with sealed drainage system. As wastes on site are deposited in one large, undefined pile, and are then sorted prior to removal, this activity must take place on an impermeable surface with sealed drainage system.

Summary

Despite submitting waste returns information and providing copies of the permit, EMS and FPMP, operations are not compliant with the Environmental Permit.

Infrastructure is not compliant. On this occasion, the non-compliance has been recorded as 'Ongoing' as the initial deadline for completion was 9th June 2023. This deadline stands.

You must comply with your Environmental Permit. In the future, if operations remain non-compliant with the permit, it is likely that Natural Resources Wales will take enforcement action against you.

Next Inspection

It is likely that the next inspection will take place on or soon after 9th June 2023. The priority area for assessment will be the impermeable pad and drainage provisions.

You should also ensure all areas of the site are accessible. During the inspection on 6th March 2023, the site appeared to be at full capacity and if an incident were to occur on site, any response would be seriously impaired by the lack of free space to operate emergency vehicles and quarantine waste.

Areas of compliance that will be assessed in coming months:

- * Infrastructure and drainage
- * Compliance with FPMP Guidance
- * Assessment of EMS

Thank you for your time during the inspection.

END OF REPORT

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1 st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.