

## Compliance Assessment Report CAR\_NRW0042039

**Permit being assessed:** CB3790FG.

For: LCS Scrap Metals, held by LCS Scrap Metals Ltd

At: Begelly, Kilgetty, Pembrokeshire, SA68 0XN.

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

On 15/06/2023 between 14:50 and 15:00.

Parts of permit assessed: First Inspection

**NRW Lead Officer:** Sally Wakeford, accompanied by Michael Edwards.

**Report sent to:** George Jones, Site Owner on 28/06/2023.

### 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)      |                  |
| D1 - Incident Management - Site security   | Assessed (A)      |                  |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact      | 4.2.2            |

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

| Total number of non-compliances recorded | Total non-compliance score |
|--|----------------------------|
| 1  | 0.1                        |

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 |
|----------|---------------------------|-------------|
| G4       | Submit 2022 waste returns | 31/07/2023  |

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

An unannounced inspection was undertaken at LCS Scrap Metals Ltd EPR/CB3790FG on 15 June 2023 by Sally Wakeford and Michael Edwards.

On arrival at the site, the main gates were locked and secure. In the permitted area there was a small amount of waste noted on the far side of the building.

No other observations could be made at the time of the inspection.



### **Environment Management System (EMS) and Fire Prevention and Mitigation Plan (FPMP):**

At present NRW do not hold a copy of your Environment Management System or Fire Prevention and Mitigation Plan.

You must have an EMS and FPMP in place and operate in compliance with them. **Please provide your EMS and FPMP by 31 July 2023.**

### **Technically Competent Manager (TCM):**

On 20 March 2023 NRW were informed that the previous TCM for the site was no longer providing these services. **Please confirm your current TCM and provide certificates for their continuing competence by 31 July 2023.**

**Waste Returns:**

Your permit was issued on 31 October 2022, and as such the waste returns for 2022 were due by 31 January 2023. These returns have not been submitted to NRW and therefore you have **breached permit condition 4.2.2 of your permit. This has been scored as a Category 4 breach.**

**You must submit these returns by 31 July 2023.**

You are required under your permit conditions to provide Waste Returns on an annual basis, and are due January to December, and provided to NRW by the end of January. These returns must be submitted on the correct form via email to [waste.returns@naturalresourceswales.gov.uk](mailto:waste.returns@naturalresourceswales.gov.uk). They can also be posted.

Please contact NRW at the waste returns email address above to obtain the relevant form for completion. More information can be found here:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/submit-your-waste-return/?lang=en>

**Permit & Guidance:**

You currently hold a SR 2012 No 14 Standard Rules permit for Metal Recycling, vehicle storage, depollution & dismantling. (Authorised treatment) facility. The Permit Rule set is included with this Compliance Assessment Report for your convenience.

This was a first inspection for Natural Resources Wales at your newly permitted site, and we must make you aware of some information, which will be detailed below. Typically, we would discuss this with you on site during a first inspection however no one was on site at the time.

There is various guidance available to you to ensure you comply with your permit. "How to Comply with your Environmental Permit" can be found at the following link. This document provides additional information to help you comply with the conditions in the permit.

<https://cdn.cyfoethnaturiol.cymru/media/680335/how-to-comply-with-your-environmental-permit.pdf>

More specific sector guidance on being an ATF can be found here:

<https://www.gov.uk/guidance/end-of-life-vehicles-elvs-guidance-for-waste-sites>

**Duty of Care:**

You are required to comply with the Duty of Care Regulations. More information can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1073585/Waste\\_duty\\_of\\_care\\_code\\_of\\_practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073585/Waste_duty_of_care_code_of_practice.pdf)

**Hazardous Waste Regulations – Premises notification requirements**

Within Wales, under the Hazardous Waste Regulations if you produce or store over 500kg of hazardous waste per year at your premises, the premises are required to be registered with Natural Resources Wales unless exempt.

You may already be aware of this requirement and your premises may already be registered with Natural Resources Wales, however if not, you may wish to consider if your premises should be registered. In order to establish this and for details on if your premises maybe exempt a detailed guidance document titled 'Do I need to notify my premises? – A guide to the Hazardous Waste Regulations' is available via our website:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/register-or-renew-as-a-hazardous-waste-producer/?lang=en>

<https://cdn.cyfoethnaturiol.cymru/media/692277/hazardous-waste-do-i-need-to-notify-my-premises.docx>

Details on completing your hazardous waste returns can be found at the link below:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/submit-your-hazardous-waste-return/?lang=en>

This will be relevant for any CATs or waste oils etc produced in the depolluting activity.

#### **Non-compliance scores affecting subsistence fees:**

When an inspection is undertaken by an officer of NRW, any breaches of permit will result in a non-compliance score being recorded against permit compliance on the Compliance Assessment Report. The category of breaches are as follows.

| Category | Description  | Score |
|----------|--|-------|
| 1        | Breach with a potentially major environmental effect       | 60    |
| 2        | Breach with a potentially significant environmental effect | 31    |
| 3        | Breach with a potentially minor environmental effect       | 4     |
| 4        | Breach with no potential environmental effect              | 0.1   |

The scores related to each breach are accumulated over a calendar year (January to December). The total score for the year will result in being placed in a Compliance Band (A – F) as detailed in the table below. The total number of scores accumulated over the year will affect your subsistence fees for the next annual billing.

| Compliance band        | A   | B     | C       | D       | E          | F        |
|------------------------|---|-------|---------|---------|------------|----------|
| Annual total score     | 0   | >0-10 | 10.1-30 | 30.1-60 | 60.1-149.9 | 150 plus |
| Fee payable            | 95% tier 3 permits.<br>100% tier 2 permits. | 100%  | 110%    | 200%    | 300%       | 500%     |
| Example fee (£1000/yr) | £950  | £1000 | £1100   | £2000   | £3000      | £5000    |

If you have any questions regarding this Compliance Report, please don't hesitate to contact:

Sally Wakeford on 0300 065 3323 or 07798 607 476.  
[sally.wakeford@cyfoethnaturiolcymru.gov.uk](mailto:sally.wakeford@cyfoethnaturiolcymru.gov.uk)

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.