

## Compliance Assessment Report CAR\_NRW0042083

**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: Other.

On 29/06/2023 between 09:30 and 10:30.

Parts of permit assessed: A, B, C

**NRW Lead Officer:** David Morgan.

**Report sent to:** Jonathan Rees, Operator on 07/07/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C2 Significant	1.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2 Significant	2.3.1
C2 - General Management - Management system and operating procedures	C2 Significant	3.4.1

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

Total number of non-compliances recorded	Total non-compliance score
3	93

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
A1	You must operate the site in line with a written management system that identifies the risks of pollution	03/11/2023
B3	You must install a sealed drainage system that receives site surface water from the impermeable (concrete) pad.	03/11/2023
C2	You must operate the site in accordance with a fire prevention plan using current, relevant fire prevention plan guidance	03/11/2023

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

A site inspection was undertaken on Thursday 29th June 2023. The purpose of the inspection was to assess compliance against conditions of the Environmental Permit (ref: EPR/MB3333DG) that had been recorded in previous inspections on 6th March 2023 (CAR\_NRW0041496) and on 26th May 2022 (CAR\_NRW0039961).

In previous inspections, Natural Resources Wales officers have assessed infrastructure to be non-compliant as the impermeable surface on site must be connected to a sealed drainage system.

An inspection was undertaken on Thursday 29th June and the following observations were made:

### **Infrastructure**

The site accepts scrap metal and treats this material (by means of sorting), storing waste on a mixture of hardstanding and impermeable surfaces. On Thursday 29th June 2023, the impermeable surface (concrete pad) was not connected to a sealed drainage system. This is not compliant with your Environmental Permit.

### **A non-compliance has been recorded against Condition 2.3.1 of the Environmental Permit (Category 2 - Significant)(Ref:B3)**

To become compliant with this condition, you must install a sealed drainage system on the impermeable surface where waste is stored and treated (sorting).

### **Waste Storage & Fire Prevention**

The site, as in the previous two inspections, appears to be at full capacity. As the site is full, it is difficult to check site boundaries and the potential for waste to be leaving site, or further contamination of land from onsite activities (several areas of oil leaks were identified). There is also little or no room to quarantine and/or separate out waste in the event of an incident. Should a fire incident occur in the waste (e.g. lithium-ion battery in small item of WEEE which has been included in scrap/arson) emergency services would experience difficulties in separating waste to tackle a potential fire.

Waste storage and treatment activities on site must be operated in accordance with a Fire Prevention and Mitigation Plan which is compliant with relevant guidance:

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

In its current state, the site is not compliant with the requirements of Fire Prevention and Mitigation Plan Guidance. The site is full, there is little room to operate and the majority of waste on site is in one large stack.

### **A non-compliance has been recorded against Condition 3.4.1 of the Environmental**

**Permit (Category 2 - Significant)(Ref:C2)****General Site Management**

Hardstanding areas of the site, where the majority of waste is stored in one large stack, on close inspection were found to be heavily contaminated with oil. The site is generally untidy with no clear system for storage and removal of waste.

The Environmental Permit requires you to store all contaminated waste on an impermeable surface with a sealed drainage system (see table 2.3 'Operating Techniques'). It appears that waste contaminated with oil is being stored on hardstanding ground. Several areas of the hardstanding surface were black with clear visible signs of oil contamination and on site there is generally a strong smell of oil.

There is a risk that this contamination could impact groundwaters and the River Clydach which runs directly adjacent to the site. The extent of this land contamination is unknown as waste appears to have been in-situ for a long period of time.

End-of-Life Vehicles that are stored directly outside the site appear to be stored within the boundary of the Environmental Permit, however, it is unknown if these vehicles, which are in a state of disrepair, pose a risk to the environment as they can potentially be leaking fluids/oils. Also, as these ELV's are not secure, there is a risk of a potential arson event.

There are several areas of significant non-compliance on site. In assessing the root cause of compliance issues on site, Natural Resources Wales deems that you, as the 'Operator', have failed to operate activities in accordance with a management system that identifies and minimises the risk of pollution from your activities.

**A non-compliance has been recorded against Condition 1.1.1 (a) of the Environmental Permit (Category 2 - Significant)(Ref:A1)**

You must manage activities in line management systems that identify the risk to the environment that is posed by activities.

**Due to continued non-compliance, potential for a significant detrimental impact on the environment and failure to rectify non-compliances when previously communicated to you by Natural Resources Wales, I must inform you that Natural Resources Wales is now considering taking enforcement action against you.**

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](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.