

## Compliance Assessment Report CAR\_NRW0042443

**Permit being assessed:** AB3797ZE.

For: KDK Metals Unit, held by KDK Metals Limited

At: K D K Metals, East Bank Road, Felnex Industrial Estate, Newport, Newport, NP19 4PP.

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

On 11/09/2023 between 10:15 and 11:00.

Parts of permit assessed: Various

**NRW Lead Officer:** Greg Gardner, accompanied by Jodie Baskerville.

**Report sent to:** Mr. Paul Dare, Owner on 25/09/2023.

### 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)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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?

No action required.

### 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**

This report details the site visit made on the 11th September 2023 to KDK Metals Ltd, Newport, permit reference number EPR-AB3797ZE.

NRW Officers Greg GARDNER and Jodie BASKERVILLE attended the KDK Metals Ltd site at East Bank Road, Felnax Industrial Estate, Newport, NP19 4PP for a routine site inspection at 09:45am where we met with the Site Manager, Mr. Paul DARE. The weather was slightly drizzly and reasonably mild which it had also been the previous day.

**ACTIONS FROM PREVIOUS SITE INSPECTION - CAR\_NRW0040342 - 01/09/22**

Date	Action	Completed (Y/N)	Action Taken
01/09/22	Large quantities of unauthorised waste(s) present on site which have accumulated over a long period of time which has ultimately resulted in a waste fire at site. Waste fire had been emitting smoke from site for consecutive days and witnessed by NRW Officers	Yes	Operator issued with enforcement notice to remove waste(s). This notice was duly complied with and waste(s) have been removed as witnessed by NRW officers during 11/09/23 site inspection
01/09/22	Section of site easily accessible for unauthorised person(s) where there is a potential for a criminal activity to take place such as arson	Yes	Herras fencing has been erected around site with no visible potential access for unauthorised person(s)
01/09/22	Site failed to comply with permit condition 4.3.1 (a) and not notify NRW of fire at regulated site	Yes	Breach recorded at the time and operator aware to inform NRW of any environmental incidents that occur at site
01/09/22	Failure to submit annual waste return for 2021	Yes	2021 annual was submitted with all required information inputted

**PERMIT BREACHES / ACTIONS**

No permit breaches / actions have been identified during this site inspection.

**WIRS INCIDENT - 2206416 - CAR\_NRW0040342 - 01/09/22**

For background, on 28/08/22 at 19:20pm, The South Wales Fire and Rescue Service (SWFRS) notified NRW Incident Communications Centre of a fire incident at the KDK Metals Ltd site. The report stated:

*Call from FRS stating that there is a fire at KDK Metals in Newport and that 2 bowzers and*

*2 pumps are on scene. Other neighbouring machinery is being used to assist with the fire. FRS are only informing us at this time and do not require any NRW attendance at present. FRS state approx. 60 to 80 tonnes of waste is affected. FRS state all run off has been contained.*

Further information on this incident can be found on NRW CAR Form - CAR\_NRW0040342

Mr. DARE was issued with an enforcement notice (Section 59 (1)(a) and (b) of the Environment Protection Act 1990) on 11/10/22 to remove all unauthorised waste(s) not identified in the KDK Metals Ltd environmental permit and for the waste(s) taken to a permitted waste facility and to provide all waste transfer notes for removed waste(s). Mr. DARE duly complied with the enforcement notice with the unauthorised waste(s) removed and was issued with a warning letter on 18/05/23.

### **SITE INSPECTION**

NRW Officers inspected the site with Mr. DARE where housekeeping was to an improved standard as compared to the previous site inspection (CAR\_NRW0040342). Road deposits were kept to a minimum and stockpile heights of waste(s) on site were in line with the sites FPMP (Fire Prevention and Mitigation Plan). NRW Officers did not witness any excessive noise levels that were of concern or any excessive unpleasant odours. Site security had improved with secured Herras fencing erected in exposed areas that were identified on the previous site inspection.



**Photo 1** - On site housekeeping at KDK Metals Ltd





**Photo 2** - On site housekeeping at KDK Metals Ltd



**Photo 3** - On site housekeeping at KDK Metals Ltd

### **WASTE RETURN SUBMISSIONS**

KDK Metals Ltd have submitted their latest waste return for 2023 on time and in full. The site received a total of 0 tonnes of ELV waste with 0 tonnes of ELV waste removed. There were no unauthorised waste streams identified within the submission.

### **PERMIT VARIATION / SURRENDER**

NRW Officers spoke to Mr. DARE about the status of his current environmental permit. For information, waste exemptions are changing and this will affect anyone who carries out a waste exemption activity. Defra has published its [consultation supplementary response document](#) and [associated annexes](#) explaining these changes. It sets out which exemptions will be withdrawn or restricted. We expect changes to the exemptions will start to roll out during 2024 and continue into 2025 but timescales have not been finalised yet.

Ultimately permitted sites, such as KDK Metals Ltd, will not be able to hold an environmental

permit AND registered waste exemptions. When these changes come into force the environmental permit will supersede any registered waste exemptions. Therefore either the environmental permit is varied to add / remove certain waste codes and different operating techniques or the permit is surrendered and the site is operated under waste exemptions providing the site can comply with the criteria in said registered waste exemptions.

If Mr. DARE intends on surrendering his environmental permit, then the site would have to be completely cleared and a site condition report submitted to NRW which would indicate that there was no contamination remaining prior to the surrendering. A final site inspection would be undertaken to determine if the site had been appropriately remediated.

NRW Officers Greg GARDNER and Jodie BASKERVILLE left site at 11.00am the same day.

If you have any issues with this report please contact Greg Gardner on [greg.gardner@naturalresourceswales.gov.uk](mailto:greg.gardner@naturalresourceswales.gov.uk)

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***

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.