

Compliance Assessment Report CAR_NRW0042632

Permit being assessed: CB3698ZW.

For: The Smithy, held by Towy Metals Ltd

At: Aberarth, Aberarth, Aberaeron, Ceredigion, SA46 0LD.

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

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

Parts of permit assessed: See criteria listed below

NRW Lead Officer: Luke Taylor, accompanied by Jeremy Goddard.

Report sent to: Anthony Murphy , Site Owner on 24/10/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.3.1 Table 2.3 Operating Techniques
D1 - Incident Management - Site security	Action only (X)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	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
1	4

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
B4	Move the ELV onto the impermeable concrete base or remove from site to a suitably authorised facility	01/12/2023
D1	Ensure site fencing is completed and gate secured with a suitable lock	01/12/2023

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

This report relates to a routine site inspection of The Smithy near Aberath, which was conducted on Tuesday 10th October 2023 by Luke Taylor (Waste Regulation Officer) and Jeremy Goddard (Team Leader - Waste and Enforcement Team) of Natural Resources Wales (NRW)

Prior to the visit officers had contacted the site manager and the appointed Technically Competent Manager (TCM) via email but had not received any response. Following the site visit the owner of the site, Mr Anthony Murphy, has been in contact with officers and stated that the site is currently non-operational.

The weather at the time of the inspection was dry and bright.

General Observations

On arrival at the location the site was found to be closed, with the main gates tied shut with a load strap. There were no persons present and it appeared that the site was non-operational. There was a significant gap in the perimeter fencing allowing easy access on to the site. Whilst it was not possible to conduct a more detailed site inspection, from review of the previous site inspections (CAR_NRW0042006) there does not appear to have been much activity taking place at the site, although several actions from that visit appear to have been completed.



(LTT/1 - Site Entrance)

Officers have not entered the site but have been able to look through the side of the gate. At the far end there was a skip containing waste tyres. The weighbridge ramp was still coned off at the far end, as with the previous site inspection.

The following non-compliance has been identified:

NON-COMPLIANCE (B4 - Containment of Stored Materials) CAT 3

Condition 2.3.1 states that 'The activities shall be operated using the techniques and in the manner described in Table 2.3 Operating Techniques'.

You have been given this category 3 breach under the above condition as during the visit it was observed that the End of Life Vehicle de-pollution bay was still incomplete, with no equipment visible and no roof. There was one ELV sighted, a bus which was situated on hard-standing and which appeared to have not been fully de-polluted. ELVS which are damaged or not de-polluted must be kept on the impermeable surface.

ACTION - This vehicle either needs to be moved on to the impermeable concrete surface or removed to another appropriately authorised site with the correct equipment and infrastructure to fully de-pollute the vehicle - To be completed by 1st December 2023.



(LTT/2 - ELV bay and bus)

NON-COMPLIANCE (D1 - Site Security) The Emergency Procedures section of the sites Environmental Management System (EMS) states that to prevent unauthorised entry the site will have a 'Secure gate and perimeter fence. Site locked when un-manned'.

ACTION - Please ensure that the gate is secured with a suitable lock and that the fencing is completed around the perimeter to prevent access when the site is not in use - To be completed by 1st December 2023.

If you have any queries regarding the content of this report or wish to seek further clarification and guidance, please feel free to contact Luke Taylor on 03000 653351.

In this document 'Natural Resources Wales' means the Natural Resources 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 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.