

Compliance Assessment Report CAR_NRW0043142

Permit being assessed: CB3096FU.

For: R & J Metals, held by R and J Metals Ltd

At: Dock Yard estate, Briton Ferry Industrial Estate, Briton Ferry, Neath, Castell-nedd Port Talbot, SA11 2HZ.

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

On 08/01/2024 between 11:00 and 12:30.

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

NRW Lead Officer: David Morgan.

Report sent to: Richard O'Brien, Site Manager on 11/01/2024.

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)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C4 No impact	1.1.1 (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
2	0.2

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
G2	Ensure daily checklist accurately identifies risks to operation such as damaged site boundary fence	14/01/2024
G4	Submit outstanding Waste Returns for 2021 and 2022	01/02/2024

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 routine site inspection was undertaken on Monday 8th January 2024. Present during the inspection were David Morgan (Natural Resources Wales), Richard O'Brien (Site Manager) and Robert Keene (Technical Competent Manager).

Incident Report (WIRS 2308455)

In October 2023, Natural Resources Wales was notified by Mid and West Wales Fire & Rescue Service that they had received a 'Controlled Burn of Commercial Waste' notification and that the location had been given as R & J Metals. This was disputed by R & J Metals.

An inspection of the yard was undertaken and there was no sign of waste being burnt on site. Furthermore, there was no sign of commercial waste materials that could be burnt, as all waste on site appeared to be metals or waste associated with end-of-life vehicle recovery. Natural Resources Wales confirmed that there was no mixed waste or mixed waste skips on site.

This report has been recorded as unsubstantiated and has been closed. We will not be investigating this matter further.

Site Inspection

An inspection of the yard was undertaken and the following observations were made:

Site Infrastructure & Drainage

All operational areas of the impermeable concrete surface, where waste is stored and

treated, appeared to be well maintained. Despite the large volume of throughput that is permitted, the impermeable surface was free from significant cracks and damage.

Some small pools of rainwater were present on site, but given the recent heavy rainfall, overall, the site drainage system appears to be functioning efficiently. At the time of the inspection, we did not request that drain covers were accessed for inspection of drainage chambers/units, however, we may wish to carry out these checks during a future inspection.

Please ensure all drains to the drainage system are kept free from waste so they can be accessed for inspection at any time. Generally, site drainage is an area of infrastructure we may wish to inspect further in the next inspection and this will include inspection of drainage chambers with a review of consignment notes issued for removal of site surface water.

To the rear of the site, it was noted that there is a patch of unmade ground. This area sits within the permitted boundary and it was noted that you intend to concrete this area and extend operations on site. Please ensure that if this area becomes operational, that officers have access to inspect the site surface.

Waste Acceptance & Storage

All wastes on site appeared to be compliant with the list of permitted wastes in your Environmental Permit. An inspection of general scrap was undertaken and this area was free from any Waste Electrical and Electronic Equipment (WEEE).

An inspection of the depollution bay was undertaken and this area was free from any leaks/spillages. All waste oils/fluids were clearly labelled and segregated.

Site Boundary Fencing

The majority of the site boundary fencing appears to be well maintained. One section of fencing is damaged and it was agreed this would be replaced. It is noted that fencing materials are actually present on site although the land is rented from the local authority and it is accepted discussions are ongoing with them to repair this fence.

Whereas the damaged section of the fence presents a low risk of unauthorised entry, a review of the daily inspection checklist stated that there was no issue with site security and fencing. This is incorrect.

The daily checklist is used to identify any issues that may impact operations including any infrastructure that requires repair.

As the checklist had been completed for 8th January 2024, but had failed to capture this issue, a non-compliance with the Environmental Permit has been recorded.

A non-compliance was recorded against Condition 1.1.1 (a) of the Environmental Permit (Category 4 - No Impact) (Ref:G2)

The Environment Management System for the site states that daily checklists will identify

issues that require attention and relevant maintenance. To be compliant with this condition, you must ensure daily checks capture issues such as damaged fencing.

Documentation/Records

Following an inspection of the site, copies of the Environmental Permit and Environment Management System were made available for inspection. It was recommended that the filing system be improved and more easily accessible to on-site staff. Also, consideration should be given to reviewing these documents to ensure they still contain up to date information that is relevant to current operations.

Waste Returns

Our records indicate that Natural Resources Wales has not received annual Waste Returns submissions from you since operations began in April 2021. You are required, within one month after the end of each calendar year, to submit records of all waste that has been accepted and removed from site.

This information must be provided to Natural Resources Wales using the Waste Returns template. Further information regarding Waste Returns can be found on our website:

[Natural Resources Wales / Submit your waste return](#)

As Natural Resources has not received Waste Returns from you since operations began, a non-compliance against your environmental permit has been recorded.

A non-compliance was recorded against Condition 4.2.2 of the Environmental Permit (Category 4 - No Impact) (Ref:G4)

You must submit Waste Returns on an annual basis to be compliant with this condition.

Environmental Permit & Carrier Licence Variations

While on site it was noted that you intend to change the address on your Waste Carriers Licence. Please contact our customer contact centre to initiate this change: **Tel 0300 065 3000**.

If you wish to amend the registered address on your Environmental Permit, you will need to apply for an administrative variation of your Environmental Permit. Further information regarding this can be found on our website: [Natural Resources Wales / Apply to change to, or vary, a standard rules waste permit](#).

You may wish to seek independent advice/support from an environmental consultant in completing any changes to your Environmental Permit.

Summary

A site inspection was undertaken on Monday 8th January 2024. Infrastructure appears to be largely well maintained. Despite the inspection taking place soon after a period of extremely heavy rain, the site surface and drainage system appeared to be functioning efficiently.

Wastes were clearly labelled and segregated and there was no signs of spillages/leaks in the depollution bay.

It is advised extra attention is given to the management of records and documentation on site. Copies of the relevant documents (Environmental Permit et al.) are available but you would benefit from an improved filing system for ease of access in an emergency.

You must ensure daily checklists accurately identify any issues on site and you must submit annual waste returns to Natural Resources Wales that confirm the volumes and types of waste that have been accepted and removed from site in each calendar year.

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.