

## Compliance Assessment Report CAR\_NRW0043753

**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: Routine.

On 08/03/2024 between 10:00 and 11:30.

Parts of permit assessed: A, B, C

**NRW Lead Officer:** David Morgan.

**Report sent to:** Jonathan Rees, Operator on 13/03/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C2 Significant	1.1.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	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	31

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	05/07/2024

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.**

**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 Friday 8th March 2024. The purpose of the inspection

was to assess compliance in relation to non-compliances recorded during the previous inspection of 29th June 2023.

During the previous inspection of 29th June 2023 (Compliance Assessment Report ref: CAR\_NRW0042083) non-compliances were recorded as the impermeable surfaced area did not benefit from a sealed drainage system, operations were not being managed in line with an approved Fire Prevention and Mitigation Plan and waste was not being stored in line with an Environment Management System that had identified the risks of pollution from activities.

Natural Resources Wales requested in the previous inspection that these non-compliances be actioned by 3rd November 2023, however, owing to other issues requiring our attention in the South West Area, compliance with these points was reassessed on Friday 8th March 2024.

In relation to previous non-compliances that were reassessed, the following observations were made:

### **Site Infrastructure (Drainage)**

The concrete impermeable pad on site is now served by a sealed sump. A grid cover needs to be installed, but at the time of the inspection, the sump was installed and was working. The chamber outlet was opened and site surface water was present.

Natural Resources Wales will request copies of the paperwork (Consignment Note) when this sump is emptied to ensure these contaminated liquids are taken to an authorised facility.

**This area of permitted operations (referred to as 'B3 - Site Drainage Engineering [clean and foul]' is now assessed as compliant.** Natural Resources Wales officers will continue to monitor and inspect this in future inspections.

### **General Site Management**

During the inspection on 8th March 2024, it was noted that the volume of scrap metal being stored on site had reduced since the previous inspection. Significant areas of the site surface at the rear right of the site (the river side) had been cleared and hardstanding surface had been re-laid/maintained. This area appeared to be visually free from any spillages/leaks and pollutions.

Large areas of the site where there is hardstanding surfaces, however, have contaminated scrap metal stored on them. On the right hand side of the site there is a large pile of scrap metal and the surface underneath this pile is contaminated with oil. Generally, there was a strong odour of oil in this area.

Natural Resources Wales holds concern over the storage of contaminated scrap metal on hardstanding surfaces as there is a potential for land contamination and subsequent pollution of groundwaters and/or the nearby river Clydach.

You must ensure that all contaminated scrap metal is stored on the impermeable surface now it is served by a sealed drainage sump. It is advised you remove all scrap in this area and take it to an authorised facility. When this area is clear, you will need to investigate the extent of the pollution of the hardstanding areas and take any necessary action to remove and/remediate the land. Failure to do so could result in a pollution event.

Although efforts have been made to reduce the volume of scrap on site and improve infrastructure, the site is still being managed in a manner that is not compliant with an Environment Management System that clearly identifies and mitigates risk of pollution.

**A non-compliance was recorded against Condition 1.1.1 of the Environmental Permit (Category 2 - Significant)(Ref:C2)**

**You must address this non-compliance by Friday 5th July 2024.**

**Enforcement Action**

Natural Resources Wales is now considering taking enforcement action against you as a result of several non-compliances being recorded during our regulatory inspections of the site. We will contact you in due course to inform you of our intended actions.

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 1st 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.