

Compliance Assessment Report CAR_NRW0043816

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: Incident Response (Incident number 2402518).

On 12/03/2024 between 09:30 and 10:00.

Parts of permit assessed: Various

NRW Lead Officer: Greg Gardner, accompanied by John Jowett.

Report sent to: Mr. Paul Dare & Mrs. Helen Dare, Owners on 04/04/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	3.1.3
A1 - Specified by permit	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	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
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
B1	Ensure all areas of site contain secondary containment measures, such a bunding, for stored materials (namely liquids) to prevent potential pollution to ground / surface water	31/05/2024

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

This report details the site visit made on the 12th September 2024 to KDK Metals Ltd, Newport, permit reference number EPR-AB3797ZE.

NRW Officers Greg GARDNER and John JOWETT attended the KDK Metals Ltd site at East Bank Road, Felnex Industrial Estate, Newport, NP19 4PP for an unannounced routine site inspection at 09:30am. The weather was raining and reasonably cold which it had also been the previous day.

ACTIONS FROM PREVIOUS SITE INSPECTION(S)

There were no breaches and / or actions identified on the previous site inspection conducted by NRW on 11/09/23 - CAR_NRW0042443.

PERMIT BREACHES AND / OR ACTIONS

Below are permit breaches and / or actions that were identified during the site inspection.

CATEGORY 3 BREACH – PERMIT CONDITION 3.1.3

(B1) – ENGINEERING FOR PREVENTION AND CONTROL OF EMISSIONS

"All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container"

- Loss of containment of liquid (oil) from within IBC (Intermediate Bulk Container) leaving permitted area

SITE INSPECTION

NRW Officers, following a report of an environmental incident (WIRS 2402518), inspected the site with where housekeeping was to an improved standard as compared to the previous site inspections as well as the site running at a reduced capacity. 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 (see photo 1).

It was noted by NRW Officers that there were various waste(s) located at the front of the site however after a telephone conversation with Mr. DARE (site owner), it was identified that these waste(s) originated from site during the clearing / site improvements and will be taken to a nearby permitted waste facility for disposal (see photos 2 and 3).



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

NRW Officers noted, whilst exiting the site, that there was a loss of containment of an oily type substance from an IBC (Intermediate Bulk Container). This oily substance was travelling towards the entrance of the site and leaving the permitted area and entering a nearby surface water drain (see photos 4 - 7). Whilst the amount of the substance was fairly minimal, continued leaking twinned with adverse weather conditions can increase the risk of a pollution. Additional control measures are required to be implemented to prevent recurrence such as secondary containment measures as identified within the sites EMS (Environmental Management System) under section 5.3.1 - Spillages.



Photo 4 - Loss of containment of oily substance at KDK Metals Ltd



Photo 5 - Loss of containment of oily substance at KDK Metals Ltd



Photo 6 - Loss of containment of oily substance at KDK Metals Ltd



Photo 7 - Loss of containment of oily substance 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 & Mrs. DARE, via telephone, about the status of the sites 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 KDK Metals Ltd 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. Details of a full and partial surrender of the permit can be found on the attached link - [Natural Resources Wales / Apply to surrender \(give up\) all or part of a waste permit](#)

If KDK Metals Ltd intend to vary their permit (for example, change permit boundary / add or remove waste codes) then a permit variation application would be required. Details of varying / changing a waste permit can be found on the attached link - [Natural Resources Wales /](#)

[Apply to change to, or vary, a bespoke waste permit](#)

NRW Officers Greg GARDNER and John JOWETT left site at 10.00am the same day.

If you have any issues with this report please contact Greg Gardner
on 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 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.