

Compliance Assessment Report CAR_NRW0044518

Permit being assessed: BB3796FA.

For: The Scrapyard, **held by:** Airfield Metals Limited

At: Carew Airfield, Tenby, SA70 8SX.

Type of assessment: Site Inspection,

Reason: Routine.

On: 05/06/2024 between 11:30 and 12:10.

Parts of permit assessed: W3, W2.

NRW Lead Officer: David Morgan, accompanied by Richard Samuel.

Report sent to: Nening Jones , Director, on 12/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3G - Waste - Emissions and monitoring - Fire	C2 Significant	3.4.1
W2C - Waste - Operations - Operating techniques	C2 Significant	2.31

Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
2	62

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
W3G	You must store waste in line with the Fire Prevention & Mitigation Plan for the site	21/08/2024
W2C	You must store and treat waste in a manner that is compliant with the conditions of the Environmental Permit	21/08/2024

Compliance 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 Wednesday 5th June 2024. Present at the time of the inspection were David Morgan (Natural Resources Wales), Llyr Samuel (Natural Resources Wales) and Nening Jones (Director, Airfield Metals).

The purpose of the inspection was to assess compliance against conditions of the Environmental Permit (Ref: EPR/BB3796FA).

The following areas of compliance were assessed with observations recorded below:

Waste Storage & Fires

At the time of the inspection, the yard appeared to be full of mixed wastes. Wastes appeared to be segregated into various types with a clear distinction between metals, general wastes (black bag waste) and wood.

On closer inspection, it was noted that there was no split between between stacks and firebreaks were not being maintained. All waste was effectively stored in one large stack covering the main storage areas of the site.

This storage practice presents a very serious risk as should a fire incident occur, it is likely the fire would spread throughout the site, resulting in a major incident. Such an incident would cause a serious pollution and require the commitment of significant resources by emergency services and other agencies.

While on site, it was accepted by Airfield Metals Ltd that current storage practices were not compliant with those parameters set out in the site's Fire Prevention and Mitigation Plan.

Point 6 ('Waste Storage') of the Fire Prevention and Mitigation Plan refers to there being 4 x stockpiles for waste, 2 x stockpiles for wood etc. This was not being adhered to at the time of the inspection

You must ensure waste is stored in line with the site's Fire Prevention and Mitigation Plan.

A non-compliance (Category 2 - Significant)(Ref:W3G) has been recorded against condition 3.4.1 of your Environmental Permit.

Operating Techniques

In completing this Compliance Assessment Report, and following further review of the Environmental Permit conditions, it has been noted that significant volumes of waste on site are stored in a manner that contravenes permit conditions.

Condition 2.3.1 of your Environmental Permit (Operating Techniques) states:

"1. Unless stored or treated outside as a specified waste³...

b) all non-hazardous waste shall be stored in a building or within a secure container"

At the time of the inspection, large volumes of non-specified waste was stored outside in the yard and was not in secure containers. This is an issue that was raised in a previous inspection on 21st September 2022 (ref:CAR_NRW0040466) and this contravention appears not to have been rectified.

You must store and treat waste in compliance with conditions of your Environmental Permit, namely operating techniques in this case.

A non-compliance (Category 2 - Significant)(Ref:W2C) has been recorded against condition 2.3.1 of your Environmental Permit.

Next Inspection

A provisional date for the next inspection is set as Wednesday 21st August 2024, however, owing to the severity of this non-compliance, storing waste in line with the Fire Prevention and Mitigation Plan must be actioned urgently.

During the inspection, we discussed a number of issues relating to the general management of Airfield Metals Ltd permitted sites and significant breaches of the Environmental Permit conditions have been recorded. It is accepted that issues have arisen, such as turnover of staff etc, however these non-compliances must be actioned.

It is recommended that operations and management systems are now reviewed prior to the next planned inspection which will likely take place on Wednesday 21st August 2024.

If non-compliances are not rectified by this time, it may result in Natural Resources Wales issuing you with a notice to enforce compliance with the Environmental Permit.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.