

Compliance Assessment Report CAR_NRW0044607

Permit being assessed: HP3938RN.

For: Fenestration Recycling Company Limited, **held by:** Fenestration Recycling Company Limited

At: Neath Abbey Wharf, Skewen, Neath, SA10 6BL.

Type of assessment: Site Inspection,

Reason: Routine.

On: 19/06/2024 between 11:00 and 12:20.

Parts of permit assessed: Actions identified in previous CAR.

NRW Lead Officer: David Ellar, accompanied by Elaine Gunstone.

Report sent to: Stephen Hemmings, Director, on 28/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	1.1.1 (a)
W2D - Waste - Operations - The site	C2 Significant	2.2
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.1.1
W3G - Waste - Emissions and monitoring - Fire	C2 Significant	3.4.1
W1A - Waste - Management - General management	C3 Minor	1.1.1

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

Total non-compliances recorded	Total non-compliance score
5	101

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
W1A	the site must ensure that waste operations are undertaken in a manner that identifies and minimises the risk of a pollution as described in the submitted environmental management system. Also submit an Improvement Plan to NRW	31/07/2024
W2D	you must ensure that all wastes stored on site are stored within the permitted area.	12/07/2024
W3B	Ensure any repairs and maintenance are carried out on the dust collection system to ensure it shall not cause a pollution and submit dust management plan to NRW.	12/07/2024
W3G	Remove waste destined for landfill and ensure compliance with FPMP, specifically the site block plans and fire breaks.	31/07/2024
W1A	Action: Ensure the site is secure by repairing the security fencing as per the EMS.	12/07/2024

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.

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

This was an announced visit made by David Ellar and Elaine Gunstone (NRW). The purpose of the inspection was to assess compliance against conditions of the Environmental Permit (Ref: EPR/ HP3938RN) and confirm that actions identified in the previous CAR's had been completed.

NRW officers were accompanied around the site by Stephen Hemmings (Company Director)

The weather was fine and dry.

Previous inspections:

1x Category 2 and 3 x category 3 breaches were recorded during our inspection on 29/04/2024, full detail can be seen in CAR_NRW0044175. Actions identified were:

- Submit an Improvement Plan to NRW by 07/06/2024.
- Remove waste destined for landfill and ensure compliance with FPMP, specifically the site block plans and fire breaks by 07/06/2024.
- Clean up area around dust collection system and maintain appropriately and submit Dust Management Plan by 07/06/2024.

- Ensure the site is secure by repairing the security fencing as per the EMS by 07/06/2024.

Whilst some work has been undertaken (detailed in this CAR) none of these actions had been fully completed at time of inspection.

3x Category 2 breaches (1 of which was suspended) were recorded during our inspection on 24/05/2024, full detail can be seen in CAR_NRW0044460. Actions identified were:

- Ensure that waste operations are undertaken in a manner described in the submitted EMS by 28/06/2024.
- Ensure that all wastes are stored within the permitted boundary as shown in schedule 7 of the permit by 28/06/2024.
- Review on site working practices and implement necessary steps to stop wastes and emissions causing pollution event by 28/06/2024.

Actions identified in this CAR were still open at time of the inspection so were not assessed. Compliance against these actions will be assessed during our next inspection.

Permit breaches:

General Management (W1A)

As discussed during the inspection, the site has failed to store waste in a manner described in the submitted Environmental Management Plan and accompanying site plan which identifies and minimises the risk of pollutions as required under condition 1.1.1 (a).

This has been scored as a Category 2 breach of permit condition 1.1.1 (a).

For the breach identified during this inspection the following action is required:

Action - the site must ensure that waste operations are undertaken in a manner that identifies and minimises the risk of a pollution as described in the submitted environmental management system.

Action: Submit a Site Improvement Plan to NRW

Following submission regular inspections will be undertaken to ensure progression is made against the improvement plan. The improvement plan should cover what steps you will take to come back into compliance with your permit and site plans. For example, it should contain:

- Detail on how you improve dust collections system,
- Detail on how you will ensure plastic pollution to the adjacent canal is prevented,
- steps on how you will clear the historic waste,
- how you will manage stockpiles to reduce fire risk in the meantime,
- have a clear aim for what you want the site to look like,
- provide realistic timescales for each step of your plan.

Waste Operations (W2D)

Under the conditions of the permit, the site is required to ensure that wastes are stored within the permitted boundary as per condition 2.2 and schedule 7. The storage of wastes plastics on the bank of the canal is outside of the permitted area identified in schedule 7 of the permit.

This has been scored as a Category 2 breach of Condition 2.2.

The operator had cleared some of the plastic away from the bank but suggested any further works would cause more plastic to enter the canal. Pollution prevention advice was given to the operator, and they will come up with options and method statement how to undertake the work and ensure plastic was prevented from entering the canal. The operator will contact the Neath and Tennant Canal Trust for more information about works in the canal and on the bank.

Action - you must ensure that all wastes stored on site are stored within the permitted area.

Photograph showing plastic waste stored on the bank of the canal:



Emissions and Monitoring (W3B)

Condition 3.1.1 of the permit states; 'Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.' During the inspection it was observed that dust was not being managed appropriately and it was evidenced off site.

The dust collection system needs to be maintained and reviewed. Section 9.1.2.6 of your EMS states 'If notified by Natural Resources Wales that the activities are giving rise to nuisance dust outside the site, the Operator will submit to Natural Resources Wales for approval within the period specified, a dust management plan'.

The operator had started work on improving the dust collection system, new parts had been ordered and shuttering to enclose the area was already on site but yet to be installed. The operator hoped the work would be completed very soon.

This has been scored as a Category 3 breach of condition 3.1.1

Action – Ensure any repairs and maintenance are carried out on the dust collection system to ensure it shall not cause a pollution and submit dust management plan to NRW.

Photograph showing the poorly managed dust collection system area:



Fire W3G

Permit condition 3.4.1 states: the operators shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance. Waste storage on site was not being carried out in line with FRCL Fire Prevention and Mitigation Plan (FPMP) and, in particular, waste storage time limits and inadequate fire breaks. Although fire breaks have been installed these are not adequate to ensure compliance with the FPMP.

The failure of the operator to carry out operations in accordance with the agreed FPMP has potential to cause significant fire risk to local environmental and human receptors.

This has been scored as a Category 2 breach of permit condition 3.4.1.

Action - Remove waste destined for landfill and ensure compliance with FPMP, specifically the site block plans and fire breaks.

Photograph showing inadequate fire break:



W1A- General Management (Site Security)

Your Environment Management System states: 6.5.1 'The whole permitted site is within an enclosed site bounded by a combination of 2.4m high steel palisade and strained chain-link security fencing topped with barbed wire. Any breaks in the fencing are repaired on the same day to ensure security.

During the inspection it was noted that part of the fence at the front part of the site was damaged and could allow unauthorised access to the site.

The operator explained that the area had been cleared and replacement fencing was on site, but the work had been delayed. It was expected that the fence would be repaired over the next few days.

This has been scored as a Category 3 breach of permit condition 1.1.1 (an addition to the Category 2 breach of permit condition 1.1.1.)

Action: Ensure the site is secure by repairing the security fencing as per the EMS.

Photograph showing breach in perimeter fencing:



Due to the breaches identified above, Natural Resources Wales must consider its enforcement action and you will be written to separately regarding this.

It is noted a Site improvement Plan was submitted to NRW on 20 June 2024 but this has not yet been assessed or agreed and was not taken into account at the time of site inspection or the writing of this CAR.

Thank you for your time during the inspection.

Ends.

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.

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.