

## Compliance Assessment Report CAR\_NRW0045183

**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:** 05/09/2024 between 11:25 and 12:25.

**Parts of permit assessed:** W2, W3.

**NRW Lead Officer:** David Morgan, accompanied by Hugh Martin.

**Report sent to:** Nening Jones , Director, on 13/09/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W2C - Waste - Operations - Operating techniques	C2 Significant	2.3.1
W3G - Waste - Emissions and monitoring - Fire	C3 Minor	3.4.1

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

Total non-compliances recorded	Total non-compliance score
2	35

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
W2C	You must store waste inside a building or amend your Environmental Permit to allow for waste to be stored outside	05/06/2025
W3G	Store waste in line with your Fire Prevention and Mitigation Plan that complies with current guidance	05/06/2025

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 site inspection was undertaken on Thursday 5th September 2024 to assess compliance with the Environmental Permit, specifically parts of the permitted operations where non-compliances were recorded in the previous visit (Wednesday 5th June 2024, Compliance Assessment Report reference: CAR\_NRW0044518).

#### **Previous Inspection & Non-compliance**

A site inspection was undertaken on Wednesday 5th June 2024 and non-compliances were recorded for waste storage practices that were in contravention of the Environmental Permit. Waste was being stored in a manner that presented a serious fire risk as there was large volumes of waste on site with no firebreaks, and also waste (including general waste, black bag waste) was being stored outside despite the Environmental Permit requiring that all waste (unless stored outside as a specified waste) must be stored in a building.

#### **Waste Storage**

At the time of the inspection on 5th September 2024, large volumes of waste were being stored outside in contravention of the Environmental Permit. It is acknowledged that general volumes of waste on site had been reduced since the previous inspection, however, significant amount of general & mixed waste was being stored outside.

Some of this waste was being stored in skips, yet this still presents a risk to the environment.

**You must store all waste (unless stored outside as a specified waste) in a building.**

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

#### **Waste Storage & Fires**

On 5th June 2024, Natural Resources Wales deemed that waste storage practices were not compliant with the Fire Prevention and Mitigation Plan for the site. At the time, all waste

on site, including green waste, waste wood, inert (with very heavy plastic contamination) and general/black bag waste was stored in one continuous pile of waste. There was no clear separation of wastes and no firebreaks.

In the event of a fire incident taking place, it would likely have resulted in a significant fire incident, a pollution incident, and required the large-scale commitment of resources of emergency services to manage the incident.

During the inspection of Thursday 5th September, the fire risk, although still present, had been reduced.

Large volumes of green waste and wood waste have been removed from the site and this waste was in the process of being completely separated. At the time of the visit, a large firebreak was being installed between wood and green waste, thus lowering the risk of spread of fire in the event of an incident.

It was noted, however, that this work was not complete. The site surface between these piles was still laden with wood waste, sawdust and other flammable material. To the rear of the storage bay, wood waste was stored up against the boundary thus preventing full separation.

You are not compliant with your Fire Prevention and Mitigation Plan, although, overall risk has been lowered and this has been reflected in the category of non-compliance recorded.

**A non-compliance (Category 3 - Minor)(Ref:W3G) has been recorded against condition 3.4.1 of your Environmental Permit.**

**You must comply with your Fire Prevention and Mitigation Plan.**

### **Non-compliances and Regulation 36 Notice**

Having recorded multiple significant non-compliances on site in the past two compliance inspections, Natural Resources Wales is now considering serving a Regulation 36 Notice under The Environmental Permitting (England and Wales) Regulations 2016 to enforce compliance with the permit conditions. We will review this information and contact you in due course regarding this matter.

On site we discussed changes to infrastructure, operations and potential variation of the Environmental Permit. In order to allow these changes to take place, and for a permit variation application to be submitted, we have requested that you are fully compliant with your Environmental Permit by **Thursday 5th June 2025**.

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](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.