

## Compliance Assessment Report CAR\_NRW0045513

**Permit being assessed:** CB3797CA.

**For:** Units 9 & 10, **held by:** New Horizon Biofuel and Animal Bedding Co Ltd

**At:** Vauxhall Industrial Estate, Ruabon, Wrexham, Wrexham, LL14 6HA.

**Type of assessment:** Site Inspection,

**Reason:** Other.

**On:** 03/10/2024 between 10:10 and 12:00.

**Parts of permit assessed:** 1.1.1. site infrastructure, waste storage.

**NRW Lead Officer:** Boguslawa Pierzchala, accompanied by Jamie Blythin.

**Report sent to:** Phil Thomas, Owner, on 28/10/2024.

### 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	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	
W1A - Waste - Management - General management	C3 Minor	1.1.1 The operator shall manage and operate the activities: a. in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; (...)
W1A - Waste - Management - General	Action only (X)	

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
management		
W4B - Waste - Information - Reporting	C4 No impact	4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

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

Total non-compliances recorded	Total non-compliance score
2	4.1

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	Please ensure the drainage infrastructure - all silt traps, catchment pits and interceptors are fully accessible at all times.	28/10/2024
W1A	Please update your Site Plan to include all current infrastructure and submit to NRW. Please ensure that should the site plan changes affect your EMS/FPMP these documents should also be revised and updated accordingly. Please comply by the 15th of November 2024	15/11/2024
W1A	Please ensure all waste is stored as detailed in the EMS and FPMP	08/11/2024
W1A	Please ensure that the storage of waste water is compliant with the site EMS. For immediate compliance.	28/10/2024
W4B	Please revise and submit the waste returns for Q1-Q4 2023 and Q1-Q2 2024	15/11/2024

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.

**At this time, we do not intend to take any further action.**

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

On Thursday the 3<sup>rd</sup> of October 2024 NRW officers attended at New Horizon Biofuel and Animal Bedding Co Ltd to conduct a planned, pre-arranged site inspection .

The weather conditions were dry and sunny.

Officers were met by the site owner, Phil Thomas, and members of staff. Also present was Chris Parry, environmental consultant.

The purpose of the visit was to carry out checks on the site's infrastructure which included

- Buildings
- Fire walls
- Drainage interceptors, silt traps and catchment pits

Officers walked around all three units, starting with Unit 11.

### Unit 11

Officers attention was drawn to a noise coming from the building on the right-hand side. Mr Thomas stated this building was being used for manufacturing and not waste operations. He stated that the process takes place on weekdays between 7am and 4pm.

Officers checked the drainage system at Unit 11, apart from the underground silt trap located next to the storage area 17, which was not accessible with a large metal skip stored on top of it.

Also covered ( with an IBC on top ) was an underground catchment pit with silt trap located by the gatehouse. The IBC was removed and officers were able to inspect the pit.

The drainage system appeared in order, with no overflows or leaks that officers could see.

**Action:** Please ensure your drainage infrastructure - all silt traps, catchment pits and interceptors are fully accessible at all times. For immediate compliance.

Mr Thomas stated that there had been slight changes to the drainage system, as detailed on the site plan, and that not all catchment pits located by storage areas 17 and 9 were still in place.

**Action:** Please update your Site Plan to include all current infrastructure and submit to NRW. Please ensure that should the site plan changes affect your EMS this document should also be revised and updated accordingly. Please comply by the **15<sup>th</sup> of November 2024**

### Storage

Officers were shown storage areas, 7 to 9 and 13 to 17, at the back of Unit 11 and also the area where a building is to be erected to house the tyre recycling unit, which was not in place at the time of the inspection.

Officers noted that the storage bays, were not built and arranged as detailed in the site FPMP - Table 4.1 - Combustible waste storage table and EMS- table 1.4,

FPMP section 6.1.3 states:

“For waste which is stored in and against walls, a suitable 1.0m freeboard space at the top and sides of the walls will physically be retained at all times. Staff will continuously be trained to visually monitor these storage areas throughout the day to ensure waste stockpiles don't exceed the freeboard space. The height, length and width of the stockpiles can be monitored by using the joints as a guide, the interlocking blocks are 0.6m - 0.8m high.”

The fire walls were not of the required height, the waste stored was overflowing onto the next storage bays in places, the distance between the storage bays and the proposed tyre recycling unit was approximately 4 metres, and not 19m as stated on site plan.

Mr Thomas said the distance on the site plan was a typing error.

These changes create an increased risk for fire to travel between waste piles and of pollution in the event of a fire.

Please see the photos below.



Waste stored at Unit 11



Waste at Unit 11



Waste tyres stored at Unit 11





Waste stored higher than concrete fire walls

There was no agreement in place to store waste at Unit 11 prior to the pre-operational site inspection as described below.

Table S1.4 Pre-operational measures for future development states:

The Operator **shall not start** undertaking activities associated with the treatment and storage of waste until they have demonstrated to Natural Resources Wales that all relevant infrastructure is present on site and is fit for purpose.

This includes: • Buildings • Fire walls • Drainage interceptors, silt traps and catchment pits.

The above infrastructure should be in line with the specifications outlined in the Fire Prevention and Mitigation Plan, and Environmental Management Plan documents as listed in Table S1.2 Operating Techniques.

This is a breach of the permit condition and has been given a **C3** score as activities have started in this area of the site prior to the relevant infrastructure being demonstrated as fit for purpose to NRW.

Please ensure the storage bays are as detailed in the approved site plan or, alternatively, should you wish to change the storage arrangements, revise and submit a revised site plan detailing the changes for assessment.

Once the infrastructure is in place please arrange a suitable time for a follow-up inspection.

**Action:** Please remove all waste from the storage areas at Unit 11 and store in approved storage areas available on site. Please comply by the **8<sup>th</sup> of November 2024**.

Officers were also shown the area by the bays for drying non-waste wood.

It was noted that the wall construction was not as detailed in the site plan submitted with the permit variation. The 3m high acoustic Lego block wall was replaced by a wooden panel wall next to the dust extraction filters. The remaining part of the wall which, according to the site plan, follows the site boundary, past the tyre recycling building and up to where the storage area 17 is located, was not in place.

Please see the photos below.

This change may affect the noise emissions from site. Mr Thomas stated that Sol acoustics were contracted to conduct tests on site. Depending on the results a decision will be made if the wall is still needed.

Environment Noise Impact assessment (P2385-REP02-REV B-BDH) was submitted to NRW as part of the permit variation. This assessment is included in Table S1.2 Operating techniques. The site infrastructure should be in line with the documents listed in that table.

Section 8.2.1 (c) of the Environment Noise Impact assessment states

“Acoustic screen: A 3 metre high imperforate acoustic screen is required to the east of Unit 11. The acoustic screen must be to be solid, imperforate (with absolutely no gaps), sealed to the base and to provide a surface mass per unit area of at least 12.5 kg/m<sup>2</sup> .

The screen can be constructed from concrete I Lego blocks if preferred providing that there are no gaps, or

close boarded timber fencing. The location of the required acoustic fence as used to inform this assessment is shown in Figure 6.

Any future amendments to the actual location, layout or construction of the acoustic fence must be approved by Sol prior to any procurement and/or implementation.

**Action:** Please ensure that the wall is constructed as detailed in the Environment Noise Impact assessment and the site plan.

Should any amendments be made to the construction of the wall or any associated infrastructure changes a full report will need to be submitted to NRW.

There was also a change to the location of storage bay 6, which was not constructed using concrete Lego blocks.

**Action:** Please include all the changes to the site layout in your site plan and submit to NRW as requested

above.



Wooden panel wall



Section of the wall detailed on the site plan as 3m high concrete Lego blocks, not constructed

**Unit 9**

Officers were shown around Unit 9 which was fully operational with employees performing their duties.

As the officers entered the external yard they noticed a number of IBCs containing waste water stored on the left-hand side. Please see the below photos.



IBC with waste water stored outside the building

The dedicated waste water storage area is located inside of the building at Unit 9.

Mr Thomas stated that the IBCs had been taken out and placed there to be collected on the day.

Waste transfer notes for the collection of the waste water were supplied by Mr Thomas and showed it had been collected on the 7<sup>th</sup> of October.

The waste water should not be stored in the yard for any longer that is absolutely necessary, for the purpose of collection, as it creates a pollution risk.

**Action:** Please ensure that the storage of waste water is compliant with the site EMS. For immediate compliance.

### Unit 10

Mr Thomas stated that to address the actions detailed in Table S1.3 Improvement programme requirement, he had organised improvement works to take place to level the ground at Unit 10 and concrete the whole area.

It was pointed out that the works were affecting the storage arrangements and that the waste storage was not compliant with the site EMS and FPMP. The changes create a risk of pollution.

Please see photos below.



Quarantine area used as temporary storage



Storage of waste by the waste unloading area

The site received a warning in relation to the storage non-compliance at Unit 10 in December 2023.

Mr Thomas stated that all waste will be removed from the unit by the end of the week ( the 6<sup>th</sup> of October).

Whilst it is appreciated that work is being done to improve the site, the works should not compromise the environment protection measures.

This is a breach of the permit condition and has been given a **C3** score which has been **consolidated**

with the similar breach in this compliance criteria.

**Action:** Please ensure waste storage is compliant with the EMS and FPMP. Please comply by the 8<sup>th</sup> November.

#### **Waste returns**

A review of the waste returns submissions for permit **EPR- CB3797CA** Q1-Q4 2023 and Q1-Q2 2024 has been completed.

The resubmitted waste returns appeared to have incorrect data.

This has been discussed with Mr Thomas and also with Mr Parry, who will look into the matter and ensure the re submission of waste returns.

This is a breach of the permit condition 4.2.2 and has been given a **C4** score.

Action: Please revise and submit the waste returns for Q1-Q4 2023 and Q1-Q2 2024

#### **Plastic recycling operations at Unit 11**

Mr Thomas queried if activities could start in the building housing PET activities.

The building where this particular activity will be taking place had been in place at the time of the permit variation being submitted and the drainage system appeared in order at the time of the inspection.

Please ensure noise mitigation measures are in place as detailed in your Environmental Noise Impact Assessment.

Thank you for your time during the inspection, please find my contact details below.

[Boguslawa.Pierzchala@naturalresourceswales.gov.uk](mailto:Boguslawa.Pierzchala@naturalresourceswales.gov.uk)

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](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.