

Compliance Assessment Report CAR_NRW0045684

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 carried out: Site Inspection, Reason: Routine.

On 20/11/2024 between 10:00 and 11:10.

Parts of permit assessed: See Below

NRW Lead Officer: Michael Edwards.

Report sent to: Stephen Hemmings, Permit Holder on 06/12/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	1.1.1(a)
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2C - Waste - Operations - Operating techniques	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	Assessed (A)	
W3G - Waste - Emissions and monitoring - Fire	C2 Significant	3.4.1

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

Total number of 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
W1A	Ensure that wastes are stored suitably in line with a written management system that identifies and minimises the risk of a pollution event.	31/03/2025
W3G	Ensure that wastes are stored in accordance with the approved FPMP	31/03/2025

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.

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

Arranged follow up site inspection carried out by Michael Edwards of Natural Resources Wales to assess the actions that placed on the operation during the previous site inspection detailed in **CAR_NRW0044607**, resulting in three Category 2 breaches and two Category 3 breaches of permit conditions.

General Management - W1A (Category 2)

Previously, issues have been raised with the current storage of wastes on site notably, the storage of waste outside of the permitted boundary on the canal bank resulting in a pollution incident of the Tenant Canal. At the time of the inspection, the canal was clear with no evidence of waste plastics from the site entering it.

During this inspection it was noted that the site still remains at capacity. The current Environmental Management System (EMS) states that wastes on site will be stored in accordance with plan 10937-000-E in MPP7. Which identifies several stockpiles of wastes with the inclusion of fire breaks. Wastes are currently stored on the perimeter of the site, with no firebreaks.



Image of waste stockpile near site entrance.



Image of waste storage at the rear of the site.

External pressures have resulted in a build up of waste materials on site over a significant period of time, operations have now been altered to reduce the intake of waste onto site with a focus on processing and clearing the current stockpile of waste, however, under **condition 1.1.1 (a)** the site is required to operate 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.

As discussed on site, given the volume of waste currently on site, current storage practices and its location any incident will have the potential to have a significant impact to the environment or human health. As a result, **this has been scored as a category 2 breach of permit condition 1.1.1 (a).**

Action - Ensure that wastes are stored in accordance with a the written management system.

Waste Operations;

Permitted Activities and Operating Techniques W2A & W2C

At the time of the inspection, waste operations were in accordance with condition 2.1.1 on site limited to the activities specified in Schedule 1, table S1.1 of the permit as below;

Schedule 1 - Operations

Table S1.1 activities

Activity reference	Description of activities for waste operations	Limits of activities
A1 Non-hazardous waste physical treatment facility	<p>R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where the waste is produced)</p> <p>R3: Recycling/reclamation of organic substances which are not used as solvents</p> <p>R4: Recycling/reclamation of metals and metal compounds</p> <p>R5: Recycling/reclamation of other inorganic materials</p>	<p>Treatment operations shall be limited to manual and/or mechanical:</p> <ul style="list-style-type: none"> - sorting - separation - screening - shredding - crushing - cutting - granulation - mixing - compaction - baling - bulking <p>for the purpose of recovery only.</p> <p>All waste shall be stored and treated on an impermeable surface with sealed drainage.</p> <p>Waste types as specified in Table S</p>

The Site - W2D

Under **condition 2.2.1** the site activities must not extend beyond the permitted boundary, as shown in **schedule 7** of the permit (below).

Previously, actions were provided to remove the wastes stored on the bankside which had caused a pollution to the Tenant Canal. During the inspection it was noted that efforts have been made to remove wastes from the bankside into the permitted boundary.



Image of waste plastics from canal side.



Waste Emissions and Monitoring - W3A & W3G (Category 2)

W3B - Emissions

During the previous inspection an action was required to ensure that maintenance was carried out on the dust collection system to ensure that it operates as intended.

Maintenance works have been completed with a new cyclone system installed and which is to be enclosed in metal sheeting.



image of dust collection system at rear of site.

Officers noted at the time of the inspection, no dust particles in the air.

W3G - Fire

Under **condition 3.4.1** the site is required to store waste in a manner described within the submitted Fire Prevention and Mitigation Plan (FPMP). The current storage of waste on site is not in line with the submitted FPMP with excess volume of waste resulting in no definable separate stockpiles or fire breaks installed.

Should an incident occur it would have a significant impact on the local receptors and as such, this has been scored as a **category 2 breach of permit condition 3.4.1**.

Action - Ensure that the storage practices on site are in accordance with the approved FPMP.

Whilst an improvement plan has been submitted to NRW it is imperative that there is a reduction in the volume of waste on site to enable the site to store waste in appropriate manner as described in the EMS and FPMP and within the conditions of the issued permit.

As discussed on site, given the severity of the permit breaches and the breaches that have been identified previously, Natural Resources Wales must consider its enforcement action, however, you will be written to separately regarding this matter.

Many thanks for your time during the inspection.

END.

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.

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.