

## Compliance Assessment Report CAR\_NRW0045486

**Permit being assessed:** BP0255301

For: NEW COCKLE FACTRY CROFTY IND ESTATE, held by PENCLAWDD SHELLFISH PROCESSING LTD

At: NEW COCKLE FACTORY, CROFTY INDUSTRIAL ESTATE, CROFTY GOWER, ,, SA4 3YA.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 21/10/2024, between 10:00 and 12:00.

Parts of permit assessed: Permitted Actiivies

**NRW Lead Officer:** Gareth Martin, accompanied by: Stuart Thomas.

**Report sent to:** Menzies LLP, Company Liquidator, on 19/12/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-B2 - Water Quality - Operations - The site	C4 No impact	4. A sample point shall be provided and maintained at National Grid Reference SS52409560
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C4 No impact	9. (a) Flow measurement structures shall be provided and maintained
WQ-C1 - Water Quality - Emissions and monitoring - Emissions to water	C3 Minor	8. The discharge shall be made only during the period between High Water and High Water plus 3 hours

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

### 2. What action is required?

Criteria	Action needed	Complete by
WQ-B2	Replace missing tap to make sample point operational.	19/03/2025
WQ-C1	Flow measurement structures should be installed so that discharge flow and daily volume can be viewed by Natural Resources Wales.	19/03/2025
WQ-C1	Discharge should be stored and only discharged during the permitted tidal period.	19/03/2025

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.

#### **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

We visited Penclawdd Shellfish Processing Co. Limited (Company number **02750549**), Unit 28, Crofty Industrial Estate, Crofty, Swansea, on the 21/10/24. The site operator joined us on the inspection. -

My understanding is that this company is in liquidation and the registered address is now Menzies Llp 5th Floor Hodge House 114-116 St Mary Street Cardiff CF10 1DY.

#### **Permit Conditions:**

##### **Location-**

We were unable to access the discharge location at the time due to high tides. We shall inspect the location and condition of the outfall during our next inspection. Permit Condition 5 states that the discharge pipe shall be constructed to incorporate a flap valve and shall be maintained to ensure that the system functions satisfactorily.

##### **Sampling Points-**

Condition 4 states that a sample point shall be provided and maintained so that a representative sample of the Discharge may be obtained. We inspected the sampling point which is located after the final settlement tank. We believe a representative sample could be obtained from this location, however, the tap which forms part of the sample point was missing. This is a breach of Condition 4 of the permit. We intend to sample the discharge from Penclawdd Shellfish periodically in 2025 and we require that the tap is reinstated and working before then.

##### **Volume & Flow Measurement-**

Permit condition (9) requires flow measurement structure(s) and a continuous flow recorder to be in place so that the discharge volume and flow rate can be accurately read and recorded. This permit condition was not met as there were no flow measurements structure(s) or recorders in place.

As the volumes and flows were not been recorded we were unable to inspect any copies of the readings. Current water meter readings would indicate that the daily volume discharged is unlikely to exceed the permitted limit of 45m<sup>3</sup>.

Permit condition (8) requires the discharge to only take place between High Water and High Water plus 3 hours, this is not happening and instead the discharge operates on a float system where

discharge begins when the final holding tank fills to a required level. As it stands this is non-compliant with the permit.

### **Composition-**

We discussed the site being placed on our sampling schedule for 2025, this means samples will be collected monthly and tested against the numeric permit limits (Biological Oxygen Demand, Suspended Solids, Ammonical Nitrate).

The effluent is required to be below 23°C upon discharge. The set-up of the holding tanks, combined with the lag between addition and discharge means it is likely that the temperature will be below the required limit. The effluent is made up of water from washing cockles and water from boiling the cockles and the water from these two processes is mixed before discharge. We discussed the potential bacteriological risks associated with adding cooking water to the washings water and then storing it before discharge, possibly creating an environment that is likely to promote or encourage bacterial growth.

The discharge shall contain no solid matter of a size greater than 10mm diameter. The discharge goes through a series of 6 weirs before it is finally discharged and as such, no solid matter can make it to the final holding tank. The first 2 tanks are periodically emptied of solid matter. The water discharging into the final holding tank upon inspection appeared to contain no solid matter.

The water stored in the final holding tank prior to discharge was opaque and had a strong odour.

### **Compliance-**

A number of conditions have been breached. Regulation 38 (2) of the Environmental Permitting (England and Wales) Regulations 2016 states that it is an offence for a person to fail to comply with or to contravene an environmental permit condition. Please take the actions listed in the summary as formal Advice & Guidance.

END.

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 to 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
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

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

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

**Full list of water quality action criteria (used in section 1 and 2):****WQ A: Management**

- WQ-A1 General management

**WQ B: Operations**

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

**WQ C: Emissions and monitoring**

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

**WQ D: Information**

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

**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](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.