

Compliance Assessment Report CAR_NRW0048683

Permit being assessed: NP3894FK.

For: Point Of Ayr Treatment Facility, **held by:** Delyn Metals Ltd

At: Ffynnongroew, Flintshire, CH8 9UU.

Type of assessment: Site Inspection,

Reason: Routine.

On: 30/06/2025 between 11:00 and 11:45.

Parts of permit assessed: ems, fpmp, storage, infrastructure.

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Amy Henderson.

Report sent to: Stuart Butterworth, TCM, on 14/07/2025.

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	C3 Minor	1.1.1 : "No waste management operations shall be authorised by this licence unless. 1 specified in and undertaken in accordance with the limitation in the following table. Table 1.1. Specified waste management operations – Storage The storage of waste shall be restricted to the areas identified for this purpose and outlined in red on site plan reference No. DELYN/PDA/002 16092006
W1A - Waste - Management - General management	C3 Minor	1 – Specified by permit Condition 1.1. Specified waste management

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
		<p>operations 1.1.1. No waste management operations shall be authorised by this licence unless: 1. specified in and undertaken in accordance with the limitations in the following table; or 2. otherwise required by the conditions of this licence as being an integral part of those operations Table 1.1.</p> <p>The treatment of waste shall be restricted to the areas identified for this purpose and outlined in red on site plan reference No. DELYN/PDA/002 16092006. And 2.1. Engineered site containment and drainage systems Provision and maintenance of site containment and drainage systems 2.1.1. Waste shall only be deposited, stored, treated or otherwise handled in any area of the site, where the engineered site containment and drainage system for that area is provided in accordance with condition 2.1.2.</p> <p>Condition 2.1.2: The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and</p>

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
		maintained, and shall be fully documented and recorded, to be fit for purpose, and, where provided, to meet the standards specified in Table 2.1. Table 2.1 a IV & V Site containment and drainage standards Type of site surface and drainage Hardstanding IV) Shall have sufficient durability to allow cleaning for example by scraping V) Shall remain free of standing water.
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	6.5 Control of litter 6.5.1 Measures shall be implemented and maintained throughout the operational life of the site to prevent the escape of the litter from the confines of the site. 6.5.2 In the event that litter does escape from the site, it shall be retrieved as soon as practicable and no later than 1 hour after the end of the working day
W2C - Waste - Operations - Operating techniques	Action only (X)	
W2C - Waste - Operations - Operating techniques	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
3	12

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	1. Please ensure ELVs are stored in compliance with the site permit. 2. Please ensure the batteries are stored in compliance with the site permit 3. Please ensure the tyres are stored in compliance with the site permit 4. Please ensure the oily parts are stored in compliance with the site permit 5. Remove waste blocking the paths between waste piles 6. Move insulation panels into designated storage areas	18/07/2025
W1A	Remove all trommel fines, used to create the bund, from site and provide duty of care documents for the removal.	08/08/2025
W3B	Please ensure that the waste stays within the site boundaries. For immediate compliance.	14/07/2025
W2C	Please assess all surfaces and ensure they are kept in good condition and in compliance with Table 2.1 Site containment and drainage standards	31/07/2025
W2C	Please clear the drains and provide photographic evidence to NRW	18/07/2025
W1A	Please provide updated version of the EMS	08/08/2025

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.

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 Monday the 30th of June 2025 Natural Resources Wales (NRW) waste regulation officers attended at Delyn Metals Ltd, Point of Ayr. This was a planned, unannounced site inspection.

The weather at the time was dry, sunny and windy.

The officers were met by the site manager who invited them to the office where the site TCM was also present.

The inspection started with a conversation about the documents submitted to NRW for assessment: Environmental Management System (EMS) and Fire Prevention and Management Plan (FPMP).

It was discussed that the site plan needed to be looked into and additional details will have to be recorded. The officers also discussed storage arrangements, **in particular the height of the waste piles on site** and the need for appropriate **fire breaks** and a suitable area to **quarantine waste**. All comments have been sent separately to the site management and their appointed consultant.

The officers raised their concerns regarding **particularly high stockpiles**. It is noted that the site permit doesn't specifically state the maximum height; however, having the shredded waste piled up so high creates health and safety risks to the site employees as well environmental risk to a number of sensitive receptors nearby (i.e. the River Dee and associated designations).

One of the Officers then walked around the site with the site manager.

(W1A) General management- storage of waste on site

ELV process area/ Quarantine area

The area at the back of the site office is shown as a ELV process area, on the original site plan, and as a quarantine area, in the updated site plan submitted to NRW.

During the inspection officers saw a large number of insulation panels being stored there. It was raised with the site manager who stated that this was a temporary measure as the site had been unable to process them due to high winds.

Officers discussed the need to have an alternative plan in place for emergency situations like this. It has also been noted in the EMS comments sent to the site.

It's noted that the storage of the insulation panels was almost identical during the last visit and had been discussed with the management at the time.

The area where the panels were stored is not included in the site plan and therefore a breach of the condition 1.1.1 which states: "No waste management operations shall be authorised by this licence unless, 1 specified in and undertaken in accordance with the limitation in the following table. Table 1.1. Specified waste management operations – Storage The storage of waste shall be restricted to the areas identified for this purpose and outlined in red on site plan reference No. DELYN/PDA/002 16092006. This breach has been assigned a **CCS3 score**.

Action: Please ensure ELVs are stored in compliance with the site permit. Please comply by the **18th of July 2025**.



Panels stored on site

Batteries storage

The batteries storage area was checked and the officer saw a number of batteries stored in unsuitable containers with some of them being corroded and perforated in places. Some of the batteries were seen stored on a pallet, open top boxes with no weatherproof cover and a one directly on the ground. Please see the photos below.

Table 4.4 b) v) states: “Lead acid batteries shall be stored in containers with impermeable, acid resistant base and a lid to prevent ingress of surface water”.

This breach has been assigned a **consolidated CCS3 score**.

Action: Please ensure the batteries are stored in compliance with the site permit. Please comply by the **18th of July 2025**.



Battery stored in an open top container with no cover



Batteries stored in an open top container and in a perforated container under cover



Batteries stored on a pallet

Tyres stored on site

Officers noticed tyres being stored in random places, including on permeable ground. Please see photos below.

The manager stated that the driver just placed them there. Please ensure there is enough supervision when waste is delivered. Should the deposit of incoming waste be in incorrect location the issue should be rectified as soon as possible.



Tyres stored in a metal skip on permeable ground and in a pile on permeable ground

Table 4.4 Standards for handling and/or storage of residual wastes states: "Storage requirement C) **Tyres**, air bags and liquefied gas tanks.

Once removed from vehicles, these waste types shall be stored **in separately designated areas** provided with an **impermeable pavement and sealed drainage** in accordance with condition 2.1

Tyres shall be stored in **stable stacks** with individual capacities of no greater than 50 cubic metres and to a height of no greater than 3 metres. Individual tyre stacks shall not be stored within 6 metres of each other. Individual tyre stacks shall not be stored within 15 metres of the site boundary or building. Tyre stacks shall not be located within 10 metres of any area used for flame cutting operations”.

This breach has been assigned a **consolidated CCS3 score**.

Action: Please ensure the tyres are stored in compliance with the site permit. Please comply by the **18th of July 2025**.

Oil contaminated parts

The storage of oil contaminated parts have been discussed with the management on a number of occasions

The majority of oily part seen during the inspection were seen in tall, upright metal containers. The storage was not completed with a weatherproof cover. This has been raised with the manager who stated that the cover is available but was left on the roof of the building next to containers.

Table 4.4 (b) states that oil contaminated parts are to be stored within dedicated appropriate containers which are fit for purpose. The containers are to be clearly and unambiguously labelled regarding their content.

This storage arrangement is in breach of the afore-mentioned condition and has been assigned a **consolidated C3 score**.

Action: Please ensure the oily parts are stored in compliance with the site permit. Please comply by the **18th of July 2025**

End of life vehicles (ELVs) stored on site

It was noted that ELVs were randomly stored in piles around the site, with one ELV placed on a broken metal container filled with other metal waste. Please see the below photos.

The area at the back of the site office is shown as an ELV process area, on the original site plan. The updated site plan describes the storage area for depolluted, baled ELVs as being next to the interceptor.

When discussed with the site manager he stated that they had a larger delivery form one of the suppliers and they placed the ELVs there.



ELVs mixed with other metals

ELVs stored close to the bund at the back of the site



ELV stored on top of broken metal container

ELVs mixed with other metal waste

Blocked path between the waste piles

As NRW officer walked around the site it was noted that some paths were completely blocked by waste.

The arrangements are not as described in the current Working plan and are also a hazard should an emergency situation arise on site. This issue was discussed with the site manager and an immediate action is required to ensure emergency services have access to all parts of the site should they deal with an emergency situation i.e. fire.

Condition **1.1.1** No waste management operations shall be authorised by this licence unless. 1 specified in and undertaken in accordance with the limitation in the following table.

Table 1.1 Specified waste management operations – Storage

The storage of waste shall be restricted to the areas identified for this purpose and outlined in red on site plan reference No. DELYN/PDA/002 16092006.

This breach has been assigned a **consolidated C3 score**.

Action: Remove waste blocking the path by the **18th of July 2025** and provide photographic evidence of the storage area.



Access path to the left strewn with metal pieces which would be unsuitable for vehicular access



Waste completely obstructing the access path

Trommel Fines on site used to create a bund

The deposit of trommel fines and using them as material to build a bund on site is a breach of permit condition 1.1.1.

This issue has been discussed with the site owner on a number of occasions.

Keeping the trommel fines at the current location on site constitutes an illegal deposit. As a result a **CCS3 score** has been assigned for this breach.

It is noted that since the discussions started, trommel fines, that are being created through the site's activities are now being stored in metal containers and taken off site to an appropriate permitted site.

Action: Remove all trommel fines, **used to create the bund**, from site and provide duty of care documents for the removal. Please comply by the **8th August 2025**.



Bund created using trommel fines

Litter complaints

NRW received two complaints about litter outside of the permitted area in January and May this year. Both complaints have been substantiated. Foam was seen on the access road to the side as well as on the grass verges. The site was contacted to rectify the issue and informed that the incidents resulted in a non-compliance **CCS3 score** being issued for the breach of the following permit condition:

6.5 Control of litter

6.5.1 Measures shall be implemented and maintained throughout the operational life of the site to prevent the escape of the litter from the confines of the site.

6.5.2 In the event that litter does escape from the site, it shall be retrieved as soon as practicable and no later than 1 hour after the end of the working day.

Action: Please ensure that the waste stays within the site boundaries. **For immediate compliance.**

Hardstanding surfaces

Officer noted that storage areas surfaces had water pooling in several places. It was discussed with the site manager who assured the officer he would look into this issue.

Action: Please assess all surfaces and ensure they are kept in good condition and in compliance with the below section of the site permit. Please comply by the **31st of July 2025**:

Table 2.1 Site containment and drainage standards. Type of Site Surface and Drainage

a) Hardstanding

Areas of hardstanding shall be constructed of granular material (e.g. crushed stone, aggregate, road planings or other similar material) and maintained such that the working surface:

- i. shall remain even
- ii. shall not be subject to settlement or differential settlement
- iii. shall not be subject to rutting by vehicles even when wet

- iv. shall have sufficient durability to allow cleaning for example by scraping
- v. **shall remain free of standing water.**



Standing water on site

Blocked drains

A surface drain in the area behind the site office, where the insulation panels were being stored, appeared to be completely blocked with debris, pieces of foam and mud. Cracks in the concrete, which may affect impermeability, were also seen as seen on the photo below.



The manager stated that an external company attends the site periodically to maintain the drains.

Please ensure the drainage system is clear of debris and compliant with the permit section **5.3.1.2**.

Also ensure all surfaces are inspected and maintained, where necessary, as required in the permit, to ensure they are fit for purpose.

Should the drainage system appear blocked the issue should be rectified without delay.

Action: Please clear the drains and provide photographic evidence to NRW. Please comply by Friday the **18th of July 2025**.

Environment Management System (EMS)

The need of updating the document has been discussed again with the management. Following the site inspection assessment comments were sent to the site management and the appointed consultant.

EMS procedures continue to be inadequate for managing risks from site activities such as waste storage.

A six weeks' timeframe was agreed with the management to address the comments and submit an updated version.

Action: Please provide updated version of the EMS by the **11th of August 2025**

Waste Exemptions

It is noted that a T9 exemption has now been registered to enable the activities in the front yard. As officers were leaving the site they noticed that waste was stored outside the boundaries of the yard.

Action: Please ensure all waste is stored securely within the yard to ensure compliance with the conditions of the waste exemption. Please remove the waste from outside of the boundaries and store securely within the yard. Once completed please provide photographic evidence to NRW. Please comply by Friday the **18th of July 2025**



Waste stored outside the secure yard

Summary

As a result of the site inspection a number of permit breaches have been identified as described within this report.

NRW is concerned that the non-compliances observed on site are persistent and, despite the fact of rectifying the issues short-term, there seems to be a pattern of the same issues being evident during the subsequent visits.

This mainly applies to the storage arrangements, namely not observing to the agreed storage areas.

Blocking access paths with waste, storing waste outside the permitted areas.

Should the issues continue it would suggest a failing within the general management operations and would increase the environmental risk to a number of sensitive receptors nearby (i.e. the River Dee and associated designations).

Reoccurring breaches would also attract a higher non-compliance score based on the elevated environmental risk.

Thank you for your time during the inspection.

Kind regards,

Boguslawa Pierzchala Waste regulation Officer (Waste Regulation Team)

Email: boguslawa.pierzchala@naturalresourceswales.gov.uk

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

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.