

## Compliance Assessment Report CAR\_NRW0048983

**Permit being assessed:** CB3392ZQ.

**For:** Allen And Smith Metal Recycling, **held by:** Leslie Smith

**At:** Foryd Bank Green Avenue, Kinmel Bay, Conwy, LL18 5ET.

**Type of assessment:** Site Inspection,

**Reason:** Incident Response (Incident number 2506058).

**On:** 17/07/2025 between 15:00 and 16:20.

**Parts of permit assessed:** as below.

**NRW Lead Officer:** Cheryl Griffiths, accompanied by Sarah Walton.

**Report sent to:** Leslie Smith, Director, on 01/12/2025.

### 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(a)
W1A - Waste - Management - General management	Action only (X)	
W2E - Waste - Operations - Waste acceptance	Action only (X)	
W2E - Waste - Operations - Waste acceptance	Action only (X)	
W2E - Waste - Operations - Waste acceptance	Action only (X)	
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
1	4

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	To create and implement a procedure which specifies storage time, maximum storage capacity for specific areas and maximum storage heights in your EMS.	04/02/2026
W1A	Ensure that you always manage and operate your site by using sufficient competent persons and resources.	10/12/2025
W2E	To apply for a permit variation if cardboard waste and WEEE is to be accepted and stored on the site boundary.	10/12/2025
W2E	To provide NRW with copies of the waste transfer notes for the electric panel heaters and ultrasonic cleaner.	15/12/2025
W2E	To provide NRW with copies of the full documentation demonstrating the transfer and disposal of the cardboard waste and provide an explanation of why this amount of cardboard waste, including large cardboard tubes is required for your operations.	15/12/2025
W3B	If you anticipate generating significant noise beyond your site boundary, a written Noise Management Plan must be developed.	10/12/2025

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

This was an unannounced visit at Allen & Smith Metal Recycling Ltd, Unit 1 Gallaghers Yard, Foryd Bank, Green Avenue, Kinmel Bay, Conwy, LL18 5ET on Thursday the 17<sup>th</sup> of July 2025 conducted by NRW Waste Regulation Officers, Cheryl Griffiths and Sarah Walton.

This visit was initiated following a recent incident report regarding noise pollution and concerns alleging that waste treatment activities may have been carried out at the yard without the necessary permit authorisation.

Shortly after arriving on site, Mr Leslie Smith the director for Allen & Smith Metal Recycling

Ltd arrived to accompany NRW officers during the inspection.

At the time of our visit, the weather conditions throughout were warm and sunny. Waste activities were taking place at the yard.

Following our visit, NRW reviewed your site map which is embedded within your most recent Environmental Management System (EMS). This raised our concerns about the storage arrangements between two separate permitted sites following non-permitted waste types such as cardboard and WEEE waste stored in allocated skips and bays which originates from Dirtbusters Skip Hire Ltd.

Upon request, on the 24<sup>th</sup> of July 2025 NRW officers received an electronic copy of your most up to date Environment Management System (EMS) and a certificate for your Technical Competent Manager (TCM), Rodger Hudspith which expires on the 4<sup>th</sup> of April 2027.

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A summary of the visit as follows:

### **Permit condition assessed**

#### **W1A- 1.1. General management**

During our site inspection, NRW officers raised concerns regarding the size and extent of the ferrous and non-ferrous metal stockpiles present on site, as can be seen in **photograph 1 and 2**. The volume of these stockpiles raises potential compliance and safety considerations that require urgent attention.

On the 29<sup>th</sup> of July 2025, NRW received the most up to date version of the Site Operation and Management Plan (**Environment Management System**) for Allen & Smith Metal Recycling Ltd. Since then, NRW have reviewed your EMS and have identified areas which requires further attention such as your procedure on waste storage.

As stated under the waste storage section of the [How to comply with your environmental permit](#) guidance;

*If you store waste pending its disposal or recovery elsewhere, your management system must include:*

- *storage times and procedures to ensure that these times are not exceeded*
- *maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded*
- *maximum storage heights to prevent or minimise the emission of dust, litter and throughput management*
- *a procedure to identify the specific waste types stored at your facility*
- *procedures to segregate incompatible wastes for example use of appropriate separation*

*distances and or suitable engineering measures.*

**Permit condition 1.1.1(a) states** - *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.*



**Photograph 1- Ferrous metals stockpile**



**Photograph 2 – Non-ferrous metals stockpile**

**ACTION:** NRW requests that Allen & Smith Metal Recycling Ltd update their EMS by creating procedures which specifies storage times, maximum storage capacities for specific areas and maximum storage heights. The new guidance within your EMS must align and comply with your environmental permit, Health and Safety requirements and any relevant planning conditions. The specifications on which procedure you are required is stated on page 35 on the 'How to Comply with Your Environmental Permit' guidance.

These procedures will need to be created and fully implement by the 4th of February 2026.

**A CCS Category 3 score has been issued in response to this non-compliance against permit condition 1.1.1 (a) General Management.**

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Following our site visit, you confirmed that Rodger Hudspith is currently acting as the Technically Competent Manager (TCM) for Allen & Smith Metal Recycling Ltd. According to our records, prior to this appointment, the TCM was Vicky Mair. Neither Roger Hudspith nor Vicky Mair were present on site during our visit.

Natural Resources Wales (NRW) subsequently issued a statutory notice under Section 61(1) of the Environmental Permitting Regulations 2016, requesting that Allen & Smith Metal Recycling Ltd submit copies of both the primary and most recent competency certificates for Roger Hudspith by the 10 September 2025.

In response to this notice, you confirmed that Roger Hudspith held the position of TCM for Allen & Smith Metal Recycling Ltd since 8 January 2024, and provided NRW with a copy of the continuing competency certificate for review. You also confirmed that prior to this date, the TCM was Vicky Mair, but you were unable to supply NRW with her competency certificates as she did not complete the required training to qualify as a Technically Competent Manager during her time at Allen & Smith Metal Recycling Ltd.

**Permit condition 1.1.1 (b) states** - *The operator shall manage and operate the activities by using sufficient competent persons and resources.*

**ACTION: Allen & Smith Metal Recycling Ltd must ensure that the company manages and operates their site by using sufficient competent persons and resources.**

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### **W2E - 2.2 Waste acceptance.**

During our site visit, as shown in **Photographs 3 and 4**, Waste Electrical and Electronic Equipment (WEEE) was observed stored on-site, including electric panel heaters, an ultrasonic cleaner, and washing machines.

Following this inspection, NRW officers reviewed the conditions of environmental permit EPR/CB3392ZQ and confirmed that Allen & Smith Metal Recycling Ltd is not authorised to accept or store WEEE under the terms of their permit.

On 24 November 2025, Allen & Smith Metal Recycling Ltd stated via email that the WEEE observed was incomplete, claiming that the items were empty and only the outer casings—comprising copper and steel—were being stored. If these items were depolluted before being accepted on site, the waste code may have changed from WEEE to a metal waste code following treatment.

**ACTION: NRW requires copies of the waste transfer notes for the electric panel heaters and ultrasonic cleaner, to verify compliance by no later than the 15 December 2025.**



**Photograph 3 – Waste Electrical and Electronic Equipment (WEEE)**



**Photograph 4 - Waste Electrical and Electronic Equipment - Ultrasonic cleaner**

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Also during the visit, a large skip containing a significant amount of cardboard waste such as several large cardboard tubes was visible which can be seen in **photograph 5**.

Following a conversation with the company director during our visit, NRW believes that the cardboard waste was generated by their sister company Dirtbusters Skip Hire Ltd (QP3394FB) and was stored within Allen & Smith Metal Recycling Ltd permitted boundary prior to removal.

Following this inspection, NRW officers reviewed the conditions of environmental permit EPR/CB3392ZQ and confirmed that Allen & Smith Metal Recycling Ltd is not authorised to accept or store cardboard waste under the terms of their permit.

In the email received by Allen & Smith Metal Recycling Ltd on the 24 November 2025, you claim that the cardboard waste stored on Allen & Smith Metal Recycling Ltd was generated as waste in the course of operations and was being stored in line with your duties under the Waste Separation Requirements (Wales) Regulations 2023 and that full documentations for the transfer is completed.



**Photograph 5 – Cardboard waste Skip**

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As stated in your 'waste management' section of your EMS:

- *Where any loads are confirmed to contain waste not accepted at the site, A&S will reject the load in part or in full as appropriate. Advice will be given to the person delivering the load as to where legal disposal of the rejected waste can be safely made. Record to be made in the site diary detailing the date, time, vehicle index number, person, organisation (if applicable) reason for rejection, approx. amount of waste rejected and where directed.*

It also states in your environmental permit:

**Permit condition 2.2.1 states - Waste shall only be accepted if:**

- it is of a type and quantity listed in table 2.2a and 2.2b below; and*
- it conforms to the description in the documentation supplied by the producer and holder.*

**ACTION:** NRW also requires full documentation demonstrating the transfer and disposal of the cardboard waste. In addition, please provide an explanation of why this amount of cardboard waste, including large cardboard tubes is required for your operations to verify compliance by no later than the 15 December 2025.

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During our visit, we raised our concerns on the importance of classifying your waste correctly.

As an operator of a waste metal and End-of-Life Vehicle (ELV) site, you are legally required to comply with the Duty of Care obligations.

The Waste Duty of Care Code of Practice states that misclassification of waste where the waste does not fit the written description is an example of a failure to prevent an authorised or harmful deposit, treatment or disposal of waste. Likewise, it also says for the description of the waste to be accurate and contain all the information a producer is reasonably in a position to provide, a classification should have been conducted using the [waste classification guidance](#). Failure to do so could result in Section 34 Environmental Protection Act 1990 offences being committed.

**Failure to classify your waste correctly could lead to a harmful deposit, treatment or disposal of waste contrary to the Environmental Protection Act 1990.**

These obligations apply to all parties involved in the production, transport, treatment, and disposal of controlled waste. Compliance is essential to prevent harm to human health and the environment.

**ACTION: Allen & Smith Metal Recycling Ltd must ensure the company classifies waste correctly on Duty of Care waste transfer notes in accordance with [Technical Guidance WM3: Waste classification](#).**

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### **W3B- 3.3, noise and vibration**

During our visit, some noise was noted, which was expected given the nature of the site and did not raise any concerns. The noise observed was limited to sorting and separation of waste using a Liebherr grabber. At Leslie Smith's request, operations were temporarily paused to allow for a full inspection of the yard.

To help keep noise levels low, please remember that your permit only allows treatment activities such as sorting, separation, grading, shearing, baling, compacting, granulating of cables, and cutting using hand-held equipment only. These activities apply to ferrous and non-ferrous metals for recovery and the depollution of waste motor vehicles on your site.

NRW acknowledges the steps you have recently taken to reduce noise, including introducing a new noise and vibration procedure within your Environmental Management System (EMS).

**Permit condition 3.3.1 states-** *Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration*

**ACTION: NRW advises should Allen & Smith Metal Recycling Ltd anticipate generating significant noise which would escape beyond the permitted site boundary, the company must produce a written Noise Management Plan. This plan should identify the noise sources, assess the potential risks to nearby receptors, outline the control measures you will implement, and detail how you will respond to prevent or minimise noise impacts. The information on the appropriate measures to reduce/control noise on your site can be found in the [How to comply with your environmental permit](#) guidance.**

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NRW would like to thank Leslie Smith for their co-operation and if you have any further questions about the contents of this inspection report, please do not hesitate to contact us.

Yours faithfully,

Cheryl Griffiths

Waste Regulation Officer

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.

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.