

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 37(1) and (5)**

**ENFORCEMENT NOTICE OF SUSPENSION AND REQUIREMENT TO TAKE
STEPS**

To: Powys Environmental Ltd
Y Ffaldy Waste Recycling Centre
Llandegley
Llandrindod Wells
Powys
LD1 5UD

Environmental permit number: LP3395FJ

Regulated facility: The Graig Yffauldau Transfer Station, Llandegley, Llandrindod Wells, LD1 5UD.

Under Regulation 37(1) and (5) of the Environmental Permitting (England and Wales) Regulations 2016, **Natural Resources Wales** may suspend an environmental permit if, **Natural Resources Wales** consider that the manner of operating a regulated facility contravenes an environmental permit condition and that such contravention involves a risk of pollution. Accordingly, **Natural Resources Wales** has decided to suspend the environmental permit to the extent specified in Schedule 1 with immediate effect.

In addition, you are required to take the steps specified in Schedule 2 to remove that risk. Further, in relation to any activities that you are still authorised to carry out under the environmental permit, you are required to take the steps specified in Schedule 3.

The reason for this decision is that, **Natural Resources Wales** consider that the operation of the regulated facility contravenes the following environmental permit conditions which consequently causes a risk of pollution namely: fire risk and the storage of a significant amount of waste on permeable land.

Permit condition 2.1.1. authorises storage and physio-chemical treatment activities as specified in schedule 2, table 2.1 ("the activities"). Table 2.1 applies limits to the activities. The following specific limits are being contravened:

Non-Hazardous waste must be kept in a building or within a secure container

Hazardous and non-hazardous waste must be kept on an impermeable surface with sealed drainage

Treatment of non-hazardous waste must be carried out within a building

Permit condition 3.8.1 require the operator to manage and operate the activities in accordance with a written fire prevention plan, cusing the current, relevant fire prevention plan guidance

The environmental permit is therefore suspended and ceases to have effect to the extent specified until this notice is withdrawn.

Date: 26 November 2019


Signed:
Ann Weedy
Operations Manager – Mid Wales

Natural Resources Wales
Unit 15B
Severn Farm Industrial Estate
Welshpool
Powys
SY21 7DF

Please see over for notes.

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Notes:

General

1. This notice suspends the environmental permit to the extent specified in Schedule 1 because Natural Resources Wales consider the manner of the operation of the regulated facility contravenes an environmental permit condition and that such contravention involves a risk of pollution. Consequently, operating any of the activities which this notice has suspended is an offence and legal action may be taken against you.
2. You remain bound by any conditions of the environmental permit that are not specified in Schedule 1. Failure to comply with these conditions is an offence and legal action may be taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this Notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be served no later than 2 months after the date of this notice. An appeal does not have the effect of suspending a decision or notice as per Section 31(7)(a) Environmental Permitting (England and Wales) Regulations 2016.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate
Crown Building
Cathays Park
CARDIFF
CF10 3NQ

Tel: 029 2082 3866

Email: wales@pins.gsi.gov.uk

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

Legislation note

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. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

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SCHEDULE 1	
EXTENT TO WHICH THE ENVIRONMENTAL PERMIT IS SUSPENDED	
Extent	
The activities outlined at permit condition 2.2.1, schedule 2, table 2.2. are suspended. The conditions list waste types permitted to be accepted on site. The acceptance of any waste within any of the permitted waste types is suspended on and after the date of this notice.	

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SCHEDULE 2 STEPS TO BE TAKEN TO REMEDY THE CONTRAVENTION OF THE ENVIRONMENTAL PERMIT CONDITION LEADING TO THE RISK OF POLLUTION	
Steps to be taken	By date
Reduce the risk of fire for waste stored within the building by adopting the general principles for fire prevention and mitigation at all times as detailed in section 12. Waste stored within a building of the Fire Prevention and Mitigation Plan Guidance.	17/12/2019
Submit a further updated Fire Prevention Mitigation Plan to account for waste stored outside and waste being moved into the building (The Fire Prevention and Mitigation plan Version 5 dated 28/10/19 is the current version that has been submitted to NRW).	17/12/2019
Reduce the risk resulting from a fire at the site by ensuring all waste stored outside the building identified on the attached plans (LP001 and LP002) is stored in accordance with the stack separation distances detailed within the Fire Prevention and Mitigation Plan Guidance – Waste Management. This must include an appropriate separation distance between the waste stored outside and the building itself.	17/12/2019
Remove all waste stored outside the building to a suitably permitted site, except such waste accepted on site under the now expired exemption reference WME002445 and WME000366.	20/01/2020

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SCHEDULE 3 ADDITIONAL STEPS FOR NON-SUSPENDED OPERATIONS	
Steps to be taken	By date
Must comply with permit conditions for all non-suspended operations.	With continuous effect.
Any treatment of wastes to be removed from outside the building and carried out inside a building as per permit condition 2.1.1.	With continuous effect
Consideration must be given to the fire risk associated with this treatment as the storage of waste within the building is currently at capacity.	With continuous effect