

**Environmental Permitting (England and Wales) Regulations 2016
Regulation 36**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

To: Tower Regeneration Limited
Tower Surface Mine
Tirherbert Road
Hirwaun
Mid Glamorgan
CF44 9UF

Environmental permit: AN0314801

**Regulated facility: North Lagoon, Tirherbert Road, Hirwaun, Mid Glamorgan,
CF44 9UF**

Natural Resources Wales considers that the following conditions of the environmental permit is being contravened:

Permit Condition Nature 2 – The discharge shall consist solely of trade effluent comprising of site drainage arising from a total catchment area no greater than 20,000 square meters

Because:

On 3rd October 2019, an Officer was informed that the consented discharge point receives site drainage arising from a total catchment area of 900,000 m² (or 90Ha).

Permit Condition Composition 7(i) – Discharge shall not contain: more than 80 milligrammes per litre of suspended solids (measured after drying at 105°C)


Because:

Despite carrying out works detailed in Scheme of Works for Attenuation Ponds Upgrade issued by Tower Regeneration Limited on 1st February 2019, the consented discharge continues to fail to meet permit conditions set of 80mg/l for Suspended Solids.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention.

Date 6th January 2020

Signed



Richard Jones

**Arweinydd Tim – Pen-y-bont a Chwm Taf
/Team Leader – Cwm Taf and Bridgend**

Natural Resources Wales
Rivers House
St Mellons Business Park
Fortran Road
St Mellons
Cardiff
CF3 0EY

Please see over for notes.

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Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being 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(2)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

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

Welsh Ministers
The Planning Inspectorate for Wales
Crown Buildings
Cathays Park
Cardiff. CF10 3NQ
Tel: 029 2082 3866
E-Mail: wales@pins.gsi.gov.uk
<http://www.planningportal.gov.uk/planning/appeals>

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

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; and
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 Welsh Ministers in writing and sending a copy of that notification to us.

Further information about making an appeal and the forms that you will need are available from the Environmental Protection Division.

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.

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 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

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SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
2	<p>Investigate why the consented discharge AN0314801 is receiving in excess of the total catchment area authorised under permit condition.</p> <p>Produce an improvement plan with action to be taken and timescales to rectify the issue/s identified in your investigations.</p> <p>Implement the improvement so that the consented discharge only receives the total catchment area authorised under permit condition and will remain compliant. Any additional discharges as a result of the improvements, shall be covered by an EPR 2016 discharge permit.</p>	<p>20th January 2020</p> <p>29th February 2020</p> <p>27th April 2020</p>
7(i)	<p>Investigate why consented discharge AN0314801 is failing to meet permitted condition of 80 mg/l Suspended Solids and submit a report on your findings to NRW</p> <p>Produce an improvement plan with action to be taken and timescales to rectify the issue/s identified in your investigations.</p> <p>Implement the improvement so that the discharge from the consented point meets the permitted condition of 80mg/l and will remain compliant.</p>	<p>20th January 2020</p> <p>29th February 2020</p> <p>27th April 2020</p>

