



**Cyfoeth
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Wales**

Statutory Notice

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: Bryn Recycling Limited
Gelliargwellt Farm
Gelligaer
Hengoed
CF82 8FY

Environmental permit: EPR-WB3993HE

Regulated facility: Bryn Recycling Limited, Gellia'r-gwellt Uchaf Transfer Station and Composting Station, Gelligaer, Hengoed, CF82 8FY

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

Condition 2.5.1 which states that the operator shall complete the improvements specified in Schedule 1 (of the permit) table S1.3 by the date specified in the table (3 months after issue of the variation notice) unless otherwise agreed in writing by Natural Resources Wales. Table S1.3 States that 'the Fire prevention and Mitigation Plan must be produced in line with the standards set out in the Fire Prevention and Mitigation Plan Guidance – Waste.'

Because

The fire prevention and mitigation plan 'DRAFT January 2019' submitted to NRW on the 27/02/19 is not sufficient and has not been produced in line with the current Fire Prevention and Mitigation Plan Guidance – Waste.

Condition 3.6.1 states that the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant Fire Prevention and Mitigation Plan Guidance.

Because

Waste stockpiles on site are not being stored and managed in line with current fire prevention and mitigation plan guidance

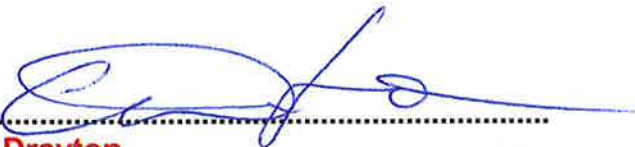
Condition 2.1.1 – The operator is only authorised to carry out the activities specified in Schedule 1 table S1.1 which states that biodegradable wastes shall be stored on an impermeable surface with sealed drainage

Because

Waste is being stored on an area of the site that does not benefit from an impermeable surface and sealed drainage system.

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

Date: 21/5/19

Signed: 

Caroline Drayton

Team Leader Rhymney & Ebbw Industry and Waste

Regulation

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

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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(1)(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:

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 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
2.5.1 and 3.6.1	Submit an updated <i>Fire Prevention and Mitigation Plan</i> (FPMP) in line with the relevant guidance that is reflective of current site operations for review by Natural Resources Wales. Comments provided on CAR NRW0034936.Pdf as attached to this notice.	WEDNESDAY 3rd JULY 2019
3.6.1	Fire breaks must be inserted into all waste storage areas, adhering to specifications set out in the current Fire Prevention & Mitigation (FPMP) guidance.	WEDNESDAY 3rd JULY 2019
3.6.1	Waste stacks height must be reduced and stored in line with current FPMP guidance so that stockpiles are not greater than 4 metres in height. This step is applicable to all waste on site including but not limited to; Wood waste Fines behind transfer station Plastics Interior of transfer station Drying bed contents	WEDNESDAY 3rd JULY 2019
3.6.1	All waste that has exceeded storage times set out within the FPMP guidance requires removal to an authorised facility. Evidence of removal/turnaround times to be provided to NRW by due date.	WEDNESDAY 3rd JULY 2019

	As an interim measure, stockpile management (done in line with current FPMP guidance) must be written and implemented with all waste that has been exceeded storage times set out within the FPMP guidance, including but not limited to; - Wood - Fines - Baled plastics When conducting stockpile management, you must ensure all due care is taken to reduce risk of 'flare-up', following procedures within the guidance and ensuring fire fighting equipment is located ready for use.	WEDNESDAY 3rd JULY 2019
2.1.1	All waste is to be stored on an impermeable surface with a sealed drainage system in place. This includes external storage areas; - Behind transfer station - Wood storage area - Behind biomass boiler	WEDNESDAY 3rd JULY 2019

