



**Cyfoeth
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Natural
Resources
Wales**

Statutory Notice

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

ENFORCEMENT NOTICE OF SUSPENSION AND REQUIREMENT TO TAKE STEPS

To: Bryn Recycling Ltd.
Gelliargwellt Farm,
Gelligaer,
Hengoed,
United Kingdom,
CF82 8FY

Environmental permit number: EPR-WB3993HE

Regulated facility: Bryn Recycling Ltd.
Gelliargwellt Farm,
Gelligaer,
Hengoed,
United Kingdom,
CF82 8FY

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 operation of the regulated facility 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 manner of the operation of the regulated facility contravenes environmental permit conditions;

- **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.'

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

The contravention of these conditions are leading to a risk of pollution namely:-

The risk of groundwater, surface water and ground pollution caused by;

a) Inadequate standard of drainage infrastructure to areas of impermeable surface

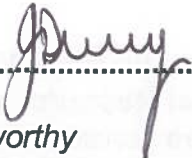
The Wood Waste area at the top of the Recycling Centre on site is not served by an impermeable surface with sealed drainage system. In the event of an incident or accident on site, the inadequate nature of the drainage infrastructure means that any potentially polluting liquids could not be appropriately contained.

And the risk of air pollution caused by;

a) Insufficient Fire Prevention and Mitigation Measures

The latest version of the Fire Prevention and Mitigation Plan (version submitted July 2019) is not produced in line with the current guidance. Stockpiles on site are not being stored and managed in line with guidance.

Date: 12/08/19

Signed: 

Jon Goldsworthy
Operations Manager South East Wales

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

Please see over for notes.

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

Notes:

General

1. This notice suspends the environmental permit to the extent specified in Schedule 1 because Natural Resources Wales consider operation of the regulated facility 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 effect 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
EXTENT TO WHICH THE ENVIRONMENTAL PERMIT IS SUSPENDED

Extent

All importations of waste at the Recycling Centre (**EXCLUDING** the composting facility) are suspended.

Note: Treatment and disposal of existing waste at Recycling Centre is permitted.

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SCHEDULE 2 STEPS TO BE TAKEN TO REMOVE RISK OF POLLUTION	
Steps to be taken	By date
Submit a <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	13 th September 2019
Fire breaks must be inserted into all waste storage areas, adhering to specifications set out in the current Fire Prevention & Mitigation (FPMP) guidance.	23 rd August 2019
Waste stack 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	23 rd August 2019
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. This step is applicable to all waste on site including but not limited to; • Plastics • Fines behind transfer station • Plastics • Interior of transfer station	13 th September 2019
All waste is to be stored on an impermeable surface with a sealed drainage system in place.	27 th September 2019

This step is applicable to **all waste** on site including but not limited to;

- Behind transfer station
- Wood storage area
- Behind biomass boiler

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SCHEDULE 3
ADDITIONAL STEPS FOR NON-SUSPENDED OPERATIONS

Steps to be taken	By date
N/A	

