



**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: Mr Caleb Griffiths
314 Caerleon Road
Newport
Gwent
NP19 7HE

Environmental permit: EPR-WP3395FT

Regulated facility: The Twyn, Fleur-De-Lys, Blackwood, Gwent, NP12 3UE

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

Condition 3.1.2 – ‘The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded to be fit for purpose and meet the standards specified in table 3.1’.

Table 3.1 - ‘Areas of hardstanding shall be constructed of granular material (eg. crushed stone, aggregate, road planings or other similar materials) and maintained such that the working surface: shall remain even, shall not be subject to settlement or differential settlement, shall not be subject to rutting by vehicles even when wet, shall have sufficient durability to allow cleaning for example by scraping and shall remain free of standing water.’

because

Portions of the hardstanding surface present on site are not fit for purpose and not constructed with a suitable granular material. The ground in parts of this area consist of contaminated materials and residual ELV wastes. The area is uneven and susceptible to differential settlement and/or rutting by vehicles. The area is not free of standing water.

Condition 3.1.2 - ‘The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded to be fit for purpose and meet the standards specified in table 3.1’.

Table 3.1 - ‘Drainage to areas of impermeable pavement shall be provided by a sealed drainage system, this comprised of a drainage system with impermeable components which does not leak and which will ensure that:- no liquid will run off the pavement other than via the system.’

because

Portions of the impermeable pavement present on site are not served by a sealed drainage system. Contaminated liquid run-off is able to bypass the sealed drainage system present on site.

Condition 5.4.1 – ‘Residual wastes shall only be handled and stored on the site in accordance with the standard specified in Table 5.4 below’.

Table 5.4 c) iv) – ‘Individual tyre stacks shall not be stored within 15 metres of the site boundary or building’.

because

Tyre stacks are being stored within close proximity to a site building.

Condition 2.3.1 – ‘Any changes in the technically competent management of the site, the name of any incoming person and evidence that such a person has the required technical competence, shall be submitted to the Agency in writing within 5 working days of change in the management.’

because

The Technically Competent Manager (TCM) does not have an up to date and appropriate certificate of technical competency.

Condition 1.2.2 – ‘Storage and treatment operations of waste motor vehicles shall meet the requirements of Schedule 5 of the ELV Regulations. Infrastructure and equipment provided to meet these obligations shall be maintained in working order and shall be used to give effect to their purpose’.

because

End of life vehicles are not being sufficiently depolluted. Residual wastes and dismantled parts are being stored inappropriately on areas of non-compliant infrastructure.

Condition 5.1.4 – ‘In the event of any potentially polluting leak or spillage occurring on site, documented control and remediation procedures shall be implemented immediately and recorded, and shall meet the standards specified in Table 5.1 below.’

Table 5.1 d) i) – ‘Minor spillages of oil, fuel, or other end of life vehicle fluid shall be cleaned up immediately, using sand or proprietary absorbent to clean up liquid sand placed in alternative containers.’

because

Several spillages of oil could be seen throughout the site, with no evidence of spill kit use.

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

Date: 11th April 2019 Signed: 

Caroline Drayton

**Arweinydd Tîm Rheoli Diwydiant a Gwastraff – Rhymni ac Ebwy & Wysg a Gwy
Industry and Waste Regulation Team Leader – Rhymney and Ebbw & Usk and Wye**

Natural Resources Wales
Rivers House
St Mellons Business Park
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(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
Condition 3.1.2, table 3.1	The contaminated wastes in the area (as outlined in red in Plan A) of the site, including end of life vehicles, spare parts, contaminated earth, gravel, IBC's and water must be removed from this area. All contaminated ground in the area (as outlined edged in red in Plan A) will need to be removed from site and disposed of correctly. A new area of hardstanding, compliant with the requirements of permit Table 3.1, must be constructed. Provide paperwork to NRW as evidence for the appropriate recovery/disposal of the wastes and contaminated ground.	1 st July 2019
Condition 3.1.2, table 3.1	Areas of impermeable surface must be altered so as to prevent fluids running off the surface. Ensure that areas of impermeable surface are served by a sealed drainage system which does not leak.	1 st July 2019
Condition 5.4.1. Table 5.4	Remove tyre stacks in close proximity to site building(s). Ensure that tyre stacks are stored in a designated and appropriate area, which meets all requirements of Table 5.4.	22 nd May 2019
Condition 2.3.1	Ensure that the Technically Competent Manager for the site has an up to date and appropriate certificate of technical competency.	22 nd May 2019
Condition 1.2.2	Ensure that depollution of vehicles is carried out in accordance with permit requirements, and Annex 1 of the ELV Directive.	1 st July 2019

	Ensure that storage of residual wastes from the depollution process meets permit requirements, and Annex 1 of the ELV Directive.	
Condition 5.1.4	Clear all end of life vehicle spills using suitable absorbment materials. Ensure spill kits are readily available and are used if a spillage occurs.	22 nd May 2019

Plan A

