

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

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

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

**Environmental permit number:** EPR-WP3395FT

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

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 namely;

- **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’.
- **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’.
- **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 management’.

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 the engineered surfaces on site – the area of hardstanding on site is not constructed with a suitable granular material and is heavily contaminated with End of Life Vehicle (ELV) wastes. The area of hardstanding on site is uneven, susceptible to differential settlement and the pooling of contaminated water.
- b) Inadequate standard of drainage infrastructure to areas of impermeable surface – areas of impermeable surface on site are not served by a sealed drainage system which does not leak. Areas of impermeable surface are not sealed along the perimeter, thus allowing potentially contaminated fluids to discharge to ground and/or the nearby watercourse. 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.
- c) The inappropriate storage of waste on areas with non-compliant infrastructure – depolluted ELV's, un-depolluted ELV's and residual ELV wastes are currently being stored on areas with inadequate engineered surfaces and drainage infrastructure.

**The environmental permit ceases to have effect to the extent specified until this notice is withdrawn.**

Date: .....

8<sup>th</sup> August 19

Signed: .....

**Caroline Drayton**

**Arweinydd Tîm Rheoli Gwastraff – De Ddwyrain Cymru  
Waste Regulation Team Leader – South East Wales**

Natural Resources Wales  
Rivers House  
St Mellons Business Park  
Fortran Road  
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 given 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](mailto: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**

1. All acceptance of waste into the permitted facility shall be suspended until Schedule 2 is fully complied with.

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| <b>SCHEDULE 2<br/>STEPS TO BE TAKEN TO REMOVE RISK OF POLLUTION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                       |
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| <b>Steps to be taken</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>By date</b>                                        |
| <p><b>1 Area of hardstanding on site (as outlined in red in Plan A)</b></p> <p>1.1 The contaminated wastes in the area of hardstanding at the site, including end of life vehicles, spare parts, metal waste, contaminated ground, contaminated gravel, IBC's containing residual ELV wastes and water must be removed from this area.</p> <p>1.2 A site investigation to identify sources and extent of ground contamination in this area must be completed. Following this investigation, remediation of any identified contamination must be taken to return the site to its original condition (prior to operation of the permitted activity). This is to be carried out by suitably qualified persons and in line with current best practice.</p> <p>1.3 All contaminated gravel and contaminated ground in the area must be removed from the site and recovered/disposed of correctly.</p> <p>1.4 Paperwork must be provided to Natural Resources Wales as evidence for the waste(s) removed from this area.</p> <p>1.5 A new area of hardstanding compliant with all requirements of Table 3.1 of the permit, must be constructed.</p> | <p><b>Monday 4<sup>th</sup><br/>November 2019</b></p> |
| <p><b>2 Areas of impermeable surface on site</b></p> <p>2.1 All areas of impermeable surface must be altered so as to prevent fluids running off the surface.</p> <p>2.2 All areas of impermeable surface must be served by a sealed drainage system which does not leak.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Monday 4<sup>th</sup><br/>November 2019</b></p> |
| <p><b>3 Technically Competent Manager (TCM)</b></p> <p>3.1 The TCM for the site must hold an up to date and appropriate certificate of technical competency.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Monday 4<sup>th</sup><br/>November 2019</b></p> |

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**SCHEDULE 3**  
**ADDITIONAL STEPS FOR NON-SUSPENDED OPERATIONS**

**Steps to be taken**

1 The storage and treatment of all waste(s) shall meet the requirements of permit condition 1.2.1 and permit condition 1.2.2

**By date**

**Monday 4<sup>th</sup>**  
**November 2019**

## Plan A



