

Compliance Assessment Report CAR_NRW0037678

Permit being assessed: UP3495FT.

For: Fred Lloyd & Sons Ltd, held by Fred Lloyd & Sons Ltd

At: New Inn, Pontypool, Gwent, NP4 0TW.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 09/02/2021 between 11:15 and 11:45.

Parts of permit assessed: A / B / C / D / F / G

NRW Lead Officer: Greg Gardner, accompanied by Alex Bowder.

Report sent to: Oliver Hazell, Technically Competent Manager on 03/03/2021.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C2 Significant	1.4
C3 - General Management - Materials acceptance	C2 Significant	4.4.1 - Root Cause Breach
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	4.2.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
A1 - Specified by permit	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B2 - Infrastructure - Closure and decommissioning	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
B5 - Infrastructure - Plant and equipment	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F5 - Amenity - Deposits on road	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Assessed (A)	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	66

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C2	Stockpile of vehicle shells significantly high causing environmental and health & safety issue along with waste still being received on site despite EMS stating none to be received in event of machine breakdown. Reduce all stockpiles heights to compliant levels and adhere to waste acceptance procedures going forward to ensure waste volumes are managed appropriately.	01/03/2021
C3	Despite machinery breakdown, the site knowingly accepted waste material whilst it was at capacity which as a result breached their permit conditions. This has caused a root cause breach of permit condition 4.4.1 as a result. Reduce all stockpiles heights to compliant levels and adhere to waste acceptance procedures going forward to ensure waste volumes are managed appropriately.	01/03/2021
B3	Improve housekeeping and remove excess pooling of oil especially near ELV depollution area.	01/03/2021
G4	If any future breakdown of machinery occurs that could affect the waste volumes / operations on site, the site must notify NRW at the earliest opportunity.	05/03/2021

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This report details the site visit made on the 9th February 2021 to Fred Lloyd & Sons, Permit number EPR-UP3495FT.

Officers Alex BOWDER and Greg GARDNER attended the Fred Lloyd & Sons Site at Stricks Works, Polo Grounds Industrial Estate, New Inn, Pontypool, Torfaen, NP4 0TW, for a routine site inspection at 11:15am where we met with Mr. Adrian LEWIS (Technically Competent Manager). The weather was dry and cold all through the site visit.

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 2 – Significant impact or effect on the environment/people/property
- 3 – Minor impact or effect on the environment/people/property
- 4 – A non-compliance which has no potential environmental effect

PERMIT COMPLIANCE

CATEGORY 2 BREACH – PERMIT CONDITION **1.4.1**

(C2) – MANAGEMENT SYSTEM AND OPERATING PROCEDURES

“Whenever the site is open to receive or despatch waste, or is carrying out any of the specified waste management treatment or disposal operations it shall be supervised by at least one member of staff who is suitably trained and fully conversant with the requirements of the licence and the working plan regarding:

- *Waste acceptance and control procedures*

- Stockpile of ELV waste significantly high causing environmental and health & safety issue
- Waste still being received on site despite EMS stating none to be received in event of machine breakdown

Please see report content for further justification

CATEGORY 2 BREACH – PERMIT CONDITION **4.4.1**

(C3) – MATERIALS ACCEPTANCE

“All waste shall be received, inspected, accepted or rejected and recorded in accordance with standards specified”

- Despite machinery breakdown, the site knowingly accepted waste material whilst it was at capacity which as a result breached their permit conditions
- Waste still being received on site despite EMS stating none to be received in event of machine breakdown

Please see report content for further justification

CATEGORY 3 BREACH – PERMIT CONDITION **4.2.1**

(B2) – SITE DRAINAGE ENGINEERING (CLEAN AND FOUL)

“All vehicles used on the site by the operator, and all plant and all equipment used on the site in connection with waste management operations, shall be operated and maintained so as to prevent potentially polluting leaks and spillages of waste ”

- Pooling of oil near de-pollution area with potential of contamination
- Housekeeping in area where pooling of oil located requires improvement

Please see report content for further justification

PERMIT HISTORY

Status Log of the permit

Detail	Date	Response Date
Licence EAWML 30223 issued	17/10/00	
Variation of EAWML 30223 issued	05/12/03	
Variation of EAWML 30223 issued	24/06/05	
Variation of EAWML 30223 issued	15/12/05	
Variation of EAWML 30223 issued	07/11/08	
Environmental Permitting Regulations number EPR/UP3495FT allocated		
Application EPR/UP3495FT/V006	Duly made 15/06/10	
Variation issued	29/07/10	

GENERAL OBSERVATIONS

Fred Lloyd & Sons operate under a bespoke environmental permit. This site is used as a waste transfer station and an ELV (End-of-Life Vehicle) treatment facility with the waste being distributed to other companies / sites within the UK. The site was in operation at the time of the visit and there was no waste of any type was stored outside of the permit boundary at the time of the visit. The site is permitted to accept a maximum of 75,000 tonnes of waste per annum. The site was fully stocked with waste and accessing the back / north end of the site was restricted due to waste blocking our access route.

SITE INFRASTRUCTURE

The general housekeeping on the site was in good condition with no major amounts of loose debris located on the floor (as seen in photo 1). It was also noted that the concrete impermeable flooring was generally in good condition. The site has a 3 tier interceptor drainage system which was operational at the time of the site inspection and is maintained / emptied periodically. Mr. LEWIS indicated it was 11 months ago since the last time the system was maintained / emptied.



Photo 1 - Flooring infrastructure at Fred Lloyds & Sons was in good condition

It was noted by NRW officers that a small area of the site, located near the ELV depollution

area, contained a collection of oil as well mixed various waste with poor housekeeping. Although there is a working interceptor drainage system, excess oil should be removed and cleaned where large collections (as seen in photo 2) occurs.



Photo 2 - Collection of oil and poor housekeeping near ELV depollution bay

ACTION: Improve housekeeping and remove excess pooling of oil especially near ELV depollution area.

WASTE ACTIVITIES - ELV WASTE

Immediately, when NRW Officers arrived at site, there was a significantly high pile of scrap vehicle shells (as seen in photo 3). This was a major cause for concern from an environmental and health & safety perspective. When we questioned Mr. Adrian LEWIS on the stockpile size, he informed us that it was because the baler was out of service for approximately 2 weeks however the site has / was still accepting scrap cars. It was also indicated by Mr. LEWIS that approximately 100 cars a week are de-polluted on site. The storage at the time of the site inspection was unacceptable and requires immediate rectification to reduce stockpile heights and to a safe manageable level. See below extract from the UK Government website regarding the storage of whole ELV's. This information can also be found on [Fire prevention plans: environmental permits - GOV.UK](https://www.gov.uk/guidance/fire-prevention-plans-environmental-permits) (www.gov.uk)

10.1 Whole ELVs

You must set out in your fire prevention plan how you will store ELVs. Each vehicle must be accessible from at least one side:

- to allow active firefighting
- so unburnt vehicles can be accessed and moved to prevent the fire spreading

These rules will limit any row to a depth of 2 vehicles.

Where you store vehicles one on top of another, or on racking, you must limit this to 3 vehicles high so the stack can remain stable during a fire. You must maintain a separation distance of 6m between rows or blocks of vehicles.



Photo 3 - Significantly high pile of ELV's located at Fred Lloyd & Sons, New Inn.

In the event of any breakdown of machinery that would cause a significant effect to operations (such as this instance), NRW should be notified, and no material should be accepted to site if permit conditions are to be breached (until the breakdown has been fixed / or back in operation or an alternative machine has been sourced). NRW was not notified of such breakdown. This is clearly stated in the Fred Lloyd & Sons EMS (Environmental Management System) for the New Inn site.

"4.1.1 - In the event of breakdown of any loading/handling plant an alternative machine will be brought on site until it is repaired. If an alternative machine cannot be used then no waste will be deposited until the plant is repaired."

In addition to the significant height of the stockpiled vehicle shells, it was also stockpiled in close proximity to other waste streams (as seen in photo 4) with no clear separation distances. This has a potential for a spread of fire should one occur therefore it is recommended to ensure the stockpiles of waste remain under 4 metres and are kept separated at all times and should not overlap.



Photo 4 - ELV stockpile mixed with other waste streams

ACTION: Ensure stockpiles of general waste are separated (not over lapping) adequately to prevent spread of fire risk

WASTE RETURN SUBMISSIONS

Further details of the waste return data can be found on a separate CAR form that was issued for this site.

Officers Alex BOWDER and Greg GARDNER left site at 11.45am the same day.

If you have any issues with this report please contact Greg Gardner on greg.gardner@naturalresourceswales.gov.uk

I look forward to working with the site in 2021.

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.