

**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:

**Director and/or Company Secretary
BDC Aggregates Limited
Associated British Ports Barry
Dock 2
Atlantic Way
Vale of Glamorgan
CF63 3RA**

Environmental permit: BB3096CB

Regulated facility: Barry Plant, Atlantic Way, Dock 2, Barry, Vale of Glamorgan, CF63 3RA

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

2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the operations specified in table 2.1 below ("the activities").

Storage of wastes listed in table 2.4 shall not exceed 10,000 tonnes in total at any one time.
All other wastes stored shall not exceed 40,000 tonnes in total at any one time.

Because: the volume of waste that is currently stored on site is in excess of the limit specified in the permit.

2.3 Waste acceptance

2.3.1 Waste shall only be accepted if: (a) it is of a type listed in table 2.3 of these standard rules; (b) it conforms to the description in the documentation supplied by the producer and holder; (c) its chemical, physical and biological characteristics make it suitable for its intended treatment; (d) any excavated soil from potentially contaminated sites has been shown by prior chemical analysis and assessment to be suitable for the intended use without significant risk

of pollution; and (e) it is visually inspected on arrival and before it enters the treatment process to ensure that it complies with these standard rules.

2.3.2. Any waste that does not comply with 2.3.1 shall be rejected and shall be; (a) removed from the site; or (b) moved to a designated quarantine area pending removal.

Because: You have accepted wastes that which are not covered by the permitted waste types and would not be suitable for treatment under permitted activities, namely waste fines from a metal treatment facility and carpet underlay/running track waste, and have failed to remove these from site as actioned in CAR form reference CAR_NRW0034840.

4.2 Reporting

4.2.2 Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter. **Because:** Waste returns for quarters 1,2,3 and 4 for 2020 and quarters 1 and 2 for 2021 have not been received by NRW by the dates specified in the permit.

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

Date: 6 August 2021

Signed: 
Gareth Davies
South Central Waste Regulation Team Leader

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

Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2016

Regulation 36

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
2.1	Reduce waste tonnages on site within permitted tonnage limits. Provide relevant documentation for removal of waste from site to an appropriately permitted facility.	02 November 2021
2.3	Remove non permitted waste types from site Provide relevant documentation for removal of waste from site to an appropriately permitted facility.	08 October 2021
4.2.2	Submit quarterly waste returns for Q1, Q2, Q3 and Q4 of 2020 and Q1 and Q2 of 2021 to waste.returns@cyfoethnaturiolcymru.gov.uk	31 October 2021

Please submit required documentation to Yeliz Marshall of Natural Resources Wales via email at yeliz.marshall@cyfoethnaturiolcymru.gov.uk