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Natural Resources Wales
Cambria House
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Our Ref: SUN01/REG15/JW

Date: 1st February 2017

Dear Sirs,

Regulated Facility: Unit 41, Dockyard, Pembroke Dock, Pembrokeshire SA72 6TD
Operator: Sundorne Products (Llanidloes) Limited
Appeal Against Statutory Notice to Take Specified Steps in Relation to a Breach of Permit Condition(s)

Thank you for setting out your response to our revised proposal. In light of the comments contained in your letter dated 31st January 2017, we can confirm that our client has decided to discontinue its Appeal and we will inform the Planning Inspectorate accordingly.

As you are aware our client has actively engaged with NRW at all times and in relation to this matter since the Statutory Notice was served. Our client's positon has been clearly set out in our letter dated 23rd November 2016, during a Site meeting on 12th December 2017 in the grounds of Appeal and subsequent Statement of Case and in further correspondence dated 19th and 26th January 2017.

Our client considers that the issues have now crystallised and believes that further engagement with NRW will assist in securing a satisfactory outcome for all parties, without recourse to the Planning Inspectorate.

We wish to reiterate our clients position in respect to how matters have unveiled during these proceedings:

<u>Compliance Assessment Report – 22nd July 2016</u>

NRW has conducted a review of the CAR in light of documents furnished in support of compliance with the OMP and PMP. Our client maintains that it was appropriately following the systems and procedures in place at the relevant time. As we have emphasised on numerous occasions, we do not consider that NRW can imply breaches of the Permit if the Operator was following the OMP and PMP. We make this request for a full explanation in respect of;

1. Why NRW specifically does not consider the OMP and PMP were being followed;
2. Who peer reviewed the CAR before it was issued; and
3. Confirmation of the Area Manager responsible for the team regulating this facility.

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Review of Management Plans

It is incumbent on any operator to continually review and improve its activities and when necessary revise its management plans to reflect any change in operations that will enhance compliance. To this end our client has committed to engaging consultants whom specialise in odour and pest management control and with their assistance will review the OMP and PMP and implement any changes that may be considered appropriate.

We note that you do not accept that the current OMP and PMP satisfy an 'appropriate measures' assessment, however, our client maintains that they do. With the assistance of consultants, the appropriate measures aspect will be revisited.

Our client has ascertained the availability of the proposed consultants and site visits and meetings will take place week commencing 27th February 2017. Thereafter, the respective consultants will update the OMP and PMP and will submit these to NRW week commencing 13th March 2017.

As per NRW's commitment to "work with our client constructively to ensure all appropriate measures for the Site are identified and implemented" we request that NRW responds to the revised Plans by 31st March 2017. If, for any reason, NRW does not agree with any content contained in the Plans, we will expect the reasons why and recommendations clearly set out so that our client can address as issues without having to second guess what NRW requires. Once the Plans are agreed between the parties we will require, in writing, NRW's approval of them.

We do not consider it at all appropriate, reasonable or proportionate to issue a further Regulation 36 notice to effectively agree the actions and deadlines suggested by our client. We do not believe this accords with NRW's enforcement policy and a further notice should **not** be served.

Sustainable Solution

The ultimate objective, as we see it, for both parties is the continued operation of the facility in compliance with the Permit. We believe that with further exploration of the Site's activities and how they are appropriately managed, this outcome can be secured.

We invite you to agree the proposed timetable and to confirm that a further Regulation 36 will not be served in the spirit of working collaboratively to achieve the specified common goal.

Yours faithfully,

Watts Legal