

Compliance Assessment Report

Report ID:
CAR_NRW0033374

This form will report compliance with your permit as determined by an NRW officer

Site	Ty Mawr Farm	Permit Ref	KB3997TQ		
Operator/Permit holder	Mrs Ingrid & Victoria Shervington-jones				
Regime	Waste Operations				
Date of assessment	01/05/2018	Time in	10:30	Out	12:00
Assessment type	Site Inspection				
Parts of the permit assessed	Various				
Lead officer's name	Sims, Alice				
Accompanied by	Moggridge, Lara				
Recipient's name/position	Edward Shervington/ Owner	Date issued	22/05/2018		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C2 - General Management - Management system and operating procedures	C3	Management systems 1.1.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

On the 26.04.18 a section of reën, located adjacent to the permitted waste site at Ty Mawr, had risen up and subsequently caused water levels to drop, due to the interruption of water flow. Following the incident, a site meeting was arranged at Ty Mawr to investigate the cause of the incident and to discuss any remediation to be completed.

Site Visit 1st May 2018

Industry and Waste Officers, Alice Sims and Lara Moggridge, and Conservation Officer, Sarah Revill, met Site Owner, Edward Shervington and Environmental Consultant, Stephen Barnes on site.

Mr. Shervington provided a tour of the site and explained that the main stockpile of unsorted waste had suffered a landslip a week before, due to the wet weather that had preceded. The area of reën which had heaved was located only a few metres away from the base of the landslip, therefore, it was reasonably assumed that this had caused the movement of the reën bed and consequential issues caused by it.

On 01.05.18, Officers Sims and Revill had attended the incident to assess the reën and discuss with John Southall, of NRW Operations, any remediation that could be achieved as soon as possible. It had been agreed that with the help of the landowner, the reën would be temporarily by-passed to allow water flow to resume. Mr. Shervington stated that himself and the other landowner had carried out the by-pass over the weekend to ensure water flow around the SSSI was resumed as soon as possible.

Category 3 - (C2) Management System and Operating Procedures – Condition 1.1.1

Although there was not a direct pollution or offsite emission, it is considered that the root cause of the incident is the Environment Management System (EMS) and operating procedures at the permitted facility. The EMS and associated procedures, and risk assessments, should have identified the possibility of a slip occurring given the stability of the waste stockpile, the weather conditions and the proximity of the waste stockpile to the SSSI reën. To prevent this from happening again and to protect the SSSI from any further impacts, the EMS, procedures and risk assessment require updating.

Mr. Shervington provided NRW with evidence of the environmental accident and incident record for the incident date. This form presented information on the type of incident, what was thought to have caused

it and any action that was taken to remediate the situation. It also stated that the incidents of this nature will be preventable once the stock piled material has been moved for use within the new permitted area

Action - Details of appropriate procedures must be added to the EMS to provide sufficient confidence that incidents such as the landslip will be prevented in the future.

In reference to Table S2.2 and Table 2.1 of the Operating Techniques 2.3.2, the tonnage limits for the stock piles on site are limited to 40,000 tonnes. Although the stock piles do not appear to exceed this tonnage, it is important to bare in mind when making amendments to the EMS and risk assessments.

Any incidents that cause impacts to the SSSI are deemed very serious and of high priority. A category 3 breach has been issued against the permit condition 1.1.1 due to the quick response and full cooperation, however please note that the assessment could be more severe should an incident of this type occur again.

NRM SSSI Comments by Sarah Revill

The site of Ty Mawr Farm is located with the Gwent Levels – St Brides Site of Special Scientific Interest (SSSI). The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any activity which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified.

The situation whereby stockpiled material within the operational site slumped, appeared to cause displacement of adjacent land affecting the Wharf Reen by raising the watercourse bed level above the summer penning levels. This caused an obstruction to waterflow through the reen which in turn affected water levels within the wider watercourse network. Whilst the problem was identified rapidly by the IDD engineers and a solution sought to reinstate water levels without delay, there was potential for damage to the special interest of the SSSI from this sudden drop in water levels within the drainage system.

We therefore ask for measures to be implemented within the operational site to safeguard the watercourses and hence the special interest of the SSSI. We recommend buffer zones of a minimum 12.5m from main reens and 7m from field ditches are maintained between the operational site and the watercourses. We also recommend that the environmental management system for the site includes provisions to ensure material is stockpiled at appropriate heights and in an appropriate manner/quantity to prevent slumps of material in the future.

I would be happy to provide comment on any measures proposed from a SSSI perspective.

In addition, please note that any works to watercourses, such as those undertaken along the field ditch within Mr Edwards' land, require consent from NRW. Please find attached a list of 'operations likely to damage the special interest' of the SSSI. Should the landowner/occupier wish to undertake any of these

activities, the landowner/occupier will need to seek consent from NRW in advance.

Please find further information on SSSIs including a proforma to use as 'notice to carry out an operation likely to damage the special interest of a SSSI' via our website:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/find-protected-areas-of-land-and-seas/guidance-to-site-of-special-scientific-interest-sssi-land-owners-and-occupiers/?lang=en>

EPR Compliance Assessment Report

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Site	Ty Mawr Farm	Permit Ref	KB3997TQ
Operator/Permit holder	Mrs Ingrid & Victoria Shervington-jones	Date	01/05/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition.

Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C2	C3	Update the EMS and risk assessment to include impacts on the SSSI	30/06/2018

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.