

Compliance Assessment Report CAR_NRW0039518

Permit being assessed: GB3632AS.

For: Penstrowed Quarry, held by G F Grigg Ltd

At: Penstrowed Quarry, Caersws, Powys, SY17 5SG.

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

On 25/01/2022 between 13:05 and 14:15.

Parts of permit assessed: 1.1.1; 2.1; 2.3.1a; 2.3.2; 3.2

NRW Lead Officer: Gillian Coates, accompanied by Jeremy Goddard.

Report sent to: Fraser Grigg, SITE MANAGER on 03/05/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
A1 - Specified by permit	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
0	0

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
A1	2.1.1 of your permit states that "The operator is only authorised to carry out the activities specified in Schedule 1 table S1.1. Infilling the quarry face with spoil is not an activity included in Schedule 1 and you will need to apply for an additional permit for this activity. Pre-application discussion with your consultant Nicola Strudwick is taking place	31/07/2022

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.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

NRW officers Gillian Coates (GC) and Jeremy Goddard (JG) met with GEOFF GRIGG (GG) and FRASER GRIGG (FG) of G F GRIGG Ltd on Tuesday 25 January 2022. Weather conditions during the inspection were cloudy and cold with good visibility.

The inspection of permit number GB3632AS was unannounced and the site was not pre-warned of our visit.

GG mentioned that an officer from NRW had visited the site in recent weeks to take samples on input materials for testing. GC can confirm that the three samples were taken as part of the ongoing Wales 2021 Waste Soil Classification Investigation. The investigation project is being managed by NRW on behalf of the Welsh Government and takes samples from sites in order to determine the classification of the waste in accordance with WM3 in Wales. A report will be produced at the conclusion of the project which will identify and quantify any misclassification in the soil waste stream and then identify the potential causes of any misclassifications. GC has been informed by Alex Harris, the Hazardous Waste Project Manager, that the three samples taken from your site as part of the Winter sampling round have passed the sampling test with no issues found. For further information about the investigation project please email SoilInvestigation2021@cyfoethnaturiolcymru.gov.uk

The operations on site involved construction type waste materials and road plainings being brought onto site for sorting and screening to required size before being sent on for use as aggregate materials. The most common use for these aggregates was for farm tracks and farm gateways under U1 exemptions. GC asked for copies of recent waste transfer notes, which were received following the inspection and found to be in compliance with condition 2.3.2 and Schedule 2 - Waste types of your permit.

We discussed the operations on site and aggregate protocols. If you wish to produce aggregate products that meet the end of waste criteria you need to follow the WRAP Aggregates from Inert Waste Quality protocol which specifies that for aggregate to be regarded as having ceased to become waste it must:

- conform to an appropriate European standard
- be produced under the relevant Factory Production Control
- have inputs which are limited and controlled
- require no further processing
- be destined for a use within a designated market
- conform with Construction Products Regulations for aggregate

For further information regarding the WRAP Aggregates from Inert Waste Quality please see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/296499/LIT_8709_c60600.pdf

GG mentioned that there was planning permission for the site to infill the quarried area to the rear of the site to a depth of 4 metres of the old quarry face and that subsoil produced

from activities on site went to infill the quarry face. This is not an activity included in your current permit, please refer to the email sent by JG to your consultant Nicola Strudwick on 24th March for information. Further pre-application discussion regarding changing the activities on site is ongoing and separate from this CAR form.

FG confirmed that he was the Technically Competent Manager (TCM) for the site and that his competency certificate was valid until March 2023. A copy of this certificate is on file and confirmed compliance with Condition 1.1.1(b) of your permit.

GG discussed that they had recently submitted a planning application to the local authority to develop the site into a holiday lodge park. JG replied that the should the company wish to close they would need to surrender their permit, see here for further information about surrendering your permit: [Natural Resources Wales / Apply to surrender a waste permit](#)

Thank you for taking the time to conduct us around your site.

If you have any enquiries with your CAR please email:

GwastraffaGorfodi.Canolbarth@cyfoethnaturiolcymru.gov.uk

Regards,

Gillian Coates

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.

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.