

## Compliance Assessment Report CAR\_NRW0039878

**Permit being assessed:** LB3193HC.

For: Cwm Quarries, held by Keri Davies

At: Builth Wells, Powys, LD2 3TE.

**Type of assessment carried out:** Report/Data Review, Reason: Routine.

On 05/05/2022.

Parts of permit assessed: All

**NRW Lead Officer:** Malcolm Dines.

**Report sent to:** Mr Keri Davies, Owner on 06/05/2022.

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

| Part of permitted activity assessed (criteria)                                                                 | Assessment result | Permit condition |
|----------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| A1 - Specified by permit                                                                                       | Action only (X)   |                  |
| A1 - Specified by permit                                                                                       | Action only (X)   |                  |
| C1 - General Management - Staff competency/training                                                            | Action only (X)   |                  |
| C2 - General Management - Management system and operating procedures                                           | Action only (X)   |                  |
| G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales | C4 No impact      | 4.2.2            |

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

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 1                                        | 0.1                        |

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       | You must not accept any more waste material at the site unless you submit, and have approved by NRW, an amended version of your Waste Recovery Plan that allows you to continue to accept waste.                                                                                                                                | 07/11/2022  |
| A1       | Arrange for a third-party survey to be carried out by a qualified person, of all the material deposited as part of the waste recovery activity and submit a report that includes the survey as well as an accurate volume calculation of the amount (tonnes) of waste that has been deposited since the permit has been issued. | 05/09/2022  |

| Criteria | Action needed                                                                                                                                | Complete by |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| C1       | Submit details of the Technically Competent Manager for the site and copies of their qualifications and continuing competency where relevant | 06/06/2022  |
| C2       | Submit the latest version of your Environmental Management System                                                                            | 06/06/2022  |
| G4       | Please submit all outstanding waste returns                                                                                                  | 06/06/2022  |

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

This was a routine desk-based compliance assessment carried out by Malcolm Dines, following a compliance visit to the site on 5th January by Ffion Quan (ref: CAR\_NRW0039152). An action from that compliance visit was for you to provide Natural Resources Wales (NRW) with information about the future of the site by 4th February 2022.

Due to your failure to submit this information, which follows a similar failure to contact NRW as requested on the CAR from (ref: CAR\_NRW0034562) dated 5th February 2019, we have reviewed compliance with the whole of your permit.

It is clear by comparing photographs taken at compliance visits in December 2018 and January 2022, that a significant quantity of material has been deposited at your site since the compliance visit in December 2018.

#### Permit Breaches

##### G4 - Reporting and notification to NRW - Cat 4; Permit Condition 4.2.2

You have been given this category 4 breach under the above condition because you have failed to submit any quarterly waste returns, as required by permit condition 4.2.2, since 2015. This means we do not have any records as to the quantity or type of wastes that you have accepted at the site. A Category 4 breach of permit condition 4.2.2 has been scored.

Actions: Please submit all outstanding quarterly waste returns. A deadline of 6th June 2022 has been specified for this action to be completed.

#### Other general observations/comments

##### Waste Recovery Plan

In your approved Waste Recovery Plan (WRP), planning permission for the acceptance of

waste at the site expired on 31st March 2019, or 31st October 2020 at the latest. It is clear from the photographs taken during our site visit on 5th January 2022 that the recovery activity is not complete. As planning permission has expired, you must not accept any further waste onto your site unless you submit an amended WRP to NRW who must approve the WRP. If you accept any further waste without amending your WRP to allow you to do so, you will have breached permit condition 2.1.1 and NRW will take appropriate compliance action. Due to your repeated failure to contact NRW when requested and the advice already provided, NRW may consider whether enforcement action is also appropriate.

In order to accept anymore waste at your site, please submit an amended WRP that allows you to accept waste. A deadline of 7th November 2022 has been specified for this action to be completed however, given that you do not need to accept anymore waste at your site, and this action requires your planning permission to be changed and then the WRP to be approved, any failure to meet this deadline will not be considered to be a permit breach.

#### Waste Quantities Accepted

Due to your failure to submit waste returns and that you have accepted waste at the site, please arrange for a third-party survey of the site to be carried out by a qualified person and then submit a report that includes the survey and an accurate volume calculation of the amount (tonnes) of material that has been deposited since the permit has been issued. A deadline of 7th November 2022 has been specified for this action to be completed. Compliance with permit conditions covering waste acceptance, reporting and record-keeping will be assessed in a separate Compliance Assessment Report (CAR) form following this deadline.

#### Staff Competency

Permit condition 1.1.4 requires you to comply with an approved competency scheme. Please submit details of the person(s) providing Technically Competent Manager cover at your site and copies of their qualifications and continuing competency certificates (if required). A deadline of 6th June 2022 has been specified for this action to be completed. Compliance with permit condition 1.1.4 will be assessed on a separate CAR form following this deadline.

#### Environmental Management System (EMS)

Permit condition 1.1.1 requires you to operate your site in accordance with a written management system. Please submit a copy of the latest version of your EMS, a deadline of 6th June 2022 has been set for this action to be completed. Compliance with permit condition 1.1.1 will be assessed on a separate CAR form following this deadline.

*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.*

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](mailto: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](mailto: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.