

## Compliance Assessment Report CAR\_NRW0039917

**Permit being assessed:** TB3397TD.

For: GTR Aggregates and Recycling Limited, held by GTR Aggregates & Recycling Ltd  
At: Waste Transfer Station, Dee Bank Industrial Estate, Boot End, Bagillt, Flintshire, CH6 6HJ.

**Type of assessment carried out:** Site Inspection, Reason: Other.

On 27/04/2022 between 11:25 and 12:40.

Parts of permit assessed: Waste acceptance

**NRW Lead Officer:** Amy Henderson, accompanied by Boguslawa Pierzchala.

**Report sent to:** Oliver Kirkbride, Director on 20/05/2022.

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

| Part of permitted activity assessed (criteria)                        | Assessment result | Permit condition                              |
|-----------------------------------------------------------------------|-------------------|-----------------------------------------------|
| C4 - General Management - Storage, handling labelling and Segregation | Ongoing (O)       | 1.2.1 Permitted categories and types of waste |

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 |
|----------|-------------------------------------------------------------------------------------------------------------|-------------|
| C4       | Site should remove all food waste from site and submit Waste Transfer Notes to NRW to evidence the removal. | 24/05/2022  |

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.

**You are non-compliant with your permit.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

## 4. Details of our assessment

The permit for GTR Aggregates and Recycling Ltd, TB3397TD, was partially suspended on 30th March 2022. This suspended the permit for all incoming wastes. The site was still permitted to treat and remove waste.

On Monday the 25<sup>th</sup> of April 2022, Natural Resources Wales received a report stating that the site was continuing to accept waste.

Officers carried out an unannounced inspection the following day, Tuesday the 26<sup>th</sup> of April 2022. No waste was observed coming into site on this occasion; however, officers were made aware that waste was still being accepted on site.

On Wednesday the 27<sup>th</sup> of April 2022 to substantiate further claims that the site were continuing to accept wales, Natural Resources Wales officers visited the area in branded NRW vehicle and parked across the road from the main gate. Whilst parked officers saw a covered skip enter the site; however, they were not able to see if any waste was inside the skip. (see photo below).



Officers decided to visit another (unrelated) site and return to GTR in the afternoon. As officers drove past the main gate and onto the A548, officers witnessed a GTR branded lorry with a fully loaded skip heading to the site.

Officers turned around and parked opposite the site again. Whilst in the van officers observed that GTR lorry reverse onto the weighbridge at GTR site. (see photo below).



They also saw the skip being placed on the left-hand side of the main gate. (see photo below).



The officers attended the site and spoke to Jamie Roberts, site manager. Officers requested to see Duty of Care waste transfer documentation. Mr Roberts stated all documents were stored in a file on site; however, he had been instructed by the site owner not to hand any documents over to Natural Resources Wales. It is an offence to obstruct an officer of Natural Resources Wales, under section 110 of the Environment Act 1995

It was pointed out that the officers had seen waste being deposited on site, despite the suspension notice in place and that it was an offence to breach the conditions in that notice. Mr Roberts stated he was following the owner's instructions.

The officers saw the skip left by the lorry in the area next to the main gate by the aggregates bay. There was also another skip and a wagon with a fully loaded skip next to it.



Mr Roberts was told to close the site for any incoming waste. He stated he would put a padlock on the main gate.

Mr Roberts was given a Code B notice and officers left the site.

It is an offence under under EPA 1990, Regulation 38(3) To fail to comply with the requirements of an enforcement notice. The acceptance of waste is a breach of the notice in place. Investigations will continue and the appropriate enforcement response will be taken.

Thank you for your time and co-operation during the inspection.

Should you wish to discuss this CAR form or any other matters, please contact me on the details below.

Amy Henderson

Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

[amy.henderson@cyfoethnaturiolcymru.gov.uk](mailto:amy.henderson@cyfoethnaturiolcymru.gov.uk)

*"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.