

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

| | | | | | |
|------------------------------|-----------------------|-------------|------------|-----|-------|
| Site | Cwm Quarries | Permit Ref | LB3193HC | | |
| Operator/Permit holder | Keri Davies | | | | |
| Regime | Waste Operations | | | | |
| Date of assessment | 06/12/2018 | Time in | 11:10 | Out | 11:30 |
| Assessment type | Site Inspection | | | | |
| Parts of the permit assessed | Permitted activities | | | | |
| Lead officer's name | Park, Liz | | | | |
| Accompanied by | Starks, Madeleine | | | | |
| Recipient's name/position | Keri Davies/ Operator | Date issued | 05/02/2019 | | |

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 |
|---|--------------|-----------------------|
| <p>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.</p> | | |

| | | | |
|------------------------------------|----------|---|----------|
| Number of breaches recorded | 0 | Total compliance score (see section 5 for scoring scheme) | 0 |
|------------------------------------|----------|---|----------|

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

Madeleine Starks undertook an unaccompanied site inspection of Cwm Quarries. It was unclear prior to the visit as to whether or not this permit for the permanent deposit of waste on land was pre-operational or operational. NRW's finance department had attempted to contact Keri Davies in 2018 but no response was received.

A consultant from Agriadvisor contacted Liz Park in May 2018 regarding a possible permit transfer but no further correspondence has been received.

Therefore, a site inspection was undertaken to establish the current status of the permit. Please note that the site inspection was undertaken Madeleine Starks, but this CAR was written by Liz Park as Madeleine has since left Natural Resources Wales.

A number of photographs were taken of the site as part of the inspection.



Quarry 2 to the left of the photo, Quarry 1 to the right



Deposit of waste in the vicinity of Quarry 1

Quarry 1

It is clear from the site visit that some activity has taken place on the site in the vicinity of quarry 1. However, it does not appear to be in accordance with Waste Recovery Plan Ref: ARM/WWRP/5.00/2015. The waste recovery plan requires the waste to be compacted on site in lifts in accordance with highway specification Table 6/1 and 6/4. It is unknown as to whether or not the waste has been subject to WAC tests. In addition, the material must comply with residential development SGV values.

Quarry 2

No deposit of waste was observed in quarry 2

Management System

In October 2015 the requirement for a management system was discussed with the former TCM, Andy Morris. Whilst there is evidence of some written procedures provided by Andy Morris as part of the permit application process, no known management system exists. This must be written before activities commence. Operating without a written management system would be a significant breach of permit condition 1.1.1.

Technically Competent Manager (TCM)

There is currently no known TCM. As per permit condition 1.1.4 'the operator shall comply with the requirements of an approved competence scheme', you must have a TCM to direct activities on the site for minimum period of time each week. This can be discussed with the TCM and must be record in a written management system.

The site inspection indicates that the activity is not being undertaken in accordance with Permit LB3193HC and the associated Waste Recovery Plan Ref: ARM/WWRP/5.00/2015. The operator Keri Davies, is strongly advised to contact Liz Park at Natural Resources Wales to arrange a site meeting to discuss the future operation of this site and how to comply with the Environmental Permit.

Failure to do will result in Natural Resources Wales considering what steps to take to ensure compliance with the permit.

Please note that an accurate and comprehensive record of the activities in accordance with the waste recovery plan would be required for any future surrender application. The annual subsistence fee remains payable until the permit is surrendered.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034562**

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| Operator/Permit holder | Keri Davies | Date | 06/12/2018 |

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 | | | |

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.