

## Compliance Assessment Report CAR\_NRW0040174

**Permit being assessed:** CB3596CC.

For: The Old Coal Yard, held by SOS Plant Hire Ltd

At: Park Road, Rhosymedre, Wrexham, Wrexham, LL14 3AX.

**Type of assessment carried out:** Site Inspection, Reason: Incident Response (Incident number 2205020).

On 20/07/2022 between 09:30 and 10:24.

Parts of permit assessed: Specified by permit

**NRW Lead Officer:** Kathryn Bradshaw, accompanied by Simon Griffiths.

**Report sent to:** Sean O'Sullivan, Owner/Director on 27/07/2022.

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

| Part of permitted activity assessed (criteria)        | Assessment result | Permit condition |
|-------------------------------------------------------|-------------------|------------------|
| D1 - Incident Management - Site security              | Action only (X)   |                  |
| B4 - Infrastructure - Containment of stored materials | 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 |
|----------|--------------------------------------------------------------------------------|-------------|
| D1       | Review the site security to prevent access from members of the public          | 30/09/2022  |
| B4       | Reduce the pile of soils and stones to prevent escape beyond the site boundary | 31/08/2022  |

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 an unannounced first site inspection of this newly permitted site as a result of an incident Natural Resources Wales had received about the burning of waste.

On arrival we reported to the site office where we were informed that Sean O'Sullivan, site owner and director, was not on site and there was a guard dog present in the permitted area. We were advised it would be safer to wait until the site owner returned to accompany us into the permitted area. Whilst we were waiting we inspected incoming waste transfer notes held in the office and there were no issues. The member of staff in the office was also fully aware of the requirement to submit quarterly returns for the incoming and outgoing wastes.

The weighbridge and office is at the entrance to the site with CCTV and further down is the compound where the waste is stored and treated. This area had gates at the entrance which are locked at lunchtimes and at the end of the day. Whilst we were waiting for the site owner to arrive an I Haywards skip turned up to collect the scrap metal from the site.

Once Mr O'Sullivan arrived he accompanied us down to the area where the waste is stored and treated. We were advised that a screener and crusher are hired in once a month to process the waste. There was a general waste and scrap metal skip in this area for any contaminants that were found in the waste.

### Scrap metal skip



Incoming wastes were visually inspected at the point of collection and refused if excessive contamination was visible. The waste is then sorted with any contamination being removed by hand and then treated once the screener and crusher were on site.

### Wastes being sorted and segregated



I advised Mr O'Sullivan that Natural Resources Wales (NRW) had received a report of burning of waste from this yard. There was no visible evidence of any waste being burnt and Mr O'Sullivan was fully aware of the requirements of his permit conditions, including that the site cannot burn any waste. He did inform us that the fire service was called a few months ago to a fire but that children had managed to access the site and set fire to the green waste that had been stored there but had no further issues since.

#### **Green waste, crushed concrete & earth bund**



Although the site has a large earth bund around the site, it is still possible to access the area where the wastes are stored. **It is advised that you review the site security to prevent members of the public gaining access.**

There was a large piles of soil and stones which were encroaching beyond the site perimeter which Mr O'Sullivan said would be reduced in a month's time. **Please ensure this pile of waste is reduced so that it does not go beyond the permitted boundary.**

#### **Large pile of stored soils and stones**



The site informed us that no fuel or oils are kept on site due to the risk of theft and they go to the garage on a daily basis to purchase the fuel that is required to power the machines. Any standing water that may accumulate on site is pumped out and disposed of. The site also requested advice on biomass boilers as they are looking to install one on site. This advice will be sent in a separate email.

Thank you for your time during the inspection

Kathryn Bradshaw

Swyddog Rheoleiddio Gwastraff Peryglus (GD)/ Hazardous Waste Regulation Officer (NE)

Cyfoeth Naturiol Cymru/ Natural Resources Wales

Ffôn/ Phone: 03000 65 5191

Ffordd Caer, Bwcle. Sir Fflint. CH7 3AJ / Chester Road, Buckley. Flintshire. CH7 3AJ

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.