

Compliance Assessment Report CAR_NRW0040207

Permit being assessed: VP3899FS.

For: Croescarneinon Farm Landfill, held by Davies Gethin & Son

At: Rhiwderin, Newport, Gwent, NP10 8RR.

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

On 27/07/2022 between 11:10 and 12:00.

Parts of permit assessed: Permit and restoration plan

NRW Lead Officer: Jak Rose, accompanied by Alex Bowder.

Report sent to: Edward Davies, Landowner on 05/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B2 - Infrastructure - Closure and decommissioning	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	

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?

No action required.

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 compliance report details the site inspection conducted by Natural Resources Wales

(NRW) Officers on 27 July 2022 at Croesarneinon Farm, Rhiwderin, Newport NP10 8RR - Permit number **EPR- VP3899FS**.

Waste Regulation Officers Jak ROSE and Senior Officer Alex BOWDER arrived at site at 11:10 and met with Landowner Edward DAVIES. The last inspection was completed on 31 January 2019. It was requested that an entire site walk around was undertaken. The weather conditions were fine and dry during the time of inspection.

To remind the operator, following each assessment Natural Resources Wales will produce a **Compliance Assessment Report (CAR)** detailing our comments from the audit. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions. This can affect your site banding and annual subsistence fees; scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the people/property/environment
- 2 - Significant impact or effect on the environment/people/property
- 3 - Minor impact or effect on the environment/people/property
- 4 - A non-compliance which has no potential environmental effect

Previous inspection on 31 January 2019 - Reference: CAR_NRW0034713

During this inspection Officers identified three breaches, two Category 2 breaches and one Category 3 breach. Following these breaches, the Operator was issued with a Regulation 36 Notice. The Notice has been complied with. Outlined below are those breaches in further detail.

A1 – Specified activities – Specified by permit: Permit condition 37 – CCS CAT 2

The Category 2 breach was due to waste being accepted at site when the status of the landfill was within its restoration phase. This meant reduced subsistence fees since 2003.

During this inspection it was noted that mixed construction and demolition wastes, and other wastes were deposited on site. Due to the permit being in definitive closure and further waste was being accepted, this led to breaches against the permit.

Wastes were no longer accepted, and waste transfer notes were provided for the movement of waste.

G1 – Monitoring of emissions and Reporting – Permit condition 40/41 – CCS CAT 2

This was due to the lack of measures to prevent and mitigate pollution which had not been taken due to the lack of relevant environmental monitoring. There was no formal approved restoration plan in place, despite documented evidence of the regulating authority at the time stipulating improvements to be made to the initial restoration plan that had been declined.

A restoration plan was submitted in September 2019 that identified several improvements

which included area of closure, site stability and monitoring.

The restoration plan was submitted by PLR Services in September 2019. Within the report it states *15,000 cubic metres of suitable materials including that of restoration is required to complete the profiling of the site. It has been estimated that a further 36 months would be required to allow sufficient materials for completion to approved levels.*

G4 – Reporting and notifications – Permit condition 39 – CCS CAT 3

This was for an appealed case against Newport County Council that took place in relation to time frames and operations on site, which would directly impact the work on the permitted site. The site did not inform NRW of this and was breached.

General Observations 27 July 2022

Officers walked down the track from the main farm car park into the area that was once the landfill. The area is currently overgrown with vegetation and the topography comprises of old stockpiles of construction and demolition waste. See photos below.



Photo 1 – track leading down into former landfill site



Photo 2 – track going through the middle of the site

Mr DAVIES advised that the site was let to a Mr Robert HARRY to manage for the day-to-day operation. Mr HARRY no longer works at the site. Mr DAVIES proposes that the site will become a solar farm for renewable energy. The application is currently with Welsh Government and has been delayed at various stages due to several reasons including the Coronavirus pandemic.

The site appears secure with the main access via a private road into the farm. It appears that no wastes were present on the site except for some timber logs that originated from farm activities.

Summary

Within the restoration plan dated September 2019, it detailed 36 months would be required to allow sufficient materials for completion to approved levels. This would bring us up to the timescale estimated within the report.

It was agreed that NRW would review the proposals with the requirements of this plan. These also include matters such as drainage and monitoring of ground water.

NRW will provide feedback on the status of the site in line with the restoration plan. A decision on these proposals will be provided in due course.

Officers left the site at 12:00

If you have any issues with this report, please contact Officer Jak Rose at jak.rose@naturalresourceswales.gov.uk

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource 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 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.