

Compliance Assessment Report CAR_NRW0040284

Permit being assessed: MP3330WP.

For: Withyhedge Landfill, held by Resources Management U.K Limited

At: Withyhedge Landfill Bowlings House , Rudbaxton, Haverfordwest, Pembrokeshire, SA62 4DB.

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

On 18/08/2022.

Parts of permit assessed: 2.6.1, Table S1.4A Pre-Operational conditions 1, 2 &3

NRW Lead Officer: Ffion Thomas.

Report sent to: Phil Ridley, Business & Development Director on 18/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B1 - Infrastructure - Engineering for prevention and control of emissions	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

There are 2 elements to this assessment. The first relates to the discharge of the standard condition relating to the acceptance of a CQA plan proposal (condition 2.6.1) The second relates to the discharge of the Pre-Operating conditions found in table S1.4A

Acceptance of CQA proposals (2.6.1) – Construction of Cell 7.

Natural Resources Wales (NRW) will accept the Construction Quality Assurance (CQA Plan) proposals for the construction of Cell 7, subject to the caveats set out below. The accepted CQA proposals consists of the following documents/submissions:

- WITHYHEDGE LANDFILL – PHASE 2, CELL 7. CONSTRUCTION QUALITY ASSURANCE PLAN FOR BASAL LINING. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2267r2v1d0822 August 2022.
- WITHYHEDGE LANDFILL – PHASE 2, CELL 7. BASAL LINING ENGINEERING SPECIFICATION. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2267r1v1d0822 August 2022.

The CQA Plan generally follows the approved design of Cell 6, (Withyhedge Landfill Site Cell 6 Construction CQA Method Statement and Engineering Specification. TerraConsult 5042-R1-3 June 2021). The main notable change was the additional earthworks required to raise the ground to formation level for the base of the cell. This was necessary to maintain the unsaturated zone above the groundwater table permit requirement of >1m due to the area having been lowered previously by excavation for soils material.

NRW have the following comments:

1. There is no record of the thicknesses of fill placed for the sub-formation earthworks. Drawing 2267/3 does show where the cut area was over dug and according to the text this area would have been built back up by 1.0m but no information about how the fill thicknesses vary elsewhere. This information is available but hidden by the cell overlays. Please submit ground elevations prior to the works or isopaches of the fill layer added (or on a new drawing).
2. Drawing 2267/4 Groundwater Levels and Ditch Standoff: The ground contours are at 2.5m intervals on this drawing. This gives the impression the base of the southern sidewall is lower than the adjacent ditch. It is preferred that the drawing is revised with the 0.5m interval contouring used on Drawing 2267/7 & 8 to better illustrate the relationship between the cell, drainage ditch and groundwater levels.

These items can be updated and provided via the CQA validation report submission.

Please note that the acceptance of these CQA proposals, by NRW, does not mean that the assumptions, design specifications or testing regimes will be suitable for any future development at the site.

Groundwater data collected from the boreholes are to be submitted on a quarterly basis (as part of your routine submissions). Groundwater data will need to be assessed annually as part of your annual monitoring review (due January each year), to assess compliance against the 1m+ unsaturated zone provisions in your permit.

End section 1.

Pre -operational conditions

Pre-operational condition 1

Extract:

Prior to the construction of any cells within areas B,C,D,E as detailed in drawing ESID 6A of the application (BP3131SG) and drawing WHV 4 the operator shall undertake a site investigation as specified within the response to Question 1 of the schedule 4 notice dated 31 January 2006. The investigation shall include, but not be limited to the following issues:

- *Groundwater elevation and seasonal fluctuations*
- *Groundwater flow direction*
- *Interaction between ground and surface water*
- *Review of data obtained and update the conceptual model*

Following the investigation the operator shall submit a written report detailing the revised site conceptual model and provide evidence there is one m thick unsaturated zone as per the proposed landfill design. In the event that the unsaturated zone is less than 1 m the operator shall provide a revised hydrogeological risk assessment and, if required, a revised landfill design. The operator shall implement any improvements or measures as agreed in writing with the Environment Agency.

Natural Resources Wales (NRW) have previously accepted^[1] the discharge of **pre-operational condition 1** (for Cell 6) Based on the information supplied in the following submissions and subject to the caveats set out below, Natural Resources Wales also accept the discharge of Pre-Operational Condition 1 (for cell 7)

This acceptance only relates to the proposed development known as Cell 7 (as shown in the CQA plan^[2]). The requirements of pre-operation condition^[3] 1 will still apply to any future cell built at the Withyhedge installation.

NRW are also unlikely to accept any future (pre-operational^[4]) submissions pertaining to any future cells, that do not include at least 12 months groundwater monitoring data.

Cell 7 pre-operational condition 1 submissions:

- TerraConsult's report: Withyhedge Landfill Site, Installation of Groundwater Monitoring Boreholes, Validation Report dated December 2020.
- WITHYHEDGE LANDFILL – PHASE 2, CELL 7. CONSTRUCTION QUALITY ASSURANCE PLAN FOR BASAL LINING. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2267r2v1d0822 August 2022. Sections 3.1
- WITHYHEDGE LANDFILL – PHASE 2, CELL 7. BASAL LINING ENGINEERING SPECIFICATION. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2267r1v1d0822 August 2022. Sections 3.1

Pre-operational condition 2

Extract:

Prior to the construction of any cells within Areas B, C, D, E, E as detailed in drawing ESID 6A of the application (BP3131SG) and drawing WHV/4 the operator shall provide in writing details of the site specific control measures that will be undertaken to ensure that the required minimum unsaturated zone assessed as part of the pre operational condition 1 will be maintained. The operator shall implement any improvements or measures as agreed in writing with the Environment Agency

Natural Resources Wales (NRW) will accept the discharge of **pre-operational condition 2** (for Cell 7) based on the information supplied in the following submissions and subject to the caveats set out below.

This acceptance only relates to the proposed development known as Cell 7 (as shown in the CQA plan^[5]). The requirements of **pre-operation condition^[6] 2** will still apply to any future cell built at the Withyhedge installation.

NRW are also unlikely to accept any future (pre-operational^[7]) submissions pertaining to any future cells, that do not include at least 12 months groundwater monitoring data.

Cell 7 pre-operational condition 2 submissions:

- TerraConsult's report: Withyhedge Landfill Site, Installation of Groundwater Monitoring Boreholes, Validation Report dated December 2020.
- WITHYHEDGE LANDFILL – PHASE 2, CELL 7. CONSTRUCTION QUALITY ASSURANCE PLAN FOR BASAL LINING. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2267r2v1d0822 August 2022. Section 3.1
- WITHYHEDGE LANDFILL – PHASE 2, CELL 7. BASAL LINING ENGINEERING SPECIFICATION. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2267r1v1d0822 August 2022. Section 3.1

Pre-operational condition 3

Extract:

Prior to the construction of any cells within areas B,C,D,E as detailed in drawing ESID 6A of the application (BP3131SG) and drawing WHV/4 the operator shall provide a report detailing site specific design for the spring diversion. The report shall include details of the construction quality assurance procedures and any other control measures that will be required as part of these works. The report shall take into account the available results of the site investigation undertaken as part of the pre – operational measure reference 1 of table S1.4A. The operator shall implement any

improvements or measures as agreed in writing with the Environment Agency.

The failure to properly discharge this **pre-operational condition 3** in accordance with the permit and the failure to seek agreement from NRW, before undertaking the diversion works was previously scored under CAR_NRW0038516

We have suspended further non-compliances relating to this matter, subject to the outcome of a successful permit application to revise the spring diversion route.

Action: Operator to submit permit variation application to revise Spring Diversion route.

End of section 2.

[1] NRW Letter dated: 12th March 2021

[2] Reference: 2267r2v1d0822

[3] Including Pre-operational condition 2

[4] i.e. pre-op 1 and/or 2

[5] Reference: 2267r2v1d0822

[6] Including Pre-operational condition 2

[7] i.e. pre-op 1 and/or 2

END

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.