

Compliance Assessment Report CAR_NRW0040298

Permit being assessed: PP3993VS.

For: Atlantic Recycling Limited, held by Atlantic Recycling Limited

At: Rumney, Cardiff, Glamorgan, CF3 2EJ.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2200614).

On 02/02/2022 between 13:15 and 15:00.

Parts of permit assessed: Incident

NRW Lead Officer: Lewis Evans.

Report sent to: Phil Ridley, Business & Development Director on 24/08/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
E2 - Emissions - Land and groundwater	C3 Minor	3.2.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1(a)
C4 - General Management - Storage, handling labelling and Segregation	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
2	4.1

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
E2	To ensure that the incident does not happen again, please ensure that no soil or any other heavy material will be placed in this area in the future.	09/09/2022
G4	In the future, if any incident were to occur on site, please notify NRW immediately.	Already completed
C4	Please provide an explanation to NRW on what will be done to the soil and when the soil will be moved further away from the interceptor ditch by the 9th of September 2022.	09/09/2022

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

Land Slip Incident

On the 26th of January 2022 Atlantic Recycling Limited (ARL) submitted the following email to Natural Resources Wales (NRW).

In accordance with operational conditions 4.3.1(a) of Waste Management Permit EPR/PP3993VS as amended, we hereby formally notify the Regulatory Authority for the site of an incident which has occurred. This event was noticed during a general site inspection on Friday 14th January 2022

It is apparent that as a result of an imposed load of inert soil in the field 4 area of the permitted site, in conjunction with recent persistent heavy rain over the Christmas period, an area approximately 20 metres in length has slipped sub-surface resulting in both the interceptor ditch and a portion of the SSSI reed bed at location SW08 becoming pinched and blocked with soil.

We have ceased all work in this immediate area; It would be our intention to continue to monitor the area for further movement of the ground, although we will not be able to continue with scheduled water quality testing until the slip has been remediated. It is our opinion that moving the inert soil pile at this time together with the required operation of heavy machinery on saturated ground will only contribute to further slippage. In order to minimise the risk of further short-term environmental impact on the SSSI, we would look schedule

remediation of the damaged bank, interceptor ditch and SSSI in the Spring once the ground has dried (notwithstanding further instruction from the Regulator).



Picture 1 - Initial incident which was noticed on the 14th of January 2022.

ARLs Regulatory Officer Lewis Evans was accompanied by Alexis Alders and David Penny on a site visit on the 2nd of February 2022 to inspect land slip incident and the impact as a result on the interceptor ditch and the SSSI Reen. During the visit, it was noted that the soil was placed in Field 4 as that can be seen in Picture 1, this was placed here in November and on an area where no loading on the ground was previously done. Due to the fact no weight had been put on the area, this has been determined to be the cause of the landslip. This also is highlighted as per point 12 on page 7 of the remediation plans that were submitted to NRW on the 15th of February 2022.

During the visit on the 2nd, NRW discussed with ARL on how they would need to go about to remediate the SSSI Reen and the Interceptor ditch. This included the timescales and guidance that ARL would need to follow. NRW also noted that the work would need to be completed by the 20th of March 2022, this is due to the bird breeding season beginning and any works done after this date may effect the birds.



Picture 2 - Image of the soil pile with large cracks showing the slip zones on the 2nd of February 2022.



Picture 3 - Image of the SSSI Reen on the 2nd of February 2022.

ARL had then produced and submitted a report to NRW on the 15th of February 2022 on how the remediation works would be completed. This was passed onto the relevant team within NRW to be assessed. Consent was then given to ARL

on the 18th of February 2022 based on the information they provided in the report to complete the remediation work.

Work then began to remediate the SSSI and NRW were informed via email on the 21st of March 2022 that the work was completed on the 9th of March 2022. See pictures 4 and 5 below on the remediated SSSI reen.



Picture 4 (above) and Picture 5 (below) - Images of the completed remediation works on the SSSI Reen.



A further visit to ARL was undertaken on the 6th of April 2022 with NRW officer Lewis Evans and Kelly Sherratt where the ditch was inspected as part of the visit. The SSSI Reen had been successfully remediated according to the plans that were submitted. However, NRW officers did notice that the large soil pile was still in the same location and hadn't been moved and the interceptor ditch had not been re introduced. An action was put forward in CAR_NRW0039729 to move the soil further back away from the interceptor ditch and re introduce the interceptor ditch, but this had not been completed.

On the 28th of July 2022, ARL submitted images of the interceptor ditch that

had been re introduced.



Picture 6 - Image of the interceptor ditch sent to NRW on the 28th July 2022.



Picture 7 - Image showing the interceptor ditch with the large soil stockpile in the background in the same location with vegetation growing.

The remediation of the SSSI Reen and interceptor ditch have now been completed. However, from the pictures submitted to NRW and in Picture 7, it is apparent that the soil stockpile is still located near the waterbodies. – **Action: Please provide an explanation to NRW on what will be done to the soil and when the soil will be moved further away from the interceptor ditch by the 9th of September 2022.** This is to ensure that the soil is moved in time before we get into the wetter seasons and increase the risk of the land slipping again.

As the landslip was noticed on the 14th of January 2022 and ARL notified NRW on the 26th of January 2022, ARL failed to notify NRW immediately when the land slip was noticed on site. This is a breach of permit condition 4.3.1(a)(i) and a Category 4 CCS score will be applied. In the future, if any incident were to occur on site, please notify NRW immediately.

Regarding the landslip and the blockages of the SSSI Reen and the interceptor ditch, a Category 3 CCS Score will be applied against permit condition 3.2.1. To ensure that the incident does not happen again, please ensure that no soil or any other heavy material will be placed in this area in the future.

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.