

Compliance Assessment Report CAR_NRW0040383

Permit being assessed: MB3390HF.

For: Land Adjacent To Herbert Road, held by Riversee Ltd

At: Newport, NP19 0RD.

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

On 01/09/2022 between 12:45 and 13:00.

Parts of permit assessed: Various

NRW Lead Officer: Greg Gardner, accompanied by Alex Bowder.

Report sent to: Darran Watts, Technically Competent Manager / Owner on 15/09/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
A1 - Specified by permit	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	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
1	0.1

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
G4	Submit outstanding waste returns to NRW. Waste returns must be submitted even if a null return	31/10/2022

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 report details the site visit made on the 1st September 2022 to Riversee Ltd, Newport, permit reference number EPR-MB3390HF.

Officers Alex BOWDER and Greg GARDNER attended the Riversee Ltd site at the Land adjacent to Herbert Road, Newport, for a routine site inspection at 12:45pm. The weather was dry, and reasonably mild which it had also been the previous day.

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

- 1 - Major, serious persistent and/or extensive impact on the environment/people/property
- 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

PERMIT HISTORY

See below extract from permit regarding variation history.

Status log of the permit		
Description	Date	Comments
Application EPR/MB3390HF/A001	Duly made 11/06/15	Application for tier 2 bespoke permit based on standard rule set SR2010 No8- Use of waste in construction.
Permit determined	30/07/15	Permit issued to Riversee Limited

End of introductory note

COMPLIANCE BREACHES**CATEGORY 4 BREACH – PERMIT CONDITION 4.2.2****(G4) – REPORTING AND NOTIFICATION TO NATURAL RESOURCES WALES**

"Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter."

- Riversee Ltd have failed to submit any waste return data since quarter 1, 2016.

Please see report content for further justification

GENERAL OBSERVATIONS

Riversee Ltd, Newport operate a tier 2 bespoke permit based on standard rule set SR2010 No8- Use of waste in construction. This permit allows the operator to store and subsequently use waste for the purposes of construction work provided that the waste is suitable for use for the type of construction work required. This permit shall not be used for the purposes of land restoration or reclamation. This permit is for the recovery of waste only and does not apply to any activities involving disposal. The total quantity of waste that can be stored and subsequently used at the site under this permit shall not exceed 100,000 tonnes.

SITE INFRASTRUCTURE

The general housekeeping on the site was in good condition with no major amounts of loose debris located on the floor (as seen in photo 1). The vast majority of the material on site was for storage of building materials which is classed as a product which is to be used on a nearby development. There were no excessive deposits on the road and there was no excessive noise or dust issues.



Photo 1 - Overview of site containing building materials



Photo 2 - Overview of site containing building materials

PERMIT SURRENDER

The operator has indicated that they wish to pursue a permit surrender in the near future. In order to surrender the permit you must ensure the Waste Recovery Plan that was submitted to NRW has been fulfilled and all the material brought onto site has been either used or cleared. You will be required to complete a H5 Site Condition Report detailing that there has been no pollution or contamination of the site during the time of the permit:

<https://naturalresources.wales/permits-and-permissions/environmental-permits/horizontal-guidance/?lang=en>

You will also need to provide evidence via CAR Forms, photos and incident diary records to demonstrate the current condition of the site and that there has been no pollution. We must confirm that an intrusive investigation is not needed in line with the criteria in box 1 of the H5 Site Condition Report. We will need assurance that there has been no fly-tipping on the land and will state that we are satisfied that the site has been cleared to a reasonable standard. We would require to do a final inspection to confirm these factors.

Here is the link to our websites that details the requirements and forms required to be submitted for a surrender:

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/apply-to-surrender-a-waste-permit/?lang=en>

WASTE RETURN SUBMISSIONS

According to NRW records, Riversee Ltd have failed to submit any waste return data since quarter 4, 2016.

Permit condition 4.2.2. states that *'Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter'*.

As a reminder to the operator, please see below the waste return submission deadlines:

Waste Return Submission Deadline

Quarter	Period	Deadline
1	1 January to 31 March	30 April
2	1 April to 30 June	31 July
3	1 July to 30 September	31 October
4	1 October to 31 December	31 January

Waste returns must still be submitted to NRW even if it is a null return. Site management need to put in place measures to ensure that the Return data is submitted diligently every quarter. This can be done by setting calendar reminders or having a consultant to submit the business' data. We can escalate breaches if this is a continuing non-compliance.

ACTION: Please submit your all outstanding Waste Returns documents to NRW for review even if it is a null return.

If you have any issues with this report please contact Greg Gardner on greg.gardner@naturalresourceswales.gov.uk

I look forward to working with the site in the future.

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.