

Compliance Assessment Report CAR_NRW0040563

Permit being assessed: TB3397TD.

For: GTR Aggregates and Recycling Limited, held by GTR Aggregates & Recycling Ltd
At: Waste Transfer Station, Dee Bank Industrial Estate, Boot End, Bagillt, Flintshire, CH6 6HJ.

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

On 13/10/2022 between 10:15 and 10:45.

Parts of permit assessed: Staff competency / training

NRW Lead Officer: Sarah Walton, accompanied by Steven White.

Report sent to: Oliver Kirkbride, Director on 19/10/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Ongoing (O)	1.1.4 The operator shall comply with the requirements of an approved competence scheme.

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
C1	Ensure that a new Technically Competent Manager is assigned so that the site complies with an approved competency scheme.	26/10/2022

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

A site meeting took place at site on Thursday 13th October 2022. In attendance were the landlord, a representative of FRP Advisory, Sarah Walton (Waste Regulation Officer) and Steven White (Senior Waste Regulation Officer).

NRW Officers were informed two days prior, that the Administrators for GTR Aggregates & Recycling Ltd, would be on site on this day to meet with the landlord.

The permit remains in GTR's name and the company is now under the management of FRP Advisory (FRP), following the appointment of insolvency practitioners.

NRW Officers are communicating via email with FRP to explain their responsibility when it comes to the Environmental Permit and compliance with permit conditions. However, there has been little feedback on this matter.

Therefore, officers decided it would be best to try meet in person to discuss the permit and how this would be managed moving forward.

There was a representative on site from FRP, however, they had little knowledge of ongoing matters at site. Therefore, officers left their contact details and had a brief discussion about NRW's concerns and how the permit would be managed moving forward.

The company, 'Think Aggregates & Recycling Ltd', who appeared to be unlawfully operating on site has also now gone into administration. The site's TCM also resigned on Monday 3rd October 2022. Since this point, there appears to be no one coming forward to take accountability of the permit, which is still in place at site. Whilst officers are communicating with the landlord of the site, the landlord is not the operator and is not authorised to carry out waste operations as stipulated in the permit.

Regulation 7 of the Environmental Permitting Regulations (2016), defines the term "operator" as 'the person who has control over the operation of the regulated facility'. GTR (the permit holder), does not have access to the site and therefore is currently unable to fulfil the role of an operator.

There is also no Technically Competent Manager on site and so the competence of GTR as an operator is also being questioned. As such, NRW is contemplating a permit revocation for the site.

Please ensure that a Technically Competent Person is assigned to the site as soon as possible. As noted in the previous CAR form, no waste treatment should take place until this has been addressed.

Should you wish to discuss anything noted in this CAR form, please get in touch using the details below.

Kind Regards,

Sarah Walton
Waste Regulation Officer
03000 654 791
sarah.l.walton@cyfoethnaturiolcymru.gov.uk

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.