

Compliance Assessment Report CAR_NRW0040702

Permit being assessed: PP3795CG.

For: Vaughan Mr K & Son M R S, held by Vaughan, Mr K & Son

At: Cwm Belan, Llanidloes, Powys, SY18 6RF.

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

On 09/11/2022 between 14:40 and 15:00.

Parts of permit assessed: Permitted Activities, Infrastructure

NRW Lead Officer: Liz Park.

Report sent to: Lee Vaughan, TCM on 17/11/2022.

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)	
E3 - Emissions - Surface water	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	H4
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	J2

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
C4	Move the undepolluted End-Of Life vehicle onto the impermeable surface	30/11/2022
G4	Submit all outstanding waste returns	31/12/2022

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Liz Park arrived at Kenny Vaughan & Son to undertake an unannounced visit. Upon arrival at the site, Liz met with K Vaughan and explained the reason for the visit. Neither Lee Vaughan (TCM) or Stephen Vaughan (Permit Holder) were on site. Kenny Vaughan gave Liz unaccompanied access to the site.

Waste Storage and Infrastructure

Overall, the site is well organised, and improvements seen. The majority of the waste on site is being stored on the impermeable surface. Though there continues to be historic waste stored along the old railway line. The site was last inspected on 22/10/2022 by Kim Jones and Ffion Quay. From reviewing the photographs taken on that occasion, the amount of waste stored on unmade ground appears to be decreasing.

However, there was one full skip containing an undepolluted End-Of-Life vehicle (ELV) and other unidentified wastes (including white goods which may/may not be Fridges/ Freezers).

There was a box which was not a battery box containing mainly sealed battery units as well as Lead-Acid batteries on the impermeable pavement that did not have a lid allowing water ingress.

Technically Competent Manager (Permit Condition as set out by Paragraph 2(6) of Part 3 of Schedule 9 of the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018.

Lee Vaughan registered to undertake the WAMITAB Level 4 Operator Competence for Physical Treatment (MCR02) on 02/03/2021, the six units were achieved on 25/01/2022. This is for End-of-Life Vehicle facilities. It should be noted that the site is a Metal Recovery Site and therefore should have Competence for non-hazardous Waste Treatment and transfer which has three different units.

Action - Send a copy of your primary qualification certificate when available to Liz Park

Waste Returns

The site is required to submit an annual waste return with one month of the end of the financial year. No waste returns have been submitted since Q3 2018. You were required on the CAR issued on 31/03/2021 to submit all outstanding returns by 31/01/2022. No returns have been submitted.

Drainage

There was no visible pollution in the brook and the oil interceptor was in operation.

Working plan

The working plan needs to reflect the current activities on site.

Action - Please provide a copy of the current working plan by 30/11/2022



Undepolluted End-of-Life vehicle in skip on unmade ground



Battery storage box

The following non-compliances has been identified:

C4 - Storage, handling, labelling and segregation - Permit condition H4 - CCS Cat 3

An undepolluted ELV was stored on unmade ground. Batteries, including lead-acid batteries, not stored in a battery box with a lid.

Action - Move the ELV onto the impermeable surface and provide confirmation to NRW that this has been done - by 30/11/2022

Action - Provide a battery box with a lid to prevent the ingress of rainwater and provide

confirmation to NRW that this has been done - by 30/11/2022

G4 - Reporting and notifications to Natural Resources Wales - Permit condition J2 - CCS Cat 4

No waste returns have been submitted since 2018

Action - Submit waste returns for the following financial years on the form which will be provided by email. If there are any difficulties using the form, then please contact Liz Park - by 31/12/2022

Financial Years 2018 - 2019, 2019 - 2020, 2020 - 2021 and 2021 - 2022.

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