

Compliance Assessment Report CAR_NRW0040868

Permit being assessed: CB3297ZG.

For: New Lodge Farm, held by Gavin Griffiths Recycling Ltd

At: Pontardulais Road, Cwmgwili, Llanelli, SA14 6PW.

Type of assessment carried out: Audit, Reason: Routine.

On 21/12/2022 between 11:20 and 14:00.

Parts of permit assessed: Permitted activities, Surface water and dust monitoring.

NRW Lead Officer: David Ellar, accompanied by David Morgan.

Report sent to: Jake Stephens, Operations Director on 13/01/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1
A1 - Specified by permit	C4 No impact	2.2.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	3.3.1
D1 - Incident Management - Site security	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
3	8.1

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
A1	The waste permit must be varied to include washing as a listed activity	29/03/2023
A1	Physical markers must be erected to mark out the boundary of the permitted area and all waste activities, including storage of waste must be confined within the permitted area	28/02/2023
B3	Drainage systems must be constructed in a manner that prevents escape of site surface water from site.	28/02/2023

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 visit was undertaken on Wednesday 21st December 2022. Present at the time of the visit were: David Ellar (Natural Resources Wales), David Morgan (Natural Resources Wales), Gavin Griffiths (GAVIN GRIFFITHS RECYCLING LTD) and Jake Stephens (Operations Director, GAVIN GRIFFITHS RECYCLING LTD)

At the time of the visit, the weather was overcast and damp, it had been raining and very wet prior to our visit.

Gavin Griffiths and Jake Stephens took NRW officers on a tour of the site which included walking the boundary of the permitted area and much of the site which the permit was on. The treatment area was inspected and a tour of the new wash plant (which is now in the commissioning phase) was undertaken. After the site walkaround, daily site monitoring logs were reviewed.

The following observations were made:

Permitted activities:

A newly constructed wash plant has been constructed on site and although not operational during the time of visit it was evident that it had been in operation. Washing is a distinct waste operation and is not listed as an activity in S1.1 of your current permit which states you can only crush, sort, separate, screen, and blend. Gavin Griffiths confirmed that the new plant is still in the 'commissioning phase' but would form an integral part of waste operations at the site in the future. A permit variation is required to your existing waste permit before this wash plant can be used to treat waste. This issue has also been highlighted to you during our 2 previous site visits and detailed in our previous compliance assessment forms (CAR).

Jake Stephens informed officers that they had begun the variation process, consultants had been contracted to undertake the permit variation and they had been in touch with NRW permitting team to try and resolve the situation. It is believed that a permit variation submission will be made in the very near future.

A non-compliance has been recorded against Condition 2.1.1 of the Environmental Permit (Category 3 - A non-compliance which could have a minor environmental effect) (ref:A1)

ACTION: The waste permit must be varied to include washing as a listed activity.

Permit Boundary:

The permitted area lies within a larger site, all which is owned and controlled by the operator. The permitted area is clearly marked on the site plan in the permit but difficult to see on the ground. This means it would be difficult to ensure all waste activities take place within the permitted area which we believe is the case on the eastern boundary of the site.

Here piles of inert material, mostly earth and stone, appears to be stored outside of the permitted area, again this is an issue previously identified on our last CAR. An action was identified and agreed in the last CAR saying that physical markers would be installed to reflect the permitted site boundary. The boundary had been marked (and evidence submitted via photographs to NRW by email) but via spray painted crosses on the ground. These markings will soon be washed out or covered up so physical markers or boundary fencing should be erected to clearly identify the permitted area.

A non-compliance has been recorded against Condition 2.2.1 of the Environmental Permit (Category 4 - No Impact) (ref:B3)

ACTION: Physical markers must be erected to mark out the boundary of the permitted area and all waste activities, including storage of waste must be confined with in the permitted area.

Surface water:

It was very wet during the visit and surface water was seen to be pooling on site. Surface water runoff was seen entering the silt traps within the permitted area but also running off along the track at the Southeast boundary of the site. This runoff would be retained in the large lagoon situated on land owned by the site operator so the potential for pollution is low but it is outside of the permitted area. Drainage systems must be constructed in a manner that prevents escape of site surface water from site even in prolonged foul weather. It was also noted that the silt trap near to the site offices was filling up and in need of maintenance. Options to resolve this were discussed with Jake Stephens during the visit.

A non-compliance has been recorded against Condition 3.3.1 of the Environmental Permit (Category 3 - A non-compliance which could have a minor environmental effect) (ref:B3)

ACTION: Drainage systems must be constructed and maintained in a manner that prevents escape of site surface water from site

Photo showing surface water on track running towards the Southeast boundary of site:



Photo showing the build up of silt in the silt trap near the site office, whilst not overtopping at present it does require maintenance:



Dust Management:

Dust was not observed to be an issue during the visit.

Daily check sheets which include weather conditions, Emission checks, dust/debris on access road and other measures are kept and were viewed by NRW officers.

The Dust Management Plan states, under point 5.5, that periodic dust monitoring will take place routinely every 6 months or when complaints on visible dust plumes are identified. It was noted on the previous CAR that no evidence of this monitoring was seen. A dust monitoring report for September 2022 has been undertaken and a copy has now been received by NRW. This report will be reviewed and any comments will be made on a separate CAR.

Noise monitoring:

A noise monitoring report has been submitted to NRW, this report is in the process of being reviewed and comment will be made in the near future.

Thank you for your time during the inspection.

END OF REPORT

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.