

## Compliance Assessment Report CAR\_NRW0039933

**Permit being assessed:** NB3634RX.  
For: Caerhun Farm, held by Sion Roberts  
At: Tyn -y- Groes, Conwy, Gwynedd, LL32 8UZ.

**Type of assessment carried out:** Site Inspection, Reason: Routine.  
On 18/05/2022 between 11:15 and 11:30.  
Parts of permit assessed: See Below

**NRW Lead Officer:** Philip Harper, accompanied by Beth Bentley.  
**Report sent to:** Sion Roberts, Operator on 23/01/2023.

### 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
C1 - General Management - Staff competency/training	Assessed (A)	
E3 - Emissions - Surface water	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	4

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	Submit permit variation.	15/07/2022

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

NRW officers Phil Harper and David Wilby visited Caerhun Farm, Tyn-y-Groes, Conwy, LL32 8UZ on the 18<sup>th</sup> May 2022 at 11:15. The site was operational at the time of inspection.

The weather was dry and sunny.

This was an announced site visit, the purpose of which was to observe site progress against the EPR Regulation 36 notice which was issued on the 15<sup>th</sup> February 2022.

### **A1 Specified by Permit**

At the time of the inspection there was no activity on the site and facility doors were closed.

The 3-phase power supply has been connected to the facility. The bio-filter and abatement system are now operational.

Construction of the bio-filter has been completed in the Operators' preferred location, therefore an application to vary the permit will be required. Consisting of a normal variation, a new site-specific bio-aerosol risk assessment and new odour management plan.

The information relating to variation of permits has been highlighted in CAR form number CAR\_NRW0034696 and email dated 21st February 2019 sent by Julie Hughes also email dated 9<sup>th</sup> April 2019 sent by Environment Officer Carys Williams.

The site is currently required to submit the permit variation by the 15<sup>th</sup> July 2022 as specified by the EPR Regulation 36 notice which was issued on the 15<sup>th</sup> February 2022.

This is a **Category 3 permit breach** with respect to **permit condition 2.1 of criteria A1 Specified by Permit**. Please note that this score has been suspended while the enforcement notice is active.

**23 January 2023.** Application to vary permit required further information which was not provided by the operator. The score has been unsuspended.

### **C1 Staff Competency and Training.**

An email dated the 28<sup>th</sup> March 2022 shows that Stephen Griffiths of Enviroawards Ltd is now the acting technically competent manager for the site. The WAMITAB certificate for Mr Griffiths has been received by Natural Resources Wales. No issues have been noted.

### **E3 Surface Water**

A storage tank for effluent from the site has been installed. Surface water issues noted on the 5<sup>th</sup> January 2022 have been rectified. No issues noted.

### **G4 Reporting and Notification to Natural Resources Wales**

All waste returns have been submitted to Natural Resources Wales. No issues noted.

**A warning letter has been embedded within this CAR form in relation to the breach against the**

**permit specified as specified in section A1.**

Kind Regards

**Phil Harper**

**Industry and Waste Regulation Officer NW**

**03000 65 3717**

**philip.harper@cyfoethnaturiolcymru.gov.uk**

*Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales.*

*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.*

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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](mailto: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](mailto: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.