

## Compliance Assessment Report CAR\_NRW0041226

**Permit being assessed:** BB3394CL.

For: Morris & Co (Handlers) Ltd, held by Morris & Co (Handlers) Ltd

At: Top Shed, Neath Abbey Wharf, Skewen, SA10 6BL.

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

On 07/02/2023 between 11:00 and 12:00.

Parts of permit assessed: A

**NRW Lead Officer:** David Morgan.

**Report sent to:** Martin George, Site Manager on 17/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	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
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?

No action required.

### 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 routine site inspection was undertaken on Tuesday 7th February 2023. Present at the time of the inspection were David Morgan (Natural Resources Wales) and Kate Gregory (Morris & Co.).

No non-compliances were recorded during the inspection, however, the following observations were made:

### **Waste Storage & Loading Process**

All waste types on site appeared to be compliant with the list of acceptable wastes in the Environmental Permit.

The Environmental Permit states that all waste must be stored and treated inside a building. At the time of the inspection, one stack of waste was located outside of the building, in the yard. It was suggested by Morris & Co. (Kate Gregory) that this was considered part of the waste 'loading' process, prior to being loaded on to a vehicle that afternoon.

I consider this to be a waste storage activity, but have sought further clarification on this matter from Natural Resources Wales' policy department, specifically the 'storing' and 'loading' definitions. If deemed to be a waste storage activity, this practice must cease, and all waste must be stored and treated in a building with no temporary storage outside on the site surface prior to loading.



### **Waste Framework Directive**

The requirement to store and treat waste in a building is in place as the open yard drains to a lagoon and contaminated water could potentially pollute groundwater.

Regardless of whether outside storage prior to loading is formally deemed to be waste storage activity or part of the loading process, the Waste Framework Directive requires member states to ensure waste management is undertaken in a manner that does not have a detrimental impact on the environment.

### **Site Drainage & Lagoon**

As the open yard drains to a lagoon to the rear of the site, a visual inspection of the lagoon was undertaken. At the time of the inspection, the lagoon appeared to be polluted with a mix of oils/liquids.



The lagoon should capture only clean rainwater. You must ensure polluting material does not enter the lagoon.

It is likely that Natural Resources Wales will conduct formal samples of the lagoon to ensure no polluting matter enters groundwater/land or the nearby watercourse.

### **Waste Returns**

Natural Resources Wales records indicate the Waste Returns information had not been submitted since 2020. On request, Waste Returns data for 2022 was provided in email. Please email through Waste Returns data for the 2021 year.

The Environmental Permit requires Waste Returns to be submitted on an annual basis before the end of January. As mentioned, the Waste Returns data for 2021 is still outstanding.

In the future, ensure all Waste Returns data is sent to:

[waste.returns@cyfoethnaturiolcymru.gov.uk](mailto:waste.returns@cyfoethnaturiolcymru.gov.uk)

### **Summary**

Further clarification is being sought on what is deemed to be waste storage and what constitutes loading of waste. Irrespective of the outcome of this enquiry, you must ensure waste management activities are undertaken in a manner that does not have a detrimental impact on the environment.

At the time of the inspection, the lagoon, which should only capture clean rainfall, appeared to be polluted with oils/liquids. It is likely Natural Resources Wales will sample water from this lagoon at some point.

Please ensure all outstanding Waste Returns data is sent to:

[waste.returns@cyfoethnaturiolcymru.gov.uk](mailto:waste.returns@cyfoethnaturiolcymru.gov.uk)

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 1 st 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](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.