

Compliance Assessment Report CAR_NRW0041355

Permit being assessed: CB3596CC.

For: The Old Coal Yard, held by SOS Plant Hire Ltd

At: Park Road, Rhosymedre, Wrexham, Wrexham, LL14 3AX.

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

On 27/02/2023 between 10:50 and 11:31.

Parts of permit assessed: Site security, containment of stored materials, materials acceptance, reporting and notification

NRW Lead Officer: Kathryn Bradshaw, accompanied by Eleanor Pierce.

Report sent to: Sean O'Sullivan, Site Manager on 08/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1 General Management
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

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
C2	Ensure wastes are deposited, recovered at a suitably permitted site	10/03/2023
G4	Ensure accurate weights are recorded for all incoming and outgoing wastes and product	10/03/2023

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

This was an unannounced site inspection following a WIRS report we had received about the site burning waste.

On arrival we reported to the site office where we were informed that Sean O'Sullivan, site owner and director, was not on site and there was a guard dog present in the bottom part of the site. We were advised it would be safer to wait until the site owner returned to accompany us into this area which is where the waste is stored and processed. We waited approximately 10 minutes until the owner arrived. The rest of the permitted area is being used for the parking and storage of the plant hire vehicles.

During this time we inspected incoming and outgoing waste transfer notes which were all in order.

Waste returns were checked prior to the visit and have been submitted for Q3 & Q4 2022. All the loads were 20 tonnes for Q4 2022 and all loads for Q3 2022 were 32 tonnes. This was queried with the site office and they explained that all loads were weighed on the weigh bridge and that they only ever collected full loads and this is the reason for them all being 20 and 32 tonnes.

Action

You must ensure accurate weights are recorded for all incoming and outgoing wastes.

It was noted on the waste returns for Q3 & Q4 2022 that 2056 tonnes of 17 05 04 (soils and stones) had been deposited at Rhewl Cottage, Pentre Lane, Wrexham LL12 9HD. This site has a U1 exemption registered, NRW-WME077049. The exemption only allows 1000 tonnes of 17 05 04 (soils and stones) to be accepted at this site and they have significantly exceeded this limit.

Action

You must ensure that no more waste soils (17 05 04) are deposited at Rhewl Cottage, Pentre Lane LL12 9HD.

As a permitted site you have a duty of care to ensure your wastes are disposed of at a site that is authorised to accept it. This has been scored as a Category 3 non-compliance against your permit condition of 1.1.1 General management - The operator shall manage and operate the activities in accordance with a written management plan.

Your site EMS section 3.8.5 for mechanically processed soil, states that this waste will be sent to a suitably permitted disposal or recovery/ restoration site.

This is also a separate offence against the Regulation 38 (1)(a) of the Environmental Permitting Regulations 2016. We will review our enforcement options in relation to this offence and contact you in due course.

The extra fencing and gates which have been purchased to make the permitted area more secure have not been installed yet. The site is looking to apply for a variation to their permit to extend into land located adjacent to the site and will then install the fencing. The site has reviewed its security arrangements and the permitted area is secure with gates at the main entrance and into the waste storage and processing area which is all covered by CCTV. The bottom end of the site is surrounded by an earth bund with fencing in parts.

There was no processing or other activity occurring whilst we were on site. A pile of concrete was stored in the designated storage bay. A small crusher and screener were present on site but not in use. The site owner stated the company had recently purchased larger plant to process the waste and were waiting for it to be delivered to site.

Storage of concrete



There was a large pile of waste soils on the permit boundary waiting to be processed. The site informed me that they were waiting for the weather to improve to process this waste. A general waste skip and metal skip were on site to collect any contaminants from the incoming wastes. There was no evidence of burning on site.

Waste soils on permit boundary



Thank you for your time during the inspection.

Kind Regards,

Kathryn Bradshaw

Swyddog Rheoleiddio Gwastraff Peryglus (GD)/ Hazardous Waste Regulation Officer (NE)

Cyfoeth Naturiol Cymru/ Natural Resources Wales

Ffôn/ Phone: 03000 65 5191

Ffordd Caer, Bwcle. Sir Fflint. CH7 3AJ / Chester Road, Buckley. Flintshire. CH7 3AJ

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.