

Compliance Assessment Report CAR_NRW0041658

Permit being assessed: VP3095FS.

For: Soil and Aggregates Treatment Plant, held by Neal Soil Suppliers Ltd

At: Atlantic Ecopark, Newton Road, Rumney, Cardiff, CF3 2EJ.

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

On 05/04/2023 between 11:00 and 12:30.

Parts of permit assessed: Incoming materials

NRW Lead Officer: Lewis Evans.

Report sent to: John Edwards, Compliance Manager on 12/04/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
E3 - Emissions - Surface water	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
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?

Criteria	Action needed	Complete by
C1	Please ensure there is sufficient training and refresher training for drivers using the PDA's and what they should be expected to show to officers if they are stopped going to or from Neals.	26/05/2023
E3	Please submit any drawing of how the new wash plant area will look like following the changes. There may be a requirement to update the permit to reflect the changes on site.	26/05/2023

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

Neal Soils Visit 5th April

Officers Lewis EVANS and Andrew PRESTT visited Neal Soils Suppliers Limited on the 5th April following a visit to Penygawsi Primary School on the 30th of March. Meeting the officers on site was John EDWARDS and Gavin POWELL. Phil RIDLEY was met in the office following the drive around the site.

Site Tour

John EDWARDS drove Gavin POWELL, Lewis EVANS and Andrew PRESTT around site showing the different areas on site where operations were taking place. There was quite a lot of activity on site during the visit due to the wash plant area being changed with new concrete being laid down. The first area visited was an area where the site stores the different products that have been processed on site. The tour then moved towards the wash plant where significant concrete work was being completed. A new liquid sludge tank has been built on the edge of the wash plant area. As discussed on site, please ensure there is a suitable bund for the tank capacity (i.e as stated in the Ciria Report C736 of the 110% rule). Please can you also submit any drawing of how the new wash plant area will look like following the changes.

As mentioned on site from John EDWARDS, there has been a significant investment into the wash plant area. The estimated completion date for the works is in the summer but this may change due external factors such as weather which may delay works. A further visit will be completed in late spring to see the changes on site and a further walk around the entire site.

It was noted in the small area where the final product was being stored that there was a pile of compost material being stored ready for processing and taking off site. Gavin POWELL did

explain that the compost is mixed with the sand will be able to hold in the odorous properties, however, due to several odour complaints Natural Resources Wales do receive during the summertime and during warm periods, this may contribute towards odours that effect the neighbouring area of Rhymney especially during southerly winds. As a precaution, please ensure this compost material is processed quickly on site and that the stockpile of raw compost is kept in small volumes. With regards to the processing of the compost and sand to avoid completing this on these days where the winds originate from the south easterly direction as this will blow odours towards Rhymney.

Office Discussions

After the drive round tour of the wash plant, officers met with Phil RIDLEY in the offices to discuss the previous visit officers EVANS and PRESTT had at Pengawsi Primary School. On the 9th of March NRW officers stopped a Neals Soils truck and the driver had produced an incorrect description of the material he was carrying at the time. The material stated was 6F5 when in fact it was waste soil that had been picked up from the primary school site and was taking it back to Neal Soils. Officers EVANS and PRESTT visited the primary school and spoke to the manager on site who provided the relevant waste transfer notes for all material being brought onto site but also the non-haz 17 05 04 material that was being removed and taken to Neals.

At the office, Gavin POWELL, John EDWARDS and Phil RIDLEY all explained that all drivers have a job list of all the pickups and drop off that driver has that particular day. The PDA's should hold all the relevant information that any stop and searches require with the exclusion of the final weight of the load as this is then completed on site when it goes over the weighbridge. It was brought up on site that the driver that was stopped by NRW officer was an agency staff member and is no longer employed with Neal Soils. As mentioned on site, just in case some confusion is caused if other drivers are stopped, is to increase the awareness of the PDA use and how to correctly highlight the load that the lorry will be

moving. This should be straight forward with product moving from site but for material that is coming back to site the PDA's should be updated and drivers know how to use and explain the loads to anyone if stopped. Therefore the following action will be applied: Please ensure there is sufficient training and refresher training for drivers using the PDA's and what they should be expected to show to officers if they are stopped going to or from Neals.

END

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.