

## Compliance Assessment Report CAR\_NRW0041732

**Permit being assessed:** XP3694FN.

For: The Old Transport Yard, held by Mr M R Jackson

At: Old Aston Hill, Ewloe, Deeside, Flintshire, CH5 3AH.

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

On 18/04/2023 between 15:20 and 16:00.

Parts of permit assessed: 'Storage, Handling & Segregation', 'Specified by permit', 'Staff Competency / training', 'Records of site activity' and 'Reporting to Natural Resources Wales'

**NRW Lead Officer:** Sarah Walton.

**Report sent to:** Luke Jackson, Site Manager on 28/04/2023.

### 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	1.1.1 : The operator shall manage and operate the activities (a) in accordance with a written management system
C1 - General Management - Staff competency/training	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	Action only (X)	
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
A1	Ensure the drain/gully at the front of the depollution shed is cleared and working as it should, to prevent oil from escaping into the environment.	12/05/2023
C1	As an action, please confirm who is the site's technically competent manager. Include a copy of the certificate to evidence this competency.	12/05/2023
C4	Ensure all non-hazardous waste is stored on impermeable ground with sealed drainage or on hardstanding surface.	12/05/2023
C4	Old Engine parts and other parts contaminated with oils should be kept under cover. The parts shown above should be moved and stored within a weather proof container /building.	12/05/2023
G2	Please provide the Waste Transfer Note for this waste taken by Lelo from MR Jacksons on 18/04/2023.	12/05/2023
G4	Submit annual waste returns for 2021 and 2022. These documents should be emailed to <a href="mailto:waste.returns@naturalresourceswales.gov.uk">waste.returns@naturalresourceswales.gov.uk</a>	12/05/2023

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

On Tuesday 18th April 2023, a routine site inspection took place. Waste Regulation Officer, Sarah Walton met with Site Manager, Luke Jackson. The weather at the time was sunny and calm.



**Photograph showing storing of ELVs and progress of re-surfacing**

A walk around site was completed first of all. Luke explained how they had been progressing with renovation works on site. Most of the site has now been re-surfaced with concrete. The site drainage has also been overhauled with a new Kingspan interceptor at the top end of the site. Luke explained this should result in 4 interceptors in total.

**Please ensure that once site renovation works are complete, a revised drainage plan is submitted to NRW which maps the drainage network on site, where the interceptors are and where the site discharges to.**

On entry to the site, a 'Lelo' vehicle was observed leaving site which appeared to be full of metal waste. Waste Transfer Documentation was requested for the waste that had been taken, but this was not available at the time of inspection.

**ACTION:** Please provide the Waste Transfer Note for this waste taken by Lelo from MR Jackson's on 18/04/2023.





**Photograph showing storage of ELVs and vehicle parts**

Whilst it is appreciated that the site is in the middle of renovation works, there were some



ELVs being stored on un-made ground. All depolluted vehicles should be stored on an impermeable surface with sealed drainage or hardstanding.

**ACTION:** Ensure all non-hazardous waste is stored on impermeable ground with sealed drainage or on hardstanding surface.

In addition to this, oily engine parts were also observed being stored on un-made ground.

**ACTION:** Old Engine parts and other parts contaminated with oils should be kept under cover. The parts shown above should be moved and stored within a weather proof container /building.



**Photograph showing new Depollution shed**

Since the previous inspection, a new depollution shed has been constructed. Luke explained that this building was expected to be in use within the next few weeks. This is where all oils, batteries, tyres etc are removed from vehicles.



Photograph showing oils running from depollution shed onto unsurfaced ground

**Permit Condition 1.1.1 : The operator shall manage and operate the activities (a) in accordance with a written management system which identifies and minimises the risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.**

The current depollution shed was inspected. Oil was visibly running from the shed into the un made ground adjacent. The grid/drain at the entrance to the shed remains blocked so was not capturing any of the oil run off. This was raised on the last inspection and noted on CAR\_NRW0038341.

The site's Environmental Management System states '*All parts of the drainage system (e.g. surface water gullies & drains, and the oil content of the interceptor) are checked for correct operation on a weekly basis and any remedial corrective action is taken immediately*'.

As this drain at the front of the building still remains blocked, it is clear site is not thoroughly checking drainage to ensure it is working as it should. Oil should not leak from the depollution shed, thereby contaminating the ground adjacent.

**As a result, the site has been scored CCS 3 for this permit breach as it has the potential to have a minor environmental effect.**

**Permit Condition 4.2.2: Within one month of the end of each year, the operator shall submit to Natural Resources Wales using the form made available for purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous year.**

It was raised on the site inspection, that annual waste returns had not been received for 2021 or 2022. Luke explained that his colleague had sent these to NRW waste return email



address.

However, these documents are not on our systems.

**As an action**, please re-submit waste returns for 2021 and 2022, by sending these to [waste.returns@naturalresourceswales.gov.uk](mailto:waste.returns@naturalresourceswales.gov.uk)

**Permit Condition 1.1.4: The operator shall comply with the requirements of an approved competence scheme.**

As an action, please confirm who is the site's technically competent manager. Include a copy of the certificate to evidence this competency.

Thank you to all staff who assisted with the site inspection.

Should you wish to discuss or query anything in this report, please make contact using the details below.

Kind Regards,

**Sarah Walton**

**Email:** [sarah.l.walton@cyfoethnaturiolcymru.gov.uk](mailto:sarah.l.walton@cyfoethnaturiolcymru.gov.uk) **Post:** Natural Resources Wales,  
Chester Road, Buckley, Flintshire, CH7 3AJ

*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.*

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.