

Compliance Assessment Report CAR_NRW0041465

Permit being assessed: CB3197HF.

For: Davies Motors, held by Mr Gareth Lloyd Davies and Mr Arwyn Lloyd Davies

At: Mill Garages, Betws Gwerfil Gich, Corwen, LL21 9PU.

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

On 03/03/2023 between 11:25 and 11:50.

Parts of permit assessed: Specified by permit

NRW Lead Officer: Kathryn Bradshaw, accompanied by Ian Thomas2.

Report sent to: Gareth Davies & Arwyn Davies, Site Owners on 16/06/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	2.3.1 Operating techniques. 8. All wastes shall be treated on an impermeable surface with sealed drainage system
B4 - Infrastructure - Containment of stored materials	C3 Minor	2.4 The site - 2.4.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	1.1 General management
D1 - Incident Management - Site security	C3 Minor	1.1 General Management
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3 Operating techniques.
B5 - Infrastructure - Plant and equipment	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
5	20

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
B1	Any activities on vehicles that have not been de-polluted, where there is a risk of fluids causing pollution, must be done on an impermeable surface with a sealed drainage system	10/03/2023
B4	Waste vehicles must be stored within the permitted area and in the designated areas of the site as per the EMS plan depending if the vehicles are de-polluted or un-depolluted	17/03/2023
D2	Ensure necessary containment measures are in place as detailed in your site EMS and they are used to clean up any spills	10/03/2023
D1	make the site secure to prevent unauthorised access and waste escaping to minimise the risk of pollution	31/03/2023
C4	All un-depolluted waste vehicles must be stored on an impermeable surface with a sealed drainage system	17/03/2023
B5	Ensure you comply with condition Table 2.1 permitted activities and only use hand held equipment to treat waste	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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This was an unannounced routine site inspection and to check compliance against the Section 59 notice that was issued on 17/11/2022.

When we first arrived on site there was no one present and the gate to the storage area was locked. Due to the activities seen during the inspection the site was deemed to be operational.

There were numerous vehicles parked at the front of the site and around the de-pollution building. Some of these vehicles which appeared to be waste were being stored on unmade ground and had not been de-polluted.

Un-depolluted vehicle stored on unmade ground



This is in breach of section 2.3 of your permit, only fully de-polluted vehicles can be stored on hard- standing and all other wastes shall be stored on an impermeable surface with a sealed drainage system. This has been scored as a Cat 3 breach.

Action

Ensure all un-depolluted waste vehicles are stored on an impermeable surface with a sealed drainage system.

Various oil patches were seen on the impermeable surface in front of the de-pollution building which is very close to the surface water drain on site. It was not clear whilst we were on site where this oil had originated but there appeared to have been no attempt to clean this up. Oil was also seen in the surface water drain in front of the de-pollution building. This is in breach of permit condition 1.1 General Management - The operator shall manage and operate the activities in accordance with a written management plan that identifies and minimises the risks of pollution. The site EMS plans and procedures are clearly not being followed and this has been scored as a Cat 3 breach.

Oil in front of de-pollution building



Action

Ensure the necessary containment measures are in place as detailed in your site EMS and they are used to clean up any spills.

You must also ensure you have the correct spillage collection facilities on site at all times as per section 2.3.1 of your permit. We could not gain access to the de-pollution building to check if these were present.

As we could not gain access to the rest of the site, we walked along the public footpath which runs behind the site. We very easily gained access to the rest of the site from here which was clearly not secure to prevent unauthorised access as referred to in your site EMS section 2.5.1.

This is in breach of your permit condition 1.1 General Management and has been scored as a Cat 3.

Action

You must ensure the site is made secure to prevent waste escaping and any unauthorised access.

There were two vehicles at the rear of the site which were being stored outside the permit boundary. This is in breach of section 2.4.1 of your permit as it states the activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit. This has been scored as a Cat 3 breach of your permit.

Vehicle stored outside the permit boundary



Action

You must remove these vehicles to a suitably permitted site or store them correctly as per your permit and site EMS.

At the rear of the site there was a vehicle on its side of which there was evidence of work being done to this vehicle. This rear area of the permitted site beyond the gates is unmade ground which is heavily churned up. There was a distinct smell of oil in this area and what appeared to be oil patches on the ground. There were several vehicle parts scattered through this area. It has been explained in detail that work, such as brake release, was necessary to these vehicles to enable them to be moved safely to another permitted site for disposal to comply with the Section 59 notice.

Any future activities to vehicles on site, where there is a risk of pollution must be done on

an impermeable surface.

Unmade ground where vehicles were being dismantled



Vehicle being dismantled



Vehicle parts



Action

Any activities on vehicles that have not been de-polluted, where there is a risk of

fluids causing pollution, must be done on an impermeable surface with a sealed drainage system.

As we were inspecting this area a site employee, Jason Edwards arrived on site. I explained to him we were undertaking a site inspection and also to check compliance with the Section 59 notice. We informed him about our concerns of the smell of oil. He suggested that this could be due to its previous use as a scrapyard.

There was a large grabber on site suspended above a vehicle, Jason advised us this was only used to help manoeuvre vehicles onto the low loader to be removed from site.

Action

Ensure you adhere to Permit condition 2.1 which states treatment of wastes can only be done using hand -held equipment only.

We asked Jason if we could inspect the inside of the de-pollution building but he said he did not have the keys, they were with the site owners who were not present during the site inspection.

Due to the amount of permit breaches, significant risk of pollution and amount of time given for previous actions, we will be considering our regulatory and enforcement options including a Regulation 36 Enforcement notice, which we will communicate to you in due course.

As regards to compliance with the Section 59 notice that was issued on 17/11/2022, we have received Waste Transfer Notes to confirm 30 vehicles have been removed from the site. However due to access and safety reasons when the first notice was issued a detailed inventory of vehicles to be removed was not possible. As a result we need to re-visit site to take a full inventory of all waste vehicles that remain to issue a further Section 59 notice to clear all the historic waste vehicles. In the meantime work needs to continue to remove all waste vehicles to a suitably permitted site.

I would like to thank staff for their time and cooperation throughout 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.