

## Compliance Assessment Report CAR\_NRW0042479

**Permit being assessed:** CB3991ZT.

For: North Powys Bulking Facility, held by Powys County Council

At: Abermule Business Park, Abermule, Powys, SY15 6FB.

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

On 30/08/2023 between 11:15 and 12:33.

Parts of permit assessed: Pre-operational conditions

**NRW Lead Officer:** Liz Park.

**Report sent to:** Nigel Hicks, TCM/ Site Manager on 27/09/2023.

### 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

Liz Park (Senior Officer - Waste Regulation) and Chris Gilbey (Tackling Waste Crime Officer) arrived on site to undertake a pre-arranged site inspection for compliance with the pre-operational measures, to undertake a first site inspection, and walkover the site. At the time of the visit the weather was warm and sunny.

Liz and Chris met with Nigel Hicks (TCM, North Powys Area Manager) and Ashley Collins

(Senior Manager - Waste and Recycling Services).

### **Pre-operational measures**

Liz assessed the pre-operational measures as detailed in Table S1.4 below.

A weather station on the roof of the building with an electronic display in the office has been installed.

A noise fence has been installed around Bryn-y-Maes as detailed in PO2.

#### **Table S1.4 Pre-operational measures**

##### **Reference Pre-operational measures**

PO1	Installation of proposed weather station as included in Odour management plan (V1.2), for inspection and written approval by an authorised officer of Natural Resources Wales.
PO2	Construction of the noise fence as specified in Noise Impact Assessment and Noise Management Plan Final V1 (June 2022), and in accordance with Appendix 3 Proposed Fencing Plan – Bryn-y- Maes (Drawing 2395/0300.003) and Appendix 4 Proposed fencing details – Bryn-y- Maes (Drawing 2395/0300.004), for inspection and written approval by an authorised officer of Natural Resources Wales.

Liz confirmed by email on 31 August 2023 that the pre-operational measures have been inspected and provided written approval by email as an authorised officer of Natural Resources Wales that these measures had been completed as per permit condition 2.6.1 schedule 1 table S1.4. and that the activities can now be brought into operation.

### **Rear access track**

A rear access track, access point 2, has been provided at the request of Mid & West Wales Fire and Rescue Service. At the time of the visit there had been significant vegetation growth since the track was installed though it was still easily passable on foot and by vehicle. To ensure that it remains passable the management of the track must be included in the Fire Prevention and Mitigation Plan/ management system. This was agreed by the operator who will put in place a contract for its maintenance.

**Action - Please provide a copy of the Fire Prevention and Mitigation Plan/ relevant section of the management system showing how the track will be maintained to ensure access is kept clear - by 27 October 2023**

### **First inspection checklist**

As an existing operator, Powys County Council were aware of their requirements for all the topics listed in the checklist.

Ashley Collins confirmed that the site is owned by Powys County Council.

The following topics were discussed and understood: management system, operator and technical competence, waste acceptance, emissions and monitoring, site specific management plans and amenity, fire prevention and mitigation plan, waste returns, notifications to NRW, technical guidance, Duty of care and waste classification.

Technical competence will be provided by Nigel Hicks and Mark Francis with cover being provided by Colette Evans (South Powys Area Manager).

**Action - Please provide a copy of Mark Francis's continuing competence certificate.**

***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.