

## Compliance Assessment Report CAR\_NRW0042842

<b>Permit number</b>	AB3695CH	<b>Operator name</b>	Drumcastle Limited
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<b>Site name</b>	Nine Mile Point Waste Transfer Facility
<b>Site address</b>	Nine Mile Point Industrial Estate, Cwmfelinfach, Caerphilly, NP11 7HZ
<b>Assessment type</b>	Report/Data Review

<b>Date of assessment</b>	30 June 2023	<b>Time in</b>	N/A	<b>Time out</b>	N/A
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<b>Parts of permit assessed</b>	Improvement Programme
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<b>NRW Lead officer</b>	Guy Baskerville	<b>Accompanied by</b>	N/A
<b>Report sent to – Name and position</b>	Daniel Kingsley General Manager	<b>Date</b>	21 November 2023

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	Assessed or assessed in part (A)	2.4.1

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

### 2. What action is required?

Criteria	Action needed	Complete by
N/A	N/A	N/A

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 prosecutions and/or suspension or revocation of your permit.

#### 4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' (hereafter *NRW*) findings following an assessment of operator submissions with respect to Improvement Condition IC2.

Condition 2.4.1 of the environmental permit states:

*The operator shall complete the improvements specified in schedule 1 table S1.3 by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.*

Table S1.3 of the environmental permit is partially reproduced below.

Table S1.3 Improvement programme requirements		
Reference	Requirement	Date
IC2	Within 3 months of commencement of normal operations, noise monitoring in accordance with BS4142:2014 shall be carried out to confirm the assumptions from the Noise Impact Assessment submitted as part of the Application. A report shall be submitted to Natural Resources Wales at the reporting address, for approval, within 6 months of operations commencing.	Within 3 months of commencement of operations

On 23 March 2023, the operator submitted the following electronic files to NRW via email:

- 23-069 Nine Mile Point Industrial Estate Caerphilly NRW Permit Compliance (Noise)
- 9 Mile Point Ind Est Model (.cna format modelling files)

N.B. On 19 April 2023, the operator submitted a partially redacted version of *23-069 Nine Mile Point Industrial Estate Caerphilly NRW Permit Compliance (Noise)*, upon NRW direction, in order that the document may enter the public register whilst complying with with Data Protection Act and UK General Data Protection Regulations.

Operations began on 17 October 2022. *Normal* operations, being the commencement of night time operations, began in February 2023

Natural Resources Wales' Air Quality & Noise team have reviewed the submissions and confirm that they meet the technical requirements detailed in BS 4142:2014+A1:2019. The submitted report states that, sound generated by the site activity was inaudible at the receptor locations and therefore modelling calculations have been used to determine specific sound at those receptor locations. Check calculations, undertaken by the Air Quality and Noise team, also indicate that sound generated by the site activity is unlikely to represent an adverse impact at modelled receptors, assuming all relevant sound sources and associated sound power levels have been included in the submitted model.

**We consider improvement condition IC2 satisfied.**

[END]

## 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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

### 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.

### If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

#### 1 - Management

- IR1A - General management
- IR1B - Finance (only applicable to Landfill)
- IR1C - Energy efficiency

- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

## 2 - Operations

- IR2A - Permitted activities
- IR2B - The site
- IR2C - Operating techniques
- IR2D - Technical requirements
- IR2E - Improvement programme
- IR2F - Pre-operational conditions
- IR2G - Landfill engineering (only applicable to Landfill)
- IR2H - Waste acceptance (only applicable to landfill)
- IR2I - Leachate levels (only applicable to Landfill)
- IR2J - Closure and aftercare (only applicable to Landfill)
- IR2K - Landfill gas management (only applicable to Landfill)

## 3 - Emission and Monitoring

- IR3A - Emissions to water, air or land
- IR3B - Emissions of substances not controlled by emission limits
- IR3C - Odour
- IR3D - Noise and vibration
- IR3E - Monitoring
- IR3F - Pests
- IR3G - Air quality management plans
- IR3H - Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I - Fire

## 4 - Information

- IR4A - Records
- IR4B - Reporting
- IR4C - Notification

### Enforcement response

Any non-compliance with a permit condition 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 twenty 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.