

Compliance Assessment Report CAR_NRW0042745

Permit being assessed: CB3096HG.

For: Land Adjacent to Ty Newydd, held by McKenna Waste Ltd

At: Thornhill Road, Cwmgwili, Llanelli, SA14 6PT.

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

On 31/10/2023 between 11:30 and 12:30.

Parts of permit assessed: A, B, C, D, F

NRW Lead Officer: David Morgan.

Report sent to: Duncan McKenna, Site Manager on 02/11/2023.

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)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C2 - General Management - Management system and operating procedures	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	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

A site inspection was undertaken on Tuesday 31st October 2023. The inspection was undertaken as part of the routine waste regulatory programme. In the previous inspection, on 8th February 2023, non-compliances with the Environmental Permit were recorded. These non-compliances were re-assessed and the outcome, as well as observations made on 31st October 2023, are recorded below.

At the time of the inspection on Tuesday 31st October 2023, the following persons were present: David Morgan (Natural Resources Wales), and Duncan McKenna (McKenna Waste).

Operations Update

An inspection was planned on 15th September 2023, but on arriving at site, Natural Resources Wales found the site temporarily closed. It is noted that since the previous inspection in February 2023, operations have been scaled down due to a number of issues including turnover of staff and the site was closed and secure when staff were not present.

During the inspection on 31st October 2023, we discussed a potential permit variation as the site is currently permitted to accept 32,500 tonnes of waste a year and the intention is to operate at lower levels of waste accepted each year. You may wish to consider varying your permit to the Standard Rules Set 2008 No6 ([sr2008-no06-hci-waste-transfer-station-asbestos-storage-no-building-v71.pdf \(naturalresources.wales\)](#))

The SR2008No6 is a standard rules set for a household, commercial and industrial waste transfer station where the annual tonnage limit is 5,000 tonnes. Please read through the Standard Rules set and ensure operations can fully comply with the permit conditions prior to making an application to vary your permit.

As the site is often unmanned and is locked, we will endeavour to contact you prior to undertaking future inspections to ensure staff are present on site.

Site Infrastructure

The site appears to be kept secure with new fencing, netting and a wall erected. An inspection of the concrete pad was undertaken and the impermeable concrete surface appeared to be in a good condition and was well maintained with with obvious signs of damage (cracks, pooling of water etc.).

It was noted that following an inspection of the underground containment tank, the tank had been emptied relatively recently. Following the site inspection, a transfer note was provided to evidence the clearance of the underground containment system.

Environment Management Systems

In the previous inspection (February 2023) a non-compliance was recorded as copies of

the Environmental Permit and Environment Management System were not available on site.

During the inspection on 31st October 2023, all relevant documents, including the risk assessments from initial permit application, the Environmental Permit and Environment Management System were all available on site. We now consider you to be compliant with this condition of your Environmental Permit.

Please ensure these documents are regularly reviewed and updated where necessary, and that any new staff receive training to ensure they are aware of their role & responsibilities in relation to compliance with the Environmental Permit.

Summary

The site, although with operations having altered, appears to be compliant with the Environmental Permit. Please consider the above mentioned Standard Rules set prior to making a permit application. If you are unable to comply with any of the conditions of the Standard Rules permit, then an alternative permitting solution must be considered if you wish to vary the permit.

Previous non-compliances, recorded against site security and management systems, have now been assessed as compliant.

No non-compliances were recorded during the inspection.

Thank you for your time during the inspection.

END OF REPORT

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.