

Compliance Assessment Report CAR_NRW0041846

Permit being assessed: BB3296CU.
For: Frongoch Lead Mine, held by Mark Skitt
At: Frongoch, Trisant, Aberystwyth, Ceredigion, SY23 4RL.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 28/04/2023 between 13:30 and 14:30.
Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines.
Report sent to: Mark Skitt, Owner on 07/06/2023.

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	2.4.1
C1 - General Management - Staff competency/training	C3 Minor	1.1.4
C4 - General Management - Storage, handling labelling and Segregation	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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 all wastes are stored within the permit boundary	31/08/2023
C1	Start (and provide evidence of this) the Technical Competence qualification that you have paid for, or else contract the services of a suitably qualified person to act as your Technically Competent Manager.	31/08/2023
C4	Ensure that all waste tyres are collected from around the site and stored in stockpile that is in accordance with your Fire Prevention and Mitigation Plan. You must ensure that you store no more than 25 tonnes of waste tyres. Compliance with this requirement will be carried out later in year	31/08/2023
G4	Submit all outstanding waste returns	30/06/2023

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

This was a routine announced compliance visit to assess compliance with the Section 59 Notice for which the deadline was 31 March 2023 and a general compliance visit to review permitted activities. The visit was carried out by Malcolm Dines, who met with Mark Skitt, the site owner who was present for the whole of the compliance visit. The weather was dry and clear.

Permit Breaches

A1 - Specified by Permit - Cat 3; Permit Condition 2.4.1

You were given this category 3 breach under the above condition as you still have waste materials stored outside the permit boundary. In January 2022 NRW served a Section 59 notice that required you to remove all waste stored outside the permit boundary. Since then you have moved all the ELVs and ELV waste that was identified as being outside the permit boundary in January 2022. However, since then additional vehicles and vehicle parts that were not considered to be waste at the time have now become waste and must be moved to within the permit boundary. Therefore a new Section 59 notice will be issued that specifies certain materials that must be moved from outside the permit boundary.

Action: Comply with the Section 59 notice **by 1 September 2023**

C1 - Staff competency/training - Cat 3; Permit Condition 1.1.4

You were given this category 3 breach under the above condition as you currently do not comply with an approved competency scheme. You must have a technically competent person to direct activities on your site and they must attend the site for a minimum period of time each week. It is reasonably foreseeable that the failure to have an appropriately qualified Technically Competent Manager, could result in a significant pollution of the environment, especially as you are currently storing ELV's outside the permit boundary.

You have previously stated that you paid for Morgan Skitt to undertake the Technical Competence qualification before the Covid-19 Pandemic and due to the pandemic and your consultant no longer carrying out the training, Morgan has not undertaken this training. You must ensure that this training is started, and provide evidence of this, before 1 September 2023. If the training course is not started by this date, you must employ a

suitably qualified person to act as your Technically Competent Manager and must attend the site at a minimum of 8 hours a month. This is less time than is usually required for a technically competent manager to attend a site and therefore this requirement may be increased in the future if site compliance does not improve, or deteriorates.

Anyone employed as the technically competent manager at your site must be in a position to direct activities on the site.

Action: start the approved competency training course by **1 September 2023**

C4 - Storage, Handling, Labelling and Segregation - Action Only

Ensure that all waste tyres are collected from around the site and stored in stockpile that is in accordance with your Fire Prevention and Mitigation Plan. You must ensure that you store no more than 25 tonnes of waste tyres. Compliance with this requirement will be carried out later in year

G4 - Reporting and notification to Natural Resources Wales - On-going; Permit Condition 4.2.2

You were given this category 3 breach under the above condition on the last compliance report (ref: CAR_NRW0040512) because you have not submitted any waste returns since Quarter 4 of 2019. You have still to comply with this action, but it was agreed to extend the deadline until 31st January 2023 along with the deadline for submitting the EMS. If you fail to submit all outstanding waste returns by the required date, NRW may serve a legal notice to submit the waste returns. The failure to comply with a legal notice is an offence.

Action:

Other general observations/comments

The next compliance visit in July will focus on the following:

- Check de-polluted vehicles for permit Technical Requirements (2.4.1)
- Highlight the need to fence, or create a physical or visual boundary esp around workshop yard (SSSI 200m restriction) and mineshaft
- Check storage of batteries
- Secondary Containment of liquids

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.