

## Compliance Assessment Report CAR\_NRW0042596

**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 13/09/2023 between 14:15 and 15:30.  
Parts of permit assessed: Operational Areas

**NRW Lead Officer:** Malcolm Dines, accompanied by Liz Park.  
**Report sent to:** Mark Skitt, Owner on 14/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C3 Minor	1.1.4
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
2	4.1

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
C1	Provide evidence that you or Morgan have started the WAMITAB course, or employ a suitably qualified manager	01/01/2024
G4	Submit outstanding waste returns	01/01/2024

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 pre-arranged site visit carried out by Malcolm Dines and Liz Park who met with the site owner and permit holder Mark Skitt who accompanied the officers for the duration of the visit. The purpose of the visit was to assess compliance with the Section 59 notice in force at the site and to assess Technical Competence at the site. The weather was sunny, dry and clear.

When the Section 59 notice was issued it included a list of the vehicles that were stored outside the permit boundary and considered to be waste. We walked around the site to check that the vehicles listed on the Section 59 notice had been moved from outside the permit boundary.

All vehicles listed, apart from the white Vauxhall van had been moved to within the permit boundary. the white van is parked several metres back from the main track and you said that although you had tried to move the vehicle with your front loader, the tyre tracks could be clearly seen in the soft ground, you stated that the ground was too soft to move the vehicle without damaging it. Although Natural Resources Wales (NRW) consider this vehicle to be waste as it is little more than a shell, you have been insistent that you are intending to refurbish it and return it to the road and therefore it isn't waste. You explained that if you tried to extract the van using chains then it would likely damage the shell and then mean that you wouldn't be able to restore the vehicle and so decided that to would be best to leave the vehicle where it is until the ground is hard enough to remove it. As the vehicle is de-polluted there is no risk of harm to the environment and so it was agreed that this vehicle could remain where it is and NRW would consider that you have complied with the requirements of the Section 59 notice.

It was good to see that you are continuing to process waste at the site and the emphasis at the site will now be to ensure that you are complying with the conditions of your permit.

### Permit Breaches

#### C1 - Staff competency/training - Cat 2; Permit Condition 1.1.4

You were given this category 2 breach under the above condition as you currently do not comply with an approved competency scheme. As has been previously discussed and documented in Compliance Reports, although you have paid for Morgan Skitt to undertake the relevant technical competence award he has yet to start the course and you have not employed a suitably qualified person to manage the site instead.

It is vital that you can demonstrate that you understand the risks to the environment at your site and can demonstrate that you are competent to manage the site in accordance with your permit and without causing harm to the environment or to human health.

Because you handle and store hazardous wastes it is reasonably foreseeable that the failure to comply with the requirements of an approved competency scheme has the potential to have a significant impact, or effect, on the environment, people and/or property.

You have stated that the reason that Morgan has not started the training is that you paid the environmental consultant the that you used for your permit application to provide this training but, following the pandemic, the consultant decided to stop providing training for technical competence. As the permit holder it is your responsibility to ensure that you comply with this permit condition and therefore if you were unable to resolve the matter with the consultant, you should have arranged for a different business to provide the training.

The Compliance Report issued to you following the site inspection on 28th April 2023 (ref: CAR\_NRW0041846) clearly set out NRW's expectations regarding this matter and gave you four months to either start the training course, or employ a suitably qualified manager. Since that compliance report was issued, you have been reminded several times about the importance of this requirement. During this compliance visit you were given an extra week to contact the consultant and identify a way to resolve the matter, but you have not contacted me and you have not answered or returned my calls.

Because of this breach of permit and the importance of a site having the correct Technically Competent Management, NRW will issue you with a Regulation 36 Notice under the Environmental Permitting Regulations 2016. A Regulation 36 Notice requires you to ensure that you are complying with the permit and in this case, with permit condition 1.1.4. The failure to comply with a Regulation 36 notice is an offence.

**Action:** start the approved competency training course, or employ a suitably qualified manager **by 1 January 2024**

G4 - Reporting and notification to Natural Resources Wales - Cat 4; Permit Condition 4.2.2

You were given this category 3 breach under the above condition on compliance report (ref: CAR\_NRW0041846) 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:** submit all outstanding wastes returns **by 1st January 2024**

**Other general observations/comments**

With regards to the compliance breaches, I would like to remind you about NRW's Compliance Classification Scheme (CCS). Each permit breach receives a score depending upon the potential environmental harm of the breach as below (this information is also set out below this compliance report :

Category 1 - 60 points

Category 2 - 31 points

Category 3 - 4 points

Category 4 - 0.1 point

Over the course of a calendar year, all breaches identified at a site are added together and the total score determines the compliance banding for the site for the year. Depending on what the compliance banding is for a site, can have an impact on the annual fee you pay to

NRW for having a permit.

Band A: 0 points - 95% of your annual fee

Band B: 0.1 - 10 points - 100% of your annual fee

Band C: 10.1 - 30 points - 110% of your annual fee

Band D: 30.1 - 60 points - 200% of your annual fee

Band E: 60.1 points - 149.9 points - 300% of your annual fee

Band F: 150 points and over - 500% of your annual fee

*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.