

Compliance Assessment Report CAR_NRW0042806

Permit being assessed: PP3898FA.

For: Penplas Farm, held by B J Land Holdings Ltd

At: Swansea, SA5 7LA.

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

On 08/11/2023 between 13:45 and 14:20.

Parts of permit assessed: General Site inspection

NRW Lead Officer: Sally Wakeford.

Report sent to: John Gwyn Hinds, Company Secretary/Director on 15/11/2023.

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)	
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	Schedule D, Condition 46
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	Schedule E Conditions 1, 2, 3, 4 and 9

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
B1	Provide details of any past or planned leachate removal to NRW. Undertake investigation into why leachate outbreak is occurring and rectify. Provide details to NRW for any planned works or actions taken.	20/12/2023
G4	Undertake the monitoring as required by the permit and agreed in the monitoring programme in 2000 and provide this to NRW as the regulating authority. If any previous monitoring and assessment has been completed and is not mentioned in the above summary, please provide this to NRW within one month of the date of this report.	20/12/2023

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

On November 2023 a routine site inspection was carried out by NRW Officer Sally Wakeford accompanied by Jolene Lewis (NRW). The inspection followed a period of heavy rainfall, and the land around the site was waterlogged, during the inspection it was cloudy with no rainfall.

The purpose of this visit was a familiarisation visit for the new Senior Closed Landfill Officer (Sally Wakeford) with the closed landfills in the area.

The landfill area was densely vegetated, and no access could have been gained over the landfill surface, a walk around the perimeter of the site was conducted.

During the visit it was noted that the surface water ditch was still in place around the northern boundary, and the leachate sump infrastructure was visible, however no other infrastructure was identified during the inspection.

B1 – Engineering for prevention and control of emissions – Category 3 breach – Permit condition: Schedule D, Condition 46

During the inspection it was noted that a small leachate outbreak was occurring from the landfill, in an area densely covered in large woody vegetation.

We have no understanding of the leachate levels in the landfill as monitoring has not been reported. It has not been confirmed if the operator is still removing leachate from the site. It appears that the landfill liner and/or cap may have been breached and that groundwater and/or surface water is possibly entering the landfill.

Permit condition Schedule D Condition 46 states:

“Notwithstanding the generality of the conditions in this Schedule, the activities to which this licence relates shall not be carried on so as to cause pollution to water or danger to public health or become seriously detrimental to the amenities of the locality affected by the activities.”

The following photos show the leachate breakout situated on the northern edge of the landfill.



ACTION: Provide details of any past or planned leachate removal to NRW.

ACTION: Undertake investigation into why leachate outbreak is occurring and rectify. Provide details to NRW for any planned works or actions taken.

It is important to obtain as accurate a picture as possible of the situation on site.

G4 – Reporting and notifications to NRW – Category 3 breach – Permit Condition: Schedule E, Conditions 1, 2, 3, 4 and 9.

You have not provided monitoring returns for many years, this has been marked as a Category 3 breach of permit. Permit conditions 1, 2, 3, 4 and 9 of Schedule E include the provision of the surface water sampling, external groundwater sampling, leachate monitoring, water levels and gas monitoring results to the regulator (Natural Resources Wales) as stipulated in your working plan. In 2020 the following monitoring programme requirements were agreed:

Monitoring Type	Frequency	Determinands
Surface Water	Quarterly	pH, temperature, electrical conductivity, DO, ammoniacal nitrogen, chloride, chemical oxygen demand
Groundwater	Quarterly	water level, pH, electrical conductivity, temperature, DO, ammoniacal nitrogen, chloride, sulphate, alkalinity, TON, TOC, sodium, potassium, calcium, magnesium, iron, manganese, cadmium, chromium, copper, nickel, lead, zinc
Leachate Quality	Fortnightly	leachate level
	Quarterly	pH, temperature, electrical conductivity, chloride, ammoniacal nitrogen, sulphate, alkalinity, COD, BOD, TON, TOC, sodium, potassium, calcium, magnesium
	Annually	iron, manganese, cadmium, chromium, copper, nickel, lead, zinc
Landfill Gas	Monthly	methane, carbon dioxide, oxygen, gas pressure
DO = dissolved oxygen COD = chemical oxygen demand BOD = biological oxygen demand TOC = total organic carbon TON = total organic nitrogen		

NRW has reviewed the monitoring data received from the Operator, which has been identified as follows:

Groundwater: Approximately quarterly from April 2020 to March 2013.

Surface Water: approximately quarterly from March 2009 to Sept 2010, March 2013, and June 2017 to December 2018.

Leachate depth: twice weekly March 2002 to May 2014.

Leachate composition: approximately quarterly March 2009 to September 2010, March 2013, June 2017 to December 2018.

Landfill Gas: approximately monthly from January to October 2009 and January to March

2013.

ACTION: Undertake the monitoring as required by the permit and agreed in the monitoring programme in 2000 and provide this to NRW as the regulating authority.

If any previous monitoring and assessment has been completed and is not mentioned in the above summary, please provide this to NRW within one month of the date of this report.

This monitoring will be required if you wish to surrender the permit, as this data was lacking during the 2019 surrender application.

END

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.