

Compliance Assessment Report CAR_NRW0042597

Permit being assessed: WP3395EK.

For: Vastre, held by Powys County Council

At: Unit 39, Newtown, Powys, SY16 1DZ.

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

On 20/09/2023 between 16:22 and 17:00.

Parts of permit assessed: 1.3.1; 6.4.1; 1.1.1

NRW Lead Officer: Gillian Coates.

Report sent to: TCM, TCM on 23/11/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D1 - Incident Management - Site security	C3 Minor	1.3.1
F3 - Amenity - Dust/fibres/particulates and litter	C3 Minor	3.3.3
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
C1 - General Management - Staff competency/training	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
3	12

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
D1	Ensure that gates are secured at all times when site is unstaffed. TCM to provide evidence that site is secure and compliant.	08/12/2023
F3	Clear all traces of litter around perimeter and external to site. Follow the actions in your site management plan to ensure litter is controlled. Send in photos of cleared litter to confirm compliance.	08/12/2023
C2	ROUTE CAUSE BREACH your permit is not being managed in accordance with your site management plan. Please review your site management plan to reflect current operations and confirm what controls are in place to ensure your site remains litter free and secure.	05/01/2024

Criteria	Action needed	Complete by
C1	Please confirm who is the TCM for Vastre site. Submit evidence of their attendance at the Vastre site along with completed maintenance records and daily checklists for October 2023.	08/12/2023

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

NRW Officers Gillian Coates and Holly Dyke visited Powys County Council's Vastre waste transfer site to inspect the activities taking place under Environmental Permit WP3395EK. Weather conditions at the time of the inspection were dry and visibility was good. The operator was not pre notified of the visit.

Officers were not accompanied during the visit due to an absence of staff on site. Officers called into the office adjacent the gate and informed them that they would be doing an inspection. Powys CC Housing staff attempted to contact Waste management staff to inform them of our visit. A phone number for Mark Francis was supplied, officers left a voicemail but no reply was received.

D1 - SITE SECURITY - PERMIT CONDITION 1.3.1 - CCS 3



Photo showing open gate at unattended site



Photo showing site security rules facing internal to the site

Officers entered the waste transfer site through the gates which were wide open. No waste management staff were present on site. The Housing staff stated that they were not responsible for the permitted site.

Breach identified

1.3.1 of your permit requires that you will prevent unauthorised access to your site. The site was unlocked and unmanned when officers visited and this is a breach of your permit.

ACTION - ensure that site is locked and secure when unattended. TCM to provide evidence that security has been improved to comply with your permit.

F3 - LITTER - PERMIT CONDITION 3.3.3 - CCS 3



Photo showing litter build up at perimeter of site



Photo showing litter outside of site boundary alongside entrance road

Officers noted that the site was very untidy with accumulations of litter in the site, around perimeter fences and outside the site boundary particularly alongside the entrance road. Grass and plants had grown through the litter indicating that it had been in situ for some time.

Breach identified

3.3.3 of your permit requires that litter arising from activities will be cleared as soon as practicably possible. The accumulation of litter observed is evident that litter clearance is not taking place regularly and is a breach of your permit.

ACTION - ensure that all litter and accumulations of litter within and the site perimeter and adjacent to the site entrance are removed and sent for disposal. Submit photographs showing that this action has been completed.

C2 - MANAGEMENT SYSTEM - PERMIT CONDITION 1.1.1A - CCS 3

Breach identified

The lack of security on site and the accumulation of litter in and around the permit area indicate that the permit is not being managed in accordance with your site management plan. This has been scored as a root cause breach for the non compliances identified above.

ACTION - review your site management plan in accordance with current activities showing how you will control litter and ensure site security.

C1 - STAFF COMPETENCY & TRAINING

It was not possible to contact any waste management staff at the time of the visit and the voicemail left did not receive a response. According to your recent waste returns Nigel Hicks is the TCM for this site.

ACTION - please confirm if Nigel Hicks is the TCM responsible for the site and

submit evidence of their site attendance, maintenance records and daily checklists.

If you have any enquiries with your CAR please email me gillian.coates@cyfoethnaturiolcymru.gov.uk

Regards,

Gillian Coates

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 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.