

Compliance Assessment Report CAR_NRW0042916

Permit being assessed: AB3097HG.

For: Unit 1- Crugmore Farm, held by M D Recycling Limited

At: Crugmore Farm, Penparc, Cardigan, Ceredigion, SA43 1RD.

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

On 23/11/2023 between 13:05 and 13:35.

Parts of permit assessed: Deposit for recovery, TCM and management System

NRW Lead Officer: Malcolm Dines.

Report sent to: Marc Davies, Owner on 01/12/2023.

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 (Suspended)	2.2.1
C1 - General Management - Staff competency/training	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
1	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?

Criteria	Action needed	Complete by
A1	Comply with current Section 59 Notice	19/01/2024

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.

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

This was an unannounced compliance visit carried out by Malcolm Dines, who met with

Marc Davies, the Director of M D Recycling Ltd. and Technical Competent Manager (TCM) of the site. The purpose of the visit was to review progress with the Section 59 notice requiring wastes deposited outside the permit boundary to be removed to a permitted location. The weather was dry and sunny, but since the Section 59 notice was issued in the summer there had been significant rainfall and the ground conditions are very wet.

Permit Breaches

A1 - Specified by Permit - Cat 3 (Score Suspended); Permit Condition 2.2.1

You have been given this category 3 breach under the above condition because as part of your Recovery Activity you deposited waste outside the permit boundary and during this compliance visit you confirmed that you have yet to move all the material as required by the Section 59 Notice currently in force. The compliance score has been suspended as under the Section 59 Notice you have a deadline of 19th January 2024 to remove the wastes deposited outside the permit boundary. In the event that this material is not removed by the required deadline, this score will be re-activated.

We discussed progress with compliance with the Section 59 notice and you confirmed that more of the material had been moved, the stockpiles of which were clearly stored on the site perimeter to the south of the composting pad. However, due to the weather having been very wet since the Section 59 Notice was issued making the ground conditions difficult to be able to complete the work. It was pointed out that there has been sufficient time and good weather earlier in the year to have been able to completed this work prior to the issue of the latest Notice.

Action: Comply with the requirements of the Section 59 Notice **by 19th January 2024**

Other Matters

Composting Process

There was a significant amount of compost on-site at the time of the compliance visit. This is in part due to being the end of the compost period where you have the largest amount of material on-site at any one time. This has also been impacted by the need to store the inert wastes removed from the area outside the permit boundary and the wet weather meaning that it has not been possible to spread the compost to your land. This is because the compost is very fine and will run-off the land if spread in wet weather. The result of this is that some of the compost is being stored outside the permit boundary however, as this material is produced to PAS100 and it will be spread on your land when the weather is suitable, this material is non-waste and does not need to be stored in accordance with the permit.

Technically Competent Management.

Your Primary Qualifications and Continuing Competency certificates were reviewed and you are compliant with Technical Competence requirements for this site.

Site Development

Future development of the site was discussed, with you confirming that applications for both planning permission and permit variations will be submitted at the same time. it was explained to you that if you need to raise land as part of the new development, in order to meet the current requirements for a permitted Recovery Activity, you will have to demonstrate that you have access to the finance to undertake the work using virgin

material and not just show that waste material would save you the cost of the virgin material. As such it is now a much higher threshold to meet the requirements of the Recovery Test.

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.