

## Compliance Assessment Report CAR\_NRW0042567

**Permit being assessed:** LB3193HC.

For: Cwm Quarries, held by Keri Davies

At: Builth Wells, Powys, LD2 3TE.

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

On 27/09/2023 between 11:50 and 12:30.

Parts of permit assessed: All areas of site

**NRW Lead Officer:** Malcolm Dines, accompanied by Holly Dyke.

**Report sent to:** Keri Davies, Owner on 06/12/2023.

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

| Part of permitted activity assessed (criteria)                       | Assessment result | Permit condition |
|----------------------------------------------------------------------|-------------------|------------------|
| A1 - Specified by permit                                             | Assessed (A)      |                  |
| C1 - General Management - Staff competency/training                  | Assessed (A)      |                  |
| C2 - General Management - Management system and operating procedures | Assessed (A)      |                  |
| C3 - General Management - Materials acceptance                       | 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 |
|------------------------------------------|----------------------------|
| 0                                        | 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?

No action required.

### 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 a routine unannounced compliance visit carried out by Malcolm Dines and Holly Dyke. The weather was overcast and damp with a storm due to arrive later in the day. On arrival there was no-one on-site on arrival, but Mr. Davies the site owner arrived shortly afterwards having seen the Officers arrived at the site.

The purpose of the visit was to assess whether any activity was taking place at the site. The last compliance report you received (CAR\_NRW0039878) highlighted that Planning Permission for the acceptance of waste and for the completion of the recovery activity expired on 31st March 2019. This is explained by the following legal requirements

1) Permit Condition 2.1.1 - referring to Table S1.1 - states that you must only carry out the authorised activity in accordance with the approved Waste Recovery Plan and Permit Condition 2.3.1(a) - referring to Table S1.2 - states that the activity must be operated in accordance with the approved Waste Recovery Plan.

2) On page 6 of the approved Waste Recovery Plan it states, "The works are to be completed by no later than 2019 governed under Condition 3 of the extant permission Condition 1."

3) Condition 3 of your Planning Permission states, "Deposition of waste material at the site shall cease and restoration works shall be completed, not later than 31 March 2019 or when the adjacent residential barn conversion (granted under Reference: PR6592/00) becomes occupied whichever is the sooner."

At this site visit, the residential barn conversion has not been started therefore, 31 March 2019 was the date at which you had to stop accepting wastes at the site.

On site you stated that you still wanted to complete the development work, so in order to be able to accept waste at the site (and to comply with permit condition 2.1.1) you must have valid planning permission.

If you gain new planning permission for the site, the conditions contained in that permission will determine what you will have to do with regards complying with this permit.

Potentially you may have to submit a new Waste Recovery Plan which, at present, would require you to pay a fee of £1683 for it to be assessed. Additionally NRW cannot guarantee that any new Recovery Plan would be approved as it will have to meet the current test for recovery, which is significantly stricter than the Recovery Test when the permit was originally issued.

At the time of the site visit it could be seen that no wastes have been deposited at the site and you confirmed that you had not accepted any material at the site. This means that at the time of this compliance visit your site was pre-operational and if that remains the case, would mean that if you decided not to continue with this project, or are not able to gain valid planning permission or have your Waste Recovery Plan approved, you should be able to surrender your permit relatively easily.

Please remember that all this means that at present you are not able to accept any waste

at your site and if you did this would be a breach of permit. it would also mean that your site would be classed as operational and any application to surrender the permit would come with significant costs.

*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.