

Compliance Assessment Report CAR_NRW0042889

Permit being assessed: TP3599VH.

For: Kirkhamfield Depot, held by Powys County Council

At: Newtown, SY16 3AF.

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

On 14/11/2023 between 12:21 and 12:48.

Parts of permit assessed: Permitted activities, Management, TCM

NRW Lead Officer: Liz Park, accompanied by Holly Dyke.

Report sent to: Clive Jones, Carl Stephens, Manager/ TCM on 14/12/2023.

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	2.1.1 Table S1.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2
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	8.1

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
A1	Improve operations to ensure that any spillages are cleaned up	22/12/2023
C2	Review and update management system documents to ensure procedures are in place to prevent or minimise pollution as detailed below to NRW for review.	31/01/2024
G4	Submit all outstanding waste returns	31/01/2024
C1	Ensure the TCM is on site to direct activities on site for the required standard of attendance detailed below	22/12/2023

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

Liz Park (Senior Officer - Waste Regulation) and Holly Dyke (Enforcement Apprentice) arrived to undertake an unannounced compliance visit. At the time of the visit the weather was cool and dry, though it has been raining heavily earlier in the day.

Liz and Holly met with the Operations Technician for the depot. The current TCM, Carl Stephens, was not on site at the time of the visit.

The following non-compliance was identified:

A1 - Permitted activities - CCS Cat 3 - Permit condition 2.1.1, Table S1.1

You are being scored this non-compliance as street cleaning residues were spilling out of the back of the dewatering bay. As per Table S1.1, the waste must be stored and treated on impermeable surface with a sealed drainage system to foul sewer.

Liz and Holly inspected the de-watering bay and found evidence of street cleaning residues running out the back of the bay, which had not been cleared up. This overspill had not been picked up by Carl Stephens during his site inspection which took place on the 08/11/2023. The drain at the front of the bay was clear and allowing de-watering to take place.



Street cleaning residues spilt over the back of the bay

Action - Remove all waste that has spilt over the wall of the bay and confirm to Liz Park that this has been undertaken - by 22/12/2023

C2 - Management System and operating procedures - CCS Cat 3 - Permit Condition 1.1.1

You are being scored this non-compliance for the following reasons:

The site is not being managed in accordance with a management system that identifies and minimises the risk of pollution. Whilst there is a checklist, the spillages identified above had not been found and resolved.

The paper documents that form the management system available in the office were as follows:

EP01 - Environmental Working Plan - Revision date July 2020 v4

EP02 - Accident Management Plan - Revision date July 2020 v2

EP04 - Fire action process - Revision date April 2018

EP05 - Non-conforming waste process - July 2020 v2

EP06 - Material Storage & Spill Response - April 2018v1

EPF 04 - Depot Environmental Checklist - Revision date August 2018

Natural Resources Wales hold copies of the following documents:

Pollution Incident Response Plan - Dated 17 April 2023

Drainage Plan - Dated March 2019

Risk Assessment - Dated 4 June 2019

Site plan - Dated 27 April 2018

Please review and ensure that the paper copies match the electronic copies held on Powys County Councils document management system

Action - Review and update management system documents and have procedures in place to ensure that they are followed at all times to prevent the risk of pollution - by 31/01/2024

Action - Submit copies of any updated/ new management system documents to Liz Park for review. Please include an overarching document that lists all the management system documents relevant to the Kirkhamfield Depot- by 31/01/2024

G4 - Reporting and notification to NRW - CCS Cat 4 - Permit condition 4.2.2

No waste returns have been submitted since Q4 Oct-Dec 2022. Please submit all outstanding waste returns up to and including Q3 Jul-Sep 2023. Q4 Oct- Dec 2023 will be due by the end of January 2024.

Action - Submit outstanding waste returns by - by 31/01/2024

C1 - Staff competency and training - Advice and guidance - Permit Condition 1.1.4

Carl Stephens is currently providing Technical Competent Manager (TCM) cover for half a day a week at the site as the site's principle TCM is not currently available. A copy of Carl Stephens Continuing Competence certificate was provided by email. There has been an extended period of time when there has been no TCM. Liz Park was informed by Clive Jones that they are now getting on top of things.

You must ensure that an appropriately qualified TCM attends the site every week as detailed in How to Comply to direct activities. The TCM must also record their arrival and departure times. Due to the non-compliance identified above, and lack of TCM for an extended period of time, a reduction in TCM attendance time cannot be considered at present.

The OPRA scores for the Kirkhamfield Depot are as follows: Complexity Band C, Location D, Emissions A - giving Total attendance points of 6 which equates to 20% of operating time.

Action - Ensure sufficient TCM attendance - 22/12/2023

Dewatering bay

The Operations Technician explained that due to construction activities taking place on the site, one of the bays has been temporally deconstructed so that an electrical pole could be moved to the corner of the site, leaving only one bay functional. It was explained that a discussion with the construction company would take place by the second week of December, on how long the construction would be taking place for. And that they would then look at either reconstructing the second bay or increase the frequency of the emptying of the first bay. The management of the time the waste is stored on site must be written into the management system and procedures in place so that it is followed to ensure that vegetation does not grow on the waste.

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.