

Compliance Assessment Report CAR_NRW0043309

Permit being assessed: BM0032107
For: Storm Outlet B2, held by GCRE Limited
At: Nant Helen Opencast Coal Site, Powys, SA10 9NL.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 22/01/2024, between 10:30 and 12:30.
Parts of permit assessed: Whole permit

NRW Lead Officer: Chris Gurney.
Report sent to: John Rees, Environmental Manager, on 02/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-A1 - Management - General management	Assessed (A)	
WQ-B2 - Operations - The site	C4 No impact	4

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-B2	Ensure site is maintained to enable safe access to sampling point	22/01/2025

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

I attended the Nant Helen and Onllwyn GCRE site on 22 January 2024, arriving shortly after 10.30 am. The weather was dry but cloudy.

On site I met with John Rees and Aled Lewis who gave me a brief safety talk and update on progress of the site from remediation to development for GCRE. Aled and I then left to inspect the various discharge points.

BB4027001 and BB4027002

We inspected the outfall at 'point D' which flowed into the Camnant, which was running clear. The washing site was no longer used and had not been in use for some time, much of the settlement ponds/lagoons were not visible as significant vegetation had grown. It was not possible to see 'Point B'. The permits are no longer used for any formal discharge, only surface water run off that is captured, but is being retained should the site change and require the use of the discharge. No sample was taken as no operations ongoing, I deemed it unlikely to have anything other than surface water within.

This site is unlikely to need additional inspections until any change of use on site, which will be identified by regular contact between GCRE and NRW. I advise you contact NRW ahead of any decommissioning to confirm timings and suitability of approach to ensure no pollution or excess discharges.

BM0032103

We inspected 'Outlet C', the outfall from the site drainage lagoons. The discharge was running clear but the recent rains had increased the flow. This site is due to be demolished as part of the site remediation/development so it's expected this permit will be revoked at that stage, and remain unutilised until then. With this in mind it is not expected to need additional inspections until any change of use on site, which will be identified by regular contact between GCRE and NRW. I advise you contact NRW ahead of any decommissioning to confirm timings and suitability of approach to ensure no pollution or excess discharges.

BP0345401

We inspected Area H which was not discharging at the time of visit and appeared to have not been used in some time. Several of the lagoons were well below being full and all clear with no signs of disturbance. Pumping had ceased in previous years with the backfill of the excavated area so there was no longer a requirement for the lagoons, however they are being retained along with the permit should the need arise during remediation/development. With this in mind it is not expected to need additional inspections until any change of use on site, which will be identified by regular contact between GCRE and NRW. I advise you contact NRW ahead of any decommissioning to confirm timings and suitability of approach to ensure no pollution or excess discharges.

BM0032102 and BM0032107

We inspected the lagoons and outfall for 'Outlet B1' which were, to my understanding, the only set of lagoons on site still being dosed with Flocculent although not for active works, just to assist with site drainage. The discharge was running clear but flows were high due to the increased rainfall experienced in the days prior. The lagoons appeared to be operating as designed with some signs of sediment build up in places along the route. There was some significant vegetation growth around the edge of the outfall which made it difficult to identify the storm outfall (B2) (Permit No BM0032107) but it was not expected to be discharging at this point and no indications of a secondary flow. There is currently no expectation of requiring this system again for any significant works but is likely to be maintained in the short/medium term to ensure site drainage is not causing a pollution. To that effect it may be that some maintenance is required, in particular desludging, to ensure full and effective treatment/settlement and avoid causing any pollution. It was noted during the visit that there was some overtopping/run-off between lagoons, rather than flowing through fully, which is likely to have been caused by the significant rainfall events experienced in the days prior. While this had not caused any pollution, it would be beneficial to ensure effluent is contained within the lagoons at all times.

BA2010001

We made our way to the Washery discharge which was discharging at a higher rate likely due to the increased rainfall experienced in the days prior. The discharge was discoloured and was having a minor

impact on the receiving watercourse, which was also discoloured. There was also some signs of the lagoon having over-topped and discharged to the watercourse without going through the correct channel, again likely to the volume of rainfall. The Washery is not operational and all discharge is likely to be surface water/rainfall, however there is minor remediation/development work ongoing nearby that may have impacted (although its thought unlikely). It seems more likely the lagoon is in need of de-sludging or maintenance to ensure capacity and stability of the structure. There is significant vegetative growth all around the lagoon as well, which may require some clearing to ensure safe access.

No sample was taken at the time of the visit to confirm compliance, however it may be advisable to organise a revisit and ensure compliance. Given the nature of the site, and in light of recent weather events, it may be best to visit again in the spring during drier conditions.

Inspection summary:

- **No active mining on site, some remediation/development expected throughout 2024.**
- **Several permits still active but only for S/W discharge and until development of site removes the lagoons.**
- **Lagoons/system serving Outlet B1 and B2 may require maintenance to ensure containment of effluent given the still active dosing with flocculant.**
- **Onllwyn washery discharge (BA2010001) may need sampling to confirm compliance and/or maintenance to the lagoon structure/environs.**

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 to 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
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

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.