

Compliance Assessment Report CAR_NRW0043470

Permit being assessed: GB3831AM.

For: Derwen Aggregates Ltd, held by Derwen Aggregates Ltd

At: Neath Abbey Wharf, Neath, West Glam, SA10 6BL.

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

On 07/02/2024 between 10:00 and 11:30.

Parts of permit assessed: A, B, C, D, F

NRW Lead Officer: David Morgan.

Report sent to: Stuart Hanford, Director on 14/02/2024.

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)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D1 - Incident Management - Site security	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	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

A routine site inspection was undertaken on Wednesday 7th February 2024. Present at the time of the inspection were: David Morgan (Natural Resources Wales), Stuart Hanford (Director, Derwen Aggregates), Debbie Keogh (Commercial Director, Derwen) and Steven Smith (Compliance Manager, Derwen).

During the inspection, the following observations were made:

Site Drainage

At the time of the inspection, the weather was fine and dry but in the days prior to the inspection, there had been sustained periods of heavy rainfall.

Despite periods of heavy rain, site drainage and infrastructure, in relation to the containment of site surface water, appeared to be functioning well. There was no significant build up of site surface water or evidence of surface waters leaving site other than through the settlement lagoons as stated in the Environmental Permit.

It was noted that surface water contaminated with silt (from waste on site) flows through the site to areas where there is settlement in two areas. Silt is periodically removed from these lagoons and further treated while water discharges from site.

At the time of the inspection, the discharge from the settlement lagoon was visually inspected and was free from contamination of silt. The discharge was not discoloured and there was no evidence of a build up of silt on the river bank.

The Environmental Permit states that a discharge from this area is permitted, however, in a future inspection, Natural Resources Wales may wish to sample this discharge.

During the inspection, it was suggested that the drainage system was installed over 10 years previously. We may at some point in the future request any plans/engineering documents that show the design of the system. This will help us to understand what works are undertaken to maintain the system (e.g. how often the system is cleared and if/how the integrity of the underground chambers is assessed).

Generally, given the recent sustained heavy rain, large volume of material on site and size of the site, the infrastructure and drainage system appears to be very well maintained.

Site Boundary

During the visit, an inspection of the site boundary was undertaken. This inspection of the boundary was undertaken in two areas. Firstly, the boundary in the far left corner of the site (upon arriving on site through the main entrance) was inspected. In this area, there was a large volume of waste awaiting treatment (soil, stone etc.).

Some of this material was stored on the site boundary. We discussed the need to ensure

rainfall in this area didn't result in rainwater run-off becoming contaminated with silt and leaving site. Our discussion included the potential use of silt traps and or removing waste from this area.

At the time of the inspection, it was noted that there was no perceived environmental impact resulting from this storage practice although it was agreed this area would be checked routinely for potential impact (e.g. waste leaving site).

The site boundary was also inspected at the far right corner of site, opposite the wash plant. In this area, treated aggregate that had already been processed was being stored. On closer inspection, it was noted that some of this aggregate had fallen over the site boundary.

It was agreed that this issue would be rectified with this material being brought back on to site. Although this material can be classed as 'non-waste', having been treated, technically this remains part of the site operations and thus should be contained within the permitted area. It was noted, however, that this did not appear to be having a detrimental impact on the environment at the time of the inspection.

We discussed the potential of installing a physical boundary wall in this area to prevent similar issues in the future.

You must ensure that operations do not have a detrimental impact on the environment. You must ensure waste and other materials associated with operations are contained on site.

Site Inspection Checklist

Following the inspection, records of weekly site inspection checklists were produced for inspection. It appears that on-site operatives are keeping comprehensive records of day-to-day management of activities on site, however, the issue of product escaping site had not been recorded or flagged up on the inspection checklist.

Please review this process and discuss with staff the need to record instances/events that have the potential to impact the environment.

On this occasion, this has not been recorded as a non-compliance as there was no detrimental impact and it was agreed the matter would be dealt with promptly.

Summary

An inspection was undertaken of the facility which focussed on assessing compliance with requirements of the Environmental Permit in relation to site infrastructure and drainage. Generally, site infrastructure and drainage appeared to be well maintained.

The Environmental Permit allows for the discharge of water from a settlement lagoon and at the time of the inspection, this discharge appeared to be clear.

You may benefit from discussing/reviewing the process for site inspection checklists with

staff to ensure any potential issues related to permit compliance are identified and addressed accordingly.

Following an inspection, it was deemed that operations were not having a detrimental impact on the environment. No non-compliances were recorded against the Environmental Permit.

Next Inspection

It is likely that in the next inspection we will assess:

- * procedures for treatment of waste to ensure 'end-of-waste' criteria is met
- * noise mitigation
- * review of site boundary
- * site records and waste coding

Thank you for your time during the inspection.

END OF REPORT

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.