

Compliance Assessment Report CAR_NRW0043173

Permit being assessed: BB3296CU.
For: Frongoch Lead Mine, held by Mark Skitt
At: Frongoch, Trisant, Aberystwyth, Ceredigion, SY23 4RL.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 08/12/2023 between 11:00 and 12:00.
Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines, accompanied by Luke Taylor.
Report sent to: Mark Skitt, Owner on 15/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
C1	Submit details of your Technically Competent Manager along with copies of their primary qualification and any relevant Continuing Competency certificates	01/04/2024
G4	Submit all outstanding waste returns	01/04/2024

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.

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

This was a pre-arranged site visit carried out by Malcolm Dines and Luke Taylor who met with Mark Skitt, the site owner and permit holder, who accompanied the officers for the duration of the visit. The purpose of the visit was to review progress with compliance with the actions specified on the Compliance Report (CAR_NRW0042596) dated 14/11/2023 relating to the compliance visit carried out on 13/09/2023. The weather was cold and wet.

Outstanding actions at the site were that you need to ensure that you are complying with the requirements of an approved competency scheme and to submit all outstanding waste returns.

Permit Breaches

C1 - Staff competency/training - Action Only; Permit Condition 1.1.4

You were given this action-only breach under the above condition as you currently are not complying with an approved competency scheme. You accepted that you had still not resolved the issue of your previous consultant not providing your technical competence training, but you stated that you had arranged for someone you know with the correct qualifications to act as Technically Competent Manager (TCM) for your site. You were told that NRW would require the TCM to be present at the next pre-arranged compliance visit.

The deadline for complying with this action was 01 January 2024 and therefore at the time of this compliance visit there was still time for you to comply with the outstanding action. However, the failure to submit details of your TCM as set out below may result in NRW serving you with being a Regulation 36 Notice to resolve this matter. The failure to comply with a legal notice is an offence.

Action: submit details of your Technically Competent Managers and copies of their qualification and any Continuing Competency certificates **by 1 April 2024**

G4 - Reporting and notification to Natural Resources Wales - Cat 3; Permit Condition 4.2.2

You have been given this category 3 breach under the above condition as an action on compliance report (CAR_NRW0042596) was to submit all outstanding waste returns for your site. As of the date of this compliance report NRW are yet to receive any waste returns for your site since the permit was issued in 2019. Because of this repeated failure to supply the required documents, the breach has been increased from a Category 4 to a category 3 breach. Waste returns are important as they demonstrate that you are complying with tonnage limits and waste acceptance and they also your compliance with the waste Duty of Care. If you fail to submit all outstanding waste returns by the required date, NRW may serve a legal notice to submit the waste returns. The failure to comply with a legal notice is an offence.

Action: submit all outstanding wastes returns **by 1 April 2024**

Other general observations/comments

Following compliance with the Section 59 notice to remove all waste stored outside the permit boundary, NRW will be progressing with the partial revocation of your permit to remove the area of your land identified by NRW experts as being at risk of further collapse from your permitted area.

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.