

## Compliance Assessment Report CAR\_NRW0043360

**Permit being assessed:** PP3795CG.

For: Vaughan Mr K & Son M R S, held by Vaughan, Mr K & Son

At: Cwm Belan, Llanidloes, Powys, SY18 6RF.

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

On 31/01/2024 between 11:05 and 12:55.

Parts of permit assessed: Permitted

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

**Report sent to:** Lee Vaughan, Manager/ TCM on 26/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	The Environment Protection (Misc) Regs - Condition A
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	J.1.2

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

Total number of non-compliances recorded	Total non-compliance score
2	4.1

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
C2	Submit a written management system,	31/05/2024
G4	Submit all outstanding waste returns	15/03/2024

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.

**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

Liz Park (Senior Officer - Waste Regulation) and Holly Dyke (Enforcement Apprentice) arrived on site to undertake an announced inspection. At the time of the visit the weather was cold and dry.

### Permit transfer application

Liz and Holly met with Lee Vaughan who has been managing the site on behalf K Vaughan & Son (Kenny Vaughan, T Vaughan & Robert Stephen Vaughan are the operators named on the Licence modification dated 22 July 1993). Both K Vaughan and T Vaughan are now deceased. Robert Stephen Vaughan is not in day to day control of the site and therefore is not in a position to be the permit holder and operator. Therefore a transfer application has been submitted to transfer the permit to Daniel Lee Vaughan (known as Lee) as an individual.

Before undertaking a site walkover the following matters were discussed.

### Waste Returns

Liz showed Lee the relevant permit condition which requires the submission of financial year waste returns. Lee has recently purchased a weigh bridge computer program that will enable the production of annual waste returns without referring to all the paper waste transfer notes. He also now has access to Excel. The latest NRW Waste Return Spreadsheet will be sent to Lee for completion.

### Written Management System

Liz discussed the requirement for the site to have a written management system. Lee sent Liz a copy of what he had been advised was a written management system however the document was a copy of the permit for the site. Further information has been provided to Lee as to what a written management system is and contains. It appears that much of the information required in a written management system will be in Lee's WAMITAB training course work. This need to be collated into a document(s) with any required additional information to form a written management system for the site.

### Technical Competence Manager - Continuing Competence

Lee was reminder that his Primary Wamitab certificate was issued on 3 February 2022 and that he would need to sit and pass the relevant continuing competency tests by 3 February 2024. No record of a test booking can be found. Provision of a relevant continuing competence certificate would be required for the permit transfer,

**Action - Please provide confirmation that this test has been booked by forwarding the booking email by 9 March 2024.**

### Site walkover

Lee is in the process of clearing the waste currently stored between the track and the watercourse as the permit required all waste within 5m of any open or culverted watercourse when issued in 1993. Work is continuing to be undertaken to remove the historic scrap which is stored on the north west side of the site.

There are a number of orphaned gas bottles on site which Lee is struggling to get

collected. The following information may help.

*Waste Industry Safety and Health Forums - Orphaned Gas Cylinders in the Waste and Recycling Industries.*

[WASTE-03.pdf \(wishforum.org.uk\)](#)

*HSE guidance*

[Drum / cylinder handling \(hse.gov.uk\)](#)

There are depolluted and undepolluted ELVs stored on site. The undepolluted ELVs were stored on the impermeable surface. Lee was reminded that these need to be consigned on a Hazardous Waste Consignment Note. The depolluted ELVs did not have their axels with shocks on them. Lee was aware that shock absorbers need to be drained of oil before an ELV is considered to be fully depolluted.

## **C2 - Management System and operating procedures - CCS Cat 3**

As per [The Environmental Protection \(Miscellaneous Amendments\) \(England and Wales\) Regulations 2018 \(legislation.gov.uk\)](#), you are required to comply with the following condition.

Condition A is that the operator must manage and operate the waste operation in accordance with a system (a “written management system”), described in a document or documents, which identifies and minimises the risks of pollution arising from the waste operation, including (but not limited to) those—

- (a) arising from operations (including maintenance);
- (b) arising from an accident or other incident;
- (c) arising from a failure to comply with or from a contravention of the environmental permit in question;
- (d) identified following a complaint; or
- (e) arising from the closure of the operation.

Condition B is that the operator must—

- (a) from time to time, review the written management system and keep it up to date; and
- (b) keep a written record of—
  - (i) activities carried out in accordance with the written management system; and
  - (ii) any review or update under paragraph (a).

There is no written management system currently in place to meet the above condition. This has been discussed with Lee Vaughan who is now looking to engage the services of an environmental consultant to assist with the creation of a written management system. It is acknowledged that Lee has recently undertaken his MROC2 Wamitab training and much of the required information is in his training manual and that Lee is the only person that currently manages the site. Therefore the noncompliance has been given a CCS - Cat 3 breach.

The breach is not an offence; however, we have the power to serve an enforcement notice for this breach. Failure to comply with the notice is an offence

**Action - Produce and submit to NRW for assessment a written management system - by 31 May 2024**

**G4 - Reporting and notifications to NRW - Permit Condition J.1.12 - CCS Cat 4**

No financial year waste returns have been submitted for the following years.

2019  
2020  
2021  
2022

2023 will be due by 6 May 2024

**Action - Submit all outstanding waste returns on form provided - by 31 May 2024**

*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.