

Compliance Assessment Report CAR_NRW0043442

Permit being assessed: YP3398FW.

For: Llwyn Fynwent, held by Michael John Oliver

At: Aberystwyth, Ceredigion, SY23 4HA.

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

On 12/02/2024 between 10:00 and 10:40.

Parts of permit assessed: See criteria listed below

NRW Lead Officer: Luke Taylor.

Report sent to: Michael John Oliver, Site Owner on 29/02/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	Permit Condition 6.1.1
C1 - General Management - Staff competency/training	C3 Minor	Section 74(3)(b) of the Environmental Protection Act 1990
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3 Minor	Permit Condition 3.1.2
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Action only (X)	
F4 - Amenity - Pests/birds and scavengers	Assessed (A)	
F5 - Amenity - Deposits on road	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
3	12

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
G4	Submit waste returns to Natural Resources Wales by 31st March 2024	31/03/2024
C1	Provide evidence to show that a Continuing Competence test has been booked to Natural Resources Wales by 31st March 2024	31/03/2024

Criteria	Action needed	Complete by
B3	Please repair the grate above the drainage system and inspect the system to ensure it is still in working order. Once completed, please supply evidence of the repair and a copy of the records showing it has been inspected by 31st March 2024.	31/03/2024
F3	Clear the accumulated debris at the northern end of the site	31/03/2024

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

This report has been produced following a planned compliance inspection at Llwynfynwent, the site of Oliver's Metals, which was carried out on Monday 12th February 2024 by Luke Taylor, Waste Regulation Officer for Natural Resources Wales.

The weather at the time of the inspection was dry and bright, with a light wind. The officer was accompanied by the site operator for the duration of the inspection, Michael Oliver.

The following compliance breaches were identified:

G4 - Reporting and notification to Natural Resources Wales - Category 3; Permit Condition 6.1.1

Prior to conducting the inspection, a review of Llwynfynwent's waste returns was carried out. It was identified that no annual waste return had been submitted for the site since 2020's, despite each of the following CARs highlighting to Mr. Oliver that waste returns must be submitted each financial year, as per permit condition 6.1.1:

- CAR (Report ID: CAR_NRW0031370) dated the 14th of November 2017;
- CAR (Report ID: CAR_NRW0034026) dated the 8th of October 2018;
- CAR (Report ID: CAR_NRW0035693) dated the 12th of November 2020.
- CAR (Report ID: CAR_NRW0037371) dated the 12th February 2021
- CAR (Report ID: CAR_NRW0038325) dated the 23rd June 2021

In order to rectify this breach please submit waste returns for all wastes imported to and removed from the site for the following financial years: 2021-2022 and 2022-2023 by 31st March 2024. This will enable NRW to track waste and identify whether waste is being handled correctly, in line with regulations and the waste duty of care. These waste returns must be submitted even if the site did not accept or remove any waste during these reporting periods. Under permit conditions 5.3.1 and 5.3.3, records should have been maintained of all wastes accepted and dispatched from the site, and therefore this should

be an achievable action within the time frame given.

ACTION - Submit waste returns to Natural Resources Wales by 31st March 2024

C1 - Staff Competency/Training - Category 3; Permit Condition: Section 74(3)(b) of the Environmental Protection Act 1990

The most recent continuing competency certificate held by Natural Resources Wales for the site Technically Competent Manager, Mr Oliver, expired on 15th September 2023. The issue of continuing competency has been highlighted on previous CARs and, whilst a test was subsequently undertaken and passed, that certificate has been expired for five months, during which time the site is still operating.

Whilst operations at the site are currently limited to bulking of a few ELV's at a time, before onward transportation to a suitable dismantling facility, it is still a requirement that the site operates with a TCM. To rectify this breach, please complete the continuing competency assessment and supply evidence to NRW of this when submitting the waste returns for the site, along with a copy of the pass certificate via the email address below. If you are unable to comply with this action by the date given, please contact me at the earliest opportunity.

ACTION - Provide evidence that a Continuing Competence test has been booked to Natural Resources Wales by 31st March 2024

B3 - Site drainage engineering (clean and foul) - Category 3; Permit Condition 3.1.2 Engineering Site Containment and Drainage Systems

The grate covering the drain in the centre of the impermeable surface was damaged and dislodged at the time of the inspection. Permit condition 3.1.2 states that the engineered site containment and drainage systems shall be constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified in table 3.1 of the permit.

At present the grate is not able to prevent larger debris from entering the drainage system, as evidenced by a broken coil spring within the drain. This could result in the system becoming blocked and cause it to fail.

ACTION - Please repair the grate above the drainage system and inspect the system to ensure it is still in working order. Once completed, please supply evidence of the repair and a copy of the records showing it has been inspected by 31st March 2024.



(F3) Dust/fibres/particulates and litter - Action Only.

There was a build up of debris at the northern end of the site, consisting of metal and wood waste, along with a large amount of dirt from vehicle operations. This has built up over the kerbing on the impermeable surface area, and it was not possible to inspect the integrity of this at the time of the visit. As a result it is not known if the kerbing is in a suitable condition to contain any spillages which may occur. This needs to be cleared, then sorted and disposed of in a suitable manner.

ACTION - Clear the accumulated debris at the northern end of the site.

If you have any queries regarding this Compliance Assessment Report, please email luke.taylor@cyfoethnaturiolcymru.gov.uk

Regards,
Luke Taylor

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.