

## Compliance Assessment Report CAR\_NRW0043763

**Permit being assessed:** CB3591HG.

For: Lelo Aggregates, held by Lelo Aggregates Ltd

At: Land Situated at Craig Lelo Works, Gwyddelwern, Corwen, LL21 9SD.

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

On 23/02/2024 between 13:35 and 14:00.

Parts of permit assessed: storage of material, management systems

**NRW Lead Officer:** Boguslawa Pierzchala, accompanied by Steven White.

**Report sent to:** Gari Jones, Manager/TCM on 18/03/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	General Management Section 1.1.1 states The operator shall manage and operate the activities: (b) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and (...) Section 2.1.1. states: The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities") - Secure storage of waste listed in tables S2.1 and S2.2 pending treatment.
C2 - General Management - Management	C3 Minor	1.1.1. General

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
system and operating procedures		Management Section 1.1.1 states The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and (...)

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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
C4	Please ensure all unauthorised waste types are removed from site and stored/ disposed off appropriately.	22/03/2024
C2	Please ensure your activities, infrastructure and storage areas are as described in the EMS or submit an updated version of EMS for assessment. Please comply by the 31st of July 2024	31/07/2024

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

On Friday the 23<sup>rd</sup> of February 2024 waste regulation officers attended at Lelo Aggregates. This was a planned unannounced site inspection.

The weather was dry, but it had been raining prior to the inspection and the site was muddy with water pooling in places.

During the visit the officers were accompanied by Gari Jones, site manager and TCM.

Officers discussed the activities currently taking place on site, the layout and storage arrangements. Due to the weather waste was not currently being treated but it was still accepted on site.

### **(C2) Management system and operating procedures**

#### **Site Environment Management System - EMS**

During previous site inspection officers noted that storage arrangements were not as described in the site's EMS. An action was requested to bring the site into compliance by the 3<sup>rd</sup> of August 2023.

This action has not yet been completed.

The lack of certain infrastructure which had not yet been put in place i.e. storage bays, impermeable surfaces, weighbridge were discussed with the site manager.

Permit Section 1.1.1 states:

The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and (...)

This has subsequently been scored as a C3 breach against the permit condition.

It is anticipated that the site will benefit from improvements to bring it into compliance in the next few months.

Action: Please ensure your activities, infrastructure and storage areas are as described in the EMS. Please comply by the 31<sup>st</sup> of July 2024.

### **(C4) Storage, handling labelling and Segregation.**

The site appeared to have no clear boundaries with the metal recycling site covered by a separate permit. Several metal waste piles, WEEE, tyres in skips and un-depolluted vehicles were seen by officers.

Mr Jones explained that the waste had been accepted on the metal recycling site under EB3038RW waste permit. It was pointed out that waste accepted under a different permit needs to be stored within that permit's boundaries.

The storage of the below described waste streams is a breach of permit conditions and creates pollution risk due to lack of infrastructure.

Several WEEE items were seen stored directly on the ground. Please see photo below.

WEEE is not listed on the list of permitted waste types (Schedule 2) and storage of this waste stream is a breach of permit conditions listed below.





WEEE items separated from the yellow metal parts stored on permeable ground.

A number of un-depolluted vehicles were seen being stored on site. Please see photos below.

End of life vehicles are not listed on the list of permitted waste types (Schedule 2) and storage of this waste stream is a breach of permit conditions listed below.



Un-depolluted vehicles stored on permeable ground.



Large waste items and un-depolluted vehicles stored on permeable ground.

Several large skips containing tyres were seen on site. Please see photos below.

Tyres are not listed on the list of permitted waste types (Schedule 2) and storage of this waste stream is a breach of permit conditions listed below.



Tyres stored in skips on site.



Tyres stored in skips on site.

The disposal of large vehicles tyres is proving challenging, and the manager is in the process of finding a suitable disposal site.

The following conditions have been breached:

**1. General Management**

Section 1.1.1 states The operator shall manage and operate the activities:

- (b) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and (...)

Section 2.1.1. states: The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the “activities”) - Secure storage of waste listed in tables S2.1 and S2.2 pending treatment.

As a result of the above permit breaches a **consolidated** category 3 non-compliance score has been issued.

Action: Please ensure all unauthorised waste types are removed from site and stored/ disposed off appropriately. Please comply by the 22nd of March 2024.

#### **Aggregates**

The site processes hardcore and inert material in accordance with an aggregates protocol.

Please ensure the process is compliant with the protocol detailed in section 3.8 of the EMS.

Thank you for your time during the visit please find my contact details below.

Kind regards,

Boguslawa

Email: [boguslawa.pierzchala@naturalresourceswales.gov.uk](mailto:boguslawa.pierzchala@naturalresourceswales.gov.uk)

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

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.