

Compliance Assessment Report CAR_NRW0043971

Permit being assessed: CB3992ZF.

For: Dandy's Topsoil, **held by:** Dandys (Chester) Ltd

At: Yew Tree Farm, Sealand Road, Sealand, Chester, Flintshire, CH1 6BS.

Type of assessment: Site Inspection,

Reason: Routine.

On: 07/02/2024 between 10:15 and 11:30.

Parts of permit assessed: 1.1.1 .

NRW Lead Officer: Ian Thomas2, accompanied by Steven White.

Report sent to: Simon Hughes, Site Manager, on 12/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
E3 - Emissions - Surface water	Action only (X)	

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

Total 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?

Criteria	Action needed	Complete by
E3	Bund system advised to reduce silt or any contaminant entering the brook running through the site.	30/06/2024

Compliance 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 Thursday the 7th of February 2024 Natural Resources Wales officers attended site.

This was an initial site inspection for permit ref EPR/CB3992ZF which was issued on the 8/8/2023. The inspection was carried out by Waste Regulation Officer Ian Thomas and Senior Waste Regulation Officer Steven White.

On arrival at site, Officers met with Simon Hughes, site manager, who took us onto site and into the main building to meet with Adam Dandy(owner), and Chris Parry from Oaktree Environmental Ltd. Officers explained the requirements of the permit and how this will be regulated, officers also took the opportunity to answer any questions that would help with the overall running of the permit. Advice was given regarding quarterly waste returns, records of waste entering and leaving the site. The use of waste transfer notes, and an explanation of the CAR form system. Since the visit, a copy of the environmental management system (EMS) and waste returns have been sent through. Thank you for sending these in.

Officers were shown around the site by Simon and Chris. The site consists of buildings and storage areas as well as the main substantial soil and aggregate sorting hub. Heavy plant machinery is in constant use. The site was wet and muddy, which is understandable for the time of the year. Concerns were raised due to a watercourse running on both sides of the site. Particularly to the southern side of the permitted area where a bridge runs over the brook to allow access to storage and staff parking. There is no bund to stop the water run-off into the brook. Also, there is evidence of a small amount of oil or residue in and near the water.



Residue in watercourse.



Pictures showing brook running along southern permit boundary.



Bridge across to parking and storage.

This brook/drain eventually meets the river Dee which is a protected waterway, sediment and soils can have a detrimental impact on watercourses by smothering invertebrates and affecting fishes gills.

Recommended as an action – Take steps to bund the area to reduce and limit any further water or silt that may cause a pollutant to the watercourse. This will be assessed in the next site inspection.

The main yard area is used by heavy plant machinery and articulated HGV vehicles, as with most of the site, this is of hardstanding. There is also a wheel wash facility in use for vehicles leaving the site, this minimises the amount of debris being deposited on the A548 carriageway.

Thank you for assisting us with the inspection.

Kind regards,

Ian Thomas, Waste regulation Officer

Please find your new regulating officer's contact details below.

Email: ian.thomas2@cyfoethnaturiolcymru.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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.