

## Compliance Assessment Report CAR\_NRW0043844

**Permit being assessed:** JP3894FM.

**For:** The Windmill Site, **held by:** Thorncliffe Building Supplies Ltd

**At:** Rhuddlan Road, Abergele, LL22 9SE.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 18/03/2024 between 11:20 and 12:20.

**Parts of permit assessed:** See below.

**NRW Lead Officer:** Sarah Walton, accompanied by Nia Brunning.

**Report sent to:** Jim Morgan, Technically Competent 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
W2F - Waste - Operations - Technical requirements	Action only (X)	
W1A - Waste - Management - General management	C4 No impact	1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.
W3A - Waste - Emissions and monitoring - Emissions to water, air or land	Action only (X)	
W3F - Waste - Emissions and monitoring - Pests	Action only (X)	
W1A - Waste - Management - General management	C2 Significant	1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
		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
W2E - Waste - Operations - Waste acceptance	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
2	31.1

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
W2F	Please provide Technical Competency certificates for Jim Morgan and Daniel Harper	19/04/2024
W1A	Ensure all staff are aware of the location and contents of the site EMS and FPMP.	15/04/2024
W3A	Ensure the site is dampened down in periods of dry weather or when dust is generated on site. Dust management should be referenced in your EMS and actioned accordingly.	26/04/2024
W3F	Review EMS procedures for pest control. Consider pest deterrents to discourage gulls from causing a nuisance on and around site. A pest management plan should be considered.	03/05/2024
W1A	Review EMS procedures to ensure that only valid LoW waste codes and descriptions are entering the inert treatment area and the WRAP QP process. The EMS should also include procedures which evidence how the site is complying with WRAP's Quality Protocol. This must include a testing regime and Factory Production Control method statement.	24/05/2024
W2E	Please provide evidence of testing completed on 19-12-12 fines across Quarter 1 2024 (Jan-March). Please also confirm where the site disposes of 19-12-12 waste.	26/04/2024

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.

**You are non-compliant with your permit.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

A routine site inspection took place on Monday 18th March 2024. In attendance from Natural Resources Wales was Sarah Walton (Waste Regulation Officer) and Nia Brunning (Team Leader North West Waste Regulation). Officers met with Daniel Harper (Operations Manager) and Dave Harper (Yard Operations Manager). It was explained that Sarah Walton would be taking over as the site's Regulatory Officer.

#### **W2F - Technical Requirements**

The inspection began in the site office, Daniel explained that Jim Morgan was the site's Technically Competent Manager. However, he was on annual leave.

**ACTION:** Please provide Technical Competency certificates for Jim Morgan and Daniel Harper (who was covering in Jim's absence).

#### **W1A - General Management**

**Permit Condition 1.1.3** *"Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out"*.

The site's Environmental Management System (EMS) and Fire Prevention Mitigation Plan (FPMP) were requested. Daniel explained he was covering the Abergele site in Jim's absence so he was unsure where these documents were located. It is important that all staff are trained in the contents and whereabouts of these documents, even if just covering site for a short while.

**As both staff members seems unaware of the location of these documents, a CCS4 has been applied for this non-compliance.**

**ACTION:** Ensure EMS and FPMP are stored in a prominent location and readily available for use by staff or Fire Service in the event of a fire on site.

#### **W3A - Emissions to air**

Dave Harper showed officers around the site. In the yard area, there was a significant amount of dust blowing around the site. Dave explained it was the first day of sunny weather in some time, so the dust had only just become an issue that day. The weather

had been rainy in the days prior to the inspection. Dave mentioned the site has a tractor and bowser that is used to dampen down the site. As it seems this dust issue had only become a problem that morning of the inspection, and no impact could be seen off site, the permit has not been scored on this occasion.

**ACTION:** Ensure the site is dampened down in periods of dry weather or when dust is generated on site. Dust management should be referenced in your EMS and actioned accordingly.

### **W3F - Pests**

**Permit Condition 3.6.1** *"The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site".*



**Photograph showing seagulls on and around the shed containing food waste.**

There were a large number of gulls flying and sitting in and around the shed storing food waste. Dave explained the building has incorporated a shutter door so that this can be closed when not operational. Given the number of gulls on site, efforts should be made to detract them from the area. The EMS was not available to officers at the time of inspection, so procedures for pests could not be reviewed.

Because there was no evidence of these pests causing a nuisance off site, this observation has been recorded as an action only.

**ACTION:** Review EMS procedures for pest control. Consider pest deterrents to discourage gulls from causing a nuisance on and around site. A pest management plan should be considered.

### **W1A - General Management**

**Permit Condition 1.1.1** *"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".*



**Photograph showing skip deposit area within building**

As skip waste comes into site, it is deposited within the building.  
This waste is then sorted through a picking line.



**Photograph showing picking treatment line**

Dave described how this picking line sorts the skip waste into different waste streams. From left to right this includes, recyclables, rubble, metal, wood, fines and residual waste.



**Photograph showing fines treatment**

Dave then showed the Officers the treatment machinery for the smaller fractions of waste that come from the picking line. This waste is fine residual material which has come from

incoming skips. This waste is sorted into separate fractions including metals, rubble and soil.

Dave explained that soil and rubble are separated by this machinery, which then moves to the inert treatment area. Some of this waste is used to create products under WRAP Quality Protocol. Dave explained that the site produces 6F2, 6F5 and recycled MOT.

The fine waste being treated by the machinery shown above, has come into site as mixed skip waste, therefore it is not possible to generate soil from this waste stream. Whilst the material may look like a soil, it could contain a variety of contaminants. The resulting waste coming from this machinery, would likely become a chapter 19 waste code (either 19-11-11 or 19-12-12).

The only chapter 19 waste codes authorised as inputs for WRAP's Quality Protocol are 19-12-05 (glass) and 19-12-09 (minerals such as sand and stone, which must not contain contaminated concrete, bricks, tiles, sand, stone or gypsum from recovered plasterboard). Neither of these waste codes would apply to the waste described above.

There are therefore serious concerns about waste from the fines treatment process, being transferred to the inert treatment area and also being used to generate products under WRAP's Quality Protocol.

Residual skip waste should not be entering the inert waste treatment process, because this waste could contain a variety of contaminants such as gypsum (from plasterboard), asbestos, micro plastics, biodegradable wastes and hydrocarbons. Contaminated waste could then be leaving site as a 'product' with no regulatory controls on where this material ends up, which poses a significant risk to both people and the environment.

The only wastes valid for use under WRAP's Quality Protocol are listed in Appendix C of WRAP's document 'Aggregates from inert waste'.

You must not make assumptions about the nature of the outputs from your waste treatment processes. You must make sure that you appropriately classify the outputs following WM3 Waste Classification guidance. Failure to do so may breach your Duty of Care for waste and constitute an offence under the Environmental Protection Act 1990.

**The root cause of this issue, is deemed to be lack of adequate procedures within the site's Environmental Management System (EMS). A CCS C2 score has been applied for this non-compliance.**

The EMS should contain a set of procedures for the production of WRAP compliant aggregate. The procedures should identify valid LoW waste codes that can enter inert treatment processes, in line with WRAP's Quality Protocol document. The site EMS emailed to officers following the inspection, does not contain any procedures for the production of WRAP Quality Protocol aggregate.

**ACTION: Review the site Environmental Management System to include procedures for the production of WRAP Quality Protocol aggregate. Ensure that procedures only allow valid LoW waste codes to enter the inert treatment area and the WRAP QP process. The procedures must include a testing regime and Factory Production**

**Control management system.**

**NRW will consider all processed inert material on site as controlled wastes until sufficient evidence has been provided to demonstrate compliance with WRAP's Quality Protocol.**

**All outputs from the inert treatment area leaving site should be recorded as waste until NRW are satisfied with the revised EMS and WRAP Quality Protocol procedures.**



**Waste fines storage on site (pre and post treatment)**

Officers observed the shed shown above to be storing fines from residual skip waste. The bay on the right is pre-treatment and on the left is post treatment.

A review of waste return documentation, found that the site is also accepting 19-12-12 wastes to site.

**ACTION: Please provide evidence of testing completed on 19-12-12 fines across Quarter 1 2024 (Jan-March).**

**Please also confirm which permitted facility is used by the site to dispose of 19-12-12 waste.**





**Photographs showing inert treatment area, with staff picking contaminants out of the stockpiles.**

In the inert treatment area, staff were picking contaminants out of the stockpiled material. Material described as 6F2 was being processed at the time.

Offices then returned to the site office. Concerns were raised with staff regarding the residual skip waste that is entering the inert waste treatment area.

The site inspection was completed at approximately 12:20.

Should you wish to discuss or query anything in this CAR form, please get in touch using the details below.

Kind Regards,

**Sarah Walton**  
**Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer**  
**Gogledd-Orllewin / North West**  
**Ffôn/ Phone: 03000 655 023**  
**E-bost/Email: [Sarah.I.walton@cyfoethnaturiolcymru.gov.uk](mailto:Sarah.I.walton@cyfoethnaturiolcymru.gov.uk)**

*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](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.