

Compliance Assessment Report CAR_NRW0043995

Permit being assessed: CB3237AP.

For: Gwynedd Skip And Plant Hire Ltd, **held by:** Gwynedd Skip And Plant Hire Ltd

At: Lon Hen Felin, Cibyn Ind Est, Caernarfon, Gwynedd, LL55 2BD.

Type of assessment: Report/Data Review,

Reason: Incident Response (Incident number 2308701).

On: 16/04/2024.

Parts of permit assessed: As below..

NRW Lead Officer: Leon Williams.

Report sent to: Huw Jones, Operations Manager , on 16/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C2 Significant	1.1.1

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

Total non-compliances recorded	Total non-compliance score
1	31

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
W1A	As listed in report below.	31/07/2024

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

On the 8 November 2023, Natural Resources Wales (NRW) received a complaint (WIRS 2308701) regarding recycled aggregate produced and deposited by Gwynedd Skip & Plant Hire Ltd at a site located at the Griffin Industrial Estate, Penrhyndeudraeth, Gwynedd, LL48 6LE.

Gwynedd Skip & Plant Hire Ltd claimed the recycled aggregate was produced in accordance with the WRAP Quality Protocol.

NRW visited the site and identified high levels of visible contamination throughout the deposited material which included mixtures of wood, plastic, metals and residual construction and demolition type wastes. Examples of the contamination is shown in photographs shown below:





Further information relating to this activity was requested by NRW by the issue of a Section 71 Environmental Protection Act 1990 enforcement notice on the 19 February 2024.

In response, NRW received:

- 1) Movement documentation.
- 2) Sampling documentation.

- 3) Factory Production Control Manual (AGG_QP0_MAN).
- 4) Method Statement of Production of Aggregates (AGG_QP7_MSP).

These documents have been reviewed and NRW wishes to comment as follows:

Movement Documentation

The documentation summarises that 2303.4 tonnes of recycled aggregate was deposited by Gwynedd Skip & Plant Hire Ltd at the Griffin Industrial Estate between the 11 July and 15 November 2023.

The movement documentation contain most of the information required by the WRAP Quality Protocol however a statement should be included which states that the aggregate was produced under a quality management scheme conforming to the aggregates WRAP Quality Protocol.

ACTION: Please ensure this statement is included on all future movement documentation relating to aggregates produced under the WRAP Quality Protocol by Gwynedd Skip & Plant Hire Ltd.

Sampling Documentation

Gwynedd Skip & Plant Hire Ltd have confirmed that recycled aggregate described as 6F2/6F5 is used by the company to describe unbound recycled aggregate for use as general fill under BS EN 13242.

Aggregate specification BS EN 13242 is listed in table B2 of the WRAP Quality Protocol and the following minimum testing frequencies are required:

- 1) Particle size distribution (EN 933-1) - 1 per week
- 2) Particle density (EN 1097-6) - 1 per month
- 3) Resistance to fragmentation (LA) (EN 1097-2) - 2 per year
- 4) Classification of constituents (EN 933-11) - 1 per month
- 5) Water soluble sulphate (EN 1744-1) - 1 per month

The sampling documentation received by NRW relating to the material deposited at the Griffin Industrial Estate did not contain sampling analysis for particle density (EN 1097-6) or classification of constituents (EN 933-11). It is unclear which analysis the document produced by Element Materials Technology refers to.

Sampling reports produced by Celtest Company Limited record that samples were taken in February 2023 and analysed by the company in January and February 2024.

These analysis were therefore completed after the materials were deposited between July and November 2023 at the Griffin Industrial Estate and are retrospective actions taken by Gwynedd Skip & Plant Hire Ltd.

The testing documentation provided by Gwynedd Skip & Plant Hire Ltd are therefore insufficient to demonstrate compliance with the minimum testing frequencies for unbound recycled aggregates (BS EN 13242) as outlined in table B2 of the WRAP Quality Protocol.

ACTION: Please ensure that minimum testing frequencies as outlined in table B2 of

the WRAP Quality Protocol are met and are completed prior to transferring recycled aggregate.

Factory Production Control Manual and Method Statement of Production of Aggregates

Section 2 of the Factory Control Manual (AGG_QP0_MAN) document states "*Production of aggregates is carried out through sorting in the materials recycling facility and, where appropriate, crushing and screening*".

Section 2 of the Method Statement of Production of Aggregates (AGG_QP7_MSP) document also states that "Inert waste arrives at the site either in whole loads or within skips containing mixed construction and demolition waste. *The inert waste feedstock for aggregate production consists of construction and demolition wastes in the form of bricks, tiles, concrete, stone etc. which are separated from the incoming waste stream after receipt*".

These statements are contradicted in Section 4 and 5 of the Method Statement of Production of Aggregates (AGG_QP7_MSP) document which further outlines that mixed construction & demolition wastes are only allowed if the waste is:

- Generated from utilities trenchings
- Made up of sub base aggregates, i.e. granular material
- Concrete
- Non-hazardous bituminous mixtures
- Soil
- Stones
- If mixed C&D waste includes any other materials it cannot be used to make an aggregate product

Treatment of mixed construction and demolition waste LoW (list of waste) 17 09 04 through the sites MRF will change the waste code for segregated inert type waste to either LoW codes 19 12 11* or 19 12 12.

These waste codes are not permitted as inputs under the WRAP Quality Protocol. Input waste streams must be inert and uncontaminated.

MRF treatment would not be able to effectively separate only minerals such as sand and stones from mixed construction and demolition waste streams.

Waste minerals LoW 19 12 09 can be used as a WRAP waste input when non-hazardous topsoil and sub soils have been screened to remove the stones from the soil for example.

NRW further believes that treatment to segregate inert waste from mixed waste streams via the MRF will not fully segregate contamination such as wood, plastics, rubber, metal as visible in the deposit at the Griffin Industrial Estate.

NRW hold serious concerns about mixed waste inputs entering WRAP Quality Protocol which are subsequently treated as inert products.

The current Factory Production Control Manual and Method Statement of Production of Aggregates management systems to produce WRAP aggregate are not sufficient to manage environmental risks and do not comply with the requirements of the quality protocol.

Inappropriate waste inputs (which come from mixed skip waste) can lead to contamination of WRAP aggregate.

Mixed skip waste is varied in nature and can be contaminated with fragments of plasterboard, plastics, micro plastics, wood, metals, asbestos or other hazardous materials. There is significant risk to the environment should this waste leave as a product/non-waste as there are no environmental controls in place to manage onward use of the materials.

The mis-description of controlled waste as a product also constitutes offences in breach of Section 34 of the Environmental Protection Act 1990.

NRW considers the 2303.4 tonnes deposited at the Griffin Industrial Estate as a controlled waste, specifically a recycled aggregate with LoW 19 12 12 and its use is permitted by a U1 exemption which was registered at the site.

ACTION: Amended written management systems for the creation of the WRAP Quality Protocol aggregate must be produced and agreed with NRW prior to Gwynedd Skip & Plant Hire Ltd producing and selling any further 6F2/6F5 BS EN 13242 aggregate.

ACTION: Waste segregated following MRF treatment must not be used as inputs for products produced under the WRAP Quality Protocol.

ACTION: A procedure needs to be developed to segregate inert conforming inputs for the WRAP Quality Protocol away from mixed construction and demolition wastes.

ACTION: Residual mixed waste from the MRF should be disposed of as controlled wastes and sampling undertaken of soils/fines in accordance with the company's soil and fines sampling procedure.

Environmental Management System (EMS)

CAR_NRW0042238 report sent to Gwynedd Skip & Plant Hire Ltd on the 20 June 2023 requested the Company ensure that the site EMS contains procedures concerning:

- A complaints system for incidents and non-conformances.
- A record of all competent persons employed by Gwynedd Skip & Plant Hire LTD.
- A accident procedure.
- A site security procedure.
- Accessibility to site records and permit.

NRW are yet to receive confirmation whether these documents have been produced and this action is overdue since the 28 September 2023.

A CCS Category 2 score has been issued against permit condition 1.1.1 and

consolidated due to insufficient management procedures relating to the WRAP Quality Protocol and overdue actions required by CAR_NRW0042238.

Diolch yn fawr,

Leon Williams

Uwch Swyddog Rheoleiddio Gwastraff / Senior Waste Regulation Officer

Cyfoeth Naturiol Cymru / Natural Resources Wales

03000 653778 / 07920087213

Maes Y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW

Siaradwr Cymraeg

www.cyfoethnaturiol.cymru / www.naturalresources.wales

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.