

Compliance Assessment Report CAR_NRW0044010

Permit being assessed: AP3990LR.

For: St Modwen Developments Ltd, **held by:** St Modwen Developments Limited

At: Llancoed House, Llandarcy, N P T, SA10 6HJ.

Type of assessment: Site Inspection,

Reason: Routine.

On: 20/03/2024 between 10:30 and 13:00.

Parts of permit assessed: W3B & W1A.

NRW Lead Officer: Sally Wakeford.

Report sent to: Elise Coalter, Regional Director - Wales, on 17/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.1
W1A - Waste - Management - General management	C3 Minor	1.1.1(a)

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

Total 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
W3B	Prevent further escape and clear up any oil which is beyond the perimeter trench as soon as possible. Provide NRW with photographic evidence to show this has been completed. Provide NRW with a plan on how the pollution prevention measures will be improved and a timescale for completion.	31/05/2024
W1A	Provide an interim management system which reflects the	31/05/2024

Criteria	Action needed	Complete by
	activities currently being undertaken on site, in relation to the pollution prevention measures of the perimeter trench. This can include the new plan to improve these measures and timescales as discussed above.	

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 Wednesday 20 March 2024 a site inspection of Coed Darcy Closed Landfill, Permit number EPR/AP3990LR, was conducted by NRW Senior Closed Landfill Officer Sally Wakeford, accompanied by Mostyn Wall (Landfill Emissions Reduction Project), Sarah Poulton and Hannah Biggs (Geoscience).

We were accompanied on site by Elise Coalter (St Modwen), Mike Poland (PJA), Barney Irlam (PJA), Charlotte Smith (PJA) and Felix (Geoenvironmental Contractor).

A walkover of the site was undertaken, paying particular attention to the perimeter trench containing oil and leachate escaping through the ash bund to the north of the site. This perimeter trench separates the landfill from the Crymlyn Bog SAC & SSSI to the north and is a narrow channel that intercepts groundwater flowing to the north from the tip. The plywood wall in the trench traps free phase oil, whilst allowing groundwater to flow underneath to the bog. Oil is periodically collected from the trench and sent for offsite processing.

W3B – Emissions of substances not controlled by emissions limits – Permit Condition 3.2.1 – CAT 3 Breach

You have been scored a Category 3 breach of permit condition 3.2.1, because it was noted during the inspection that a failure to maintain pollution control systems allowed the escape of polluting matter into the Crymlyn Bog SAC/SSSI.

Permit condition 3.2.1 states:

Fugitive emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.

It was noted during the inspection that at 2 locations along the perimeter trench, there was outbreaks of oil at Access Point 4 and Access Point 1. Access Point 4 had not been noted by the contractor that oil was escaping, however Access Point 1 contained blue oil pads as part of clean-up operation. The barrier at Access Point 1 was also in disrepair and missing in some places. It was discussed during the inspection that the contractor would be

providing a plan to St Modwen to improve the barrier on the trench.

ACTION: Prevent further escape and clear up any oil which is beyond the perimeter trench as soon as possible. Provide NRW with photographic evidence to show this has been completed.

ACTION: Provide NRW with a plan on how the pollution prevention measures will be improved and a timescale for completion.

Photographs:





W1A – General Management – Permit Condition 1.1.1(a) – CAT 3 Breach

You have been scored a Category 3 breach of the permit condition 1.1.1(a) as poor management procedures and implementation of them has been identified as the root cause of the breach of permit condition 3.2.1.

Permit condition 1.1.1(a) states:

“The operator shall manage and operate the activities in accordance with a written management system that identified 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.”

Although the site does not yet have an approved Aftercare and Management Plan, as required in Improvement Condition 2 (2.4.1, Schedule 1, Table S1.3) you are still required to manage the site in accordance with a written management system, and ensure that you prevent the release of pollutants through adequate maintenance and procedures for pollution control systems.

Under permit condition 2.3.1(b) if notified by the Natural Resources Wales that the activities are giving rise to pollution, the operator shall submit to Natural Resources Wales for approval within the period specified, a revision of any plan specified in schedule 1, table S1.2 or otherwise required under this permit.

Although the Operator has yet to provide an approved Closure and Aftercare Plan, we require you to:

ACTION: Provide an interim management system which reflects the activities currently being undertaken on site, in relation to the pollution prevention measures of the perimeter trench. This can include the new plan to improve these measures and timescales as discussed above.

Reminder of requirement for Hydrogeological Risk Assessment and deadline

In Compliance Assessment Report CAR_NRW0042780 sent to you on 10 November 2023 you were required to submit an initial Hydrogeological Risk Assessment in line with NRW's comments for compliance with IP1 by 10 May 2024. Please note that this submission date is approaching.

Technical Competent Management

Condition 1.1.4 requires the operator to comply with the requirements of an approved competence scheme.

ACTION: Provide the details and certificates of your Technically Competent Manager.

Site Security

The site appeared very secure for the wider site, including the landfill, the site maintains a physical security presence, along with high fencing and security cameras throughout the site. The compound and presence on site for the oil recovery adds to the security measures.

Change of Registered Office Address:

Under Permit condition 4.3.4 you are required to notify NRW within 14 days of a change in the registered office address. The Permit currently contains the registered office address of Park Point, 17 High Street, Longbridge Birmingham. It has been noted on Companies House that the registered office address was changed on 25 July 2022 to Two Devon Way, Longbridge, Birmingham.

ACTION: You are required to submit an administrative variation to change the office address.

More information can be found here: <https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-to-change-to-or-vary-a-bespoke-waste-permit/?lang=en>

Our charging scheme for 2024-25 can be found here:

<https://cdn.cyfoethnaturiol.cymru/media/ou0hhp1i/environmental-permitting-charging-scheme-2024-25.pdf?mode=pad&rnd=133561020331830000>

The charge for an administrative variation in the 2024-25 charging scheme is £717.

Summary of Actions

Summary of Actions noted within this Compliance Report:

- Prevent further escape and clear up any oil which is beyond the perimeter trench as soon as possible. Provide NRW with photographic evidence to show this has been completed.
- Provide NRW with a plan on how the pollution prevention measures will be improved and a timescale for completion.
- Provide an interim management system which reflects the activities currently being

undertaken on site, in relation to the pollution prevention measures of the perimeter trench. This can include the new plan to improve these measures and timescales as discussed above.

- Please provide the details and certificates of your Technically Competent Manager.
- Submit an initial Hydrogeological Risk Assessment in line with NRW's comments for compliance with IP1 by 10 May 2024.
- You are required to submit an administrative variation to change the office address.

END

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.