

## Compliance Assessment Report CAR\_NRW0044077

**Permit being assessed:** XP3199VX.

**For:** Pen-y-bont Highways Depot, **held by:** Powys County Council

**At:** Pen-y-bont, Llandrindod Wells, LD1 5UA.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 17/04/2024 between 11:06 and 11:33.

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

**NRW Lead Officer:** Luke Taylor, accompanied by Gillian Coates.

**Report sent to:** Carl Stephens , TCM, on 30/04/2024.

### 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	C3 Minor	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	4

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	Complete and implement the site specific management system and have procedures in place to ensure that they are followed at all times to prevent the risk of pollution. Provide a copy to NRW	31/05/2024

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 Wednesday 17th April 2024, officers from Natural Resources Wales (NRW) conducted a planned compliance assessment visit at Penybont Depot, operated by Powys County Council. The visit was conducted by Luke Taylor (Waste Regulation Officer) and Gillian Coates (Hazardous Waste Regulation Officer).

The weather at the time of the inspection was dry and bright, with no wind. Officers met with Carl Stephens, the Technically Competent Manager for the site, who accompanied them for the duration of the visit.

The following non-compliance was identified:

**W1A General Management - Category 3 Breach - Permit Condition 1.1.1**

Section 1.1.1 of your permit states that 'The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises the risk of pollution.'

You have been scored for this breach because the following was seen on site:

Officers inspected the de-watering bay and found that street cleaning residue had built up around the concrete lip and had been washed up into the drainage channel, partially blocking the drain. Water was pooling at the front of the bay, being prevented from entering the drainage by the waste material.

Similar issues have been raised on previous Compliance Assessment Reports:

- CAR\_NRW0042093 - 22nd June 2023
- CAR\_NRW0036158 - 17th December 2019
- CAR\_NRW0033098 - 22nd March 2018



(De-watering waste blocking drainage channel)



(De-watering waste blocking drainage channel)

Below the de-watering bay there was a significant build up of effluent, which had formed into a sludge consistency. This was at a depth sufficient to mask the concrete lip around the drain at the bottom of the yard. Along the kerb edge was evidence of debris showing that there has been a flow over this area, carrying material with it. Had the area around the drain been cleared to ground level, this would likely not have occurred. Immediately south of this area is the site boundary, below which is a stream which flows into the Afon Ithon. There is a risk that contaminated rainwater and effluent from the de-watering bay, could overtop the kerb and enter the watercourse, causing pollution and environmental harm.

From discussion on site, it seems that there is a site specific Management System in the process of being developed. This needs to include how the de-watering bay is managed, the time waste is stored within it, and contingency plans to manage the waste following

periods of adverse weather.



(Build of waste around drain)



(Debris evident on pavement)

**ACTION - Complete and implement the site specific management system and have procedures in place to ensure that they are followed, at all times, to prevent the risk of pollution. Provide a copy to NRW. Deadline 31/05/2024**

If you wish to discuss the contents of this CAR please feel free to contact me:

[luke.taylor@cyfoethnaturiolcymru.gov.uk](mailto:luke.taylor@cyfoethnaturiolcymru.gov.uk)

Regards,  
Luke Taylor

***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.