

Compliance Assessment Report CAR_NRW0044086

Permit being assessed: AB3893HE.

For: Troedrhiwgwynau Farm, **held by:** Alun Hughes

At: Troedrhiwgwynau Farm, Comins Coch, Aberystwyth, Ceredigion, SY23 3BE.

Type of assessment: Site Inspection,

Reason: Routine.

On: 29/02/2024 between 11:52 and 12:19.

Parts of permit assessed: See criteria listed below.

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

Report sent to: Alun Hughes, Site Operator, on 16/05/2024.

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
W1A - Waste - Management - General management	C3 Minor	1.1.4

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
W1A	Implement an EMS for the site that identifies and minimises the risk of pollution, and provide a copy to NRW for review. Deadline 30th June 2024	30/06/2024
W1A	Obtain the relevant TCM Continued Competency qualification, or appoint a suitably qualified person, and provide evidence of this to NRW. Deadline 30/06/2024	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 29th February 2024, officers from Natural Resources Wales conducted a routine compliance inspection of Toredrhiwgwynau in Comins Coch, Aberystwyth. The inspection was carried out by Luke Taylor (Waste Regulation Officer), Gillian Coates (Hazardous Waste Regulation Officer) and observed by Holly Dyke (Enforcement Apprentice).

The weather at the time of the inspection was dry and overcast, with no wind.

Officer met briefly with the site operator, Alun Hughes, who then had to leave site for other business.

The following non-compliance was identified:

W1A General Management - Cat 3 Breach - Permit Condition 1.1.1

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

In addition, condition 1.1.2 states that 'records demonstrating compliance with rule 1.1.1 shall be maintained. In addition to permit condition 1.1.1, condition 1.1.2 states that records demonstrating compliance with 1.1.1 shall be maintained.

Following the site visit, a request for the latest version of the site's Environment Management System (EMS) was made. It was apparent that Mr Hughes was not aware of this document, and it was not being utilised on site as part of day to day management of activities. No document has been provided to date. From review of previous CARs there is mention of the EMS having been last reviewed by NRW in 2016.

An effective management system enables you to manage compliance with your permit and any other legal requirements to protect the environment. For your EMS to be effective you and your staff must implement it, and there must be evidence in the day-to-day activities taking place on the site that you are using it. Among other things, it should contain information on maximum quantities for each waste stream and the method and time limit for their storage on site.

Further information on developing, implementing and reviewing your EMS can be found on our website within the 'How to Comply with your Environmental Permit' guidance document, link below:

[How to comply with your environmental permit \(naturalresourceswales.gov.uk\)](https://www.naturalresourceswales.gov.uk)

ACTION - Implement an EMS for the site that identifies and minimises the risk of pollution, and provide a copy to NRW for review. Deadline 30th June 2024

W1A General Management - Cat 3 Breach - Permit Condition 1.1.4

Your permit states under condition 1.1.4 that 'The operator shall comply with the requirements of an approved competency scheme'.

From review of the waste returns for the site, the Technically Competent Manager (TCM) was being recorded as a Chris James from Cambrian Training. When a request was made for Mr James' TCM certificate it transpired that he was a trainer, who had been involved in Mr Hughes' TCM training and was not, nor has he ever acted as, the TCM of the site.

You must have a TCM to direct activities on your site and they must attend the site for a minimum period each week. Technically competent people must demonstrate continuing competence by passing a periodic assessment which tests understanding of recent developments within the waste industry. You must also keep a record in the site diary, or a separate log of weekly operational hours and site attendance. When officers arrived on site and requested to sign the site diary, they were informed that there wasn't one.

Mr Hughes has previously qualified as a TCM, having attained his initial award in December 2016, but has not completed the Continued Competency test, which was required in 2018 when the initial award expired after two years. Mr Hughes did, unsuccessfully, take a Continued Competency test in 2021, but in relation to landfills, which would be the incorrect award if he had passed. As a result, the site has been operating without a suitably qualified person for six years, since the expiry of Mr Hughes' initial award.

Please ensure that there is a suitable TCM in place for the site, with either Mr Hughes taking and passing the Continued Competency test, or a suitably qualified person being hired to act as the site TCM going forward.

ACTION - Obtain the relevant TCM Continued Competency qualification, or appoint a suitably qualified person, and provide evidence of this to NRW. Deadline 30/06/2024

The site itself was clean and tidy, with no litter build up visible. The level of noise from activities taking place was acceptable, and the carriageway outside the site was clear of any deposits or debris. If you have any queries in relation to this CAR please feel free to contact me at:

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 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.