

## Compliance Assessment Report CAR\_NRW0044288

**Permit being assessed:** LB3933AE.

**For:** Thomas Skip And Plant Hire Ltd, **held by:** Thomas Skip & Plant Hire Limited

**At:** Unit 5b, Griffiths Crossing Industrial Estate, Caernarfon, Gwynedd, LL55 1TS.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 10/04/2024 between 13:15 and 14:23.

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

**NRW Lead Officer:** Leon Williams, accompanied by Daniel Grant.

**Report sent to:** Natasha Thomas , TCM, on 31/05/2024.

### 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	C2 Significant	1.1.1
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2C - Waste - Operations - Operating techniques	Assessed (A)	
W2D - Waste - Operations - The site	C3 Minor	2.4.1
W2E - Waste - Operations - Waste acceptance	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
2	35

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	Update site Environmental Management System (EMS) as outlined below.	30/09/2024

Criteria	Action needed	Complete by
W2D	Collect and remove all waste which has escaped outside of permitted site boundary.	28/06/2024

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.

**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

Routine site inspection conducted by Natural Resources Wales (NRW) Officers Leon Williams and Daniel Grant on Wednesday 10 April 2024.

Thomas Skip and Plant Hire Ltd Directors Iestyn and Natasha Thomas were present during the inspection.

#### **CIWM Continuing Competence**

To demonstrate compliance with permit condition 1.1.4 a CIWM Continuing Competence Certificate for Natasha Thomas was presented on site. The certification expires on the 1 February 2026.

#### **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;"***

In response to WIRS incident 2302955 reported in 2023, which concerned the supply of 2445 tonnes of recycled waste produced at Thomas Skip and Plant Hire Limited's permitted waste transfer station at the Griffiths Crossing Industrial Estate, Caernarfon, an audit of waste transfer documentation was conducted by Natural Resources Wales.

This audit highlighted that the company had mis-described the waste referenced above as mixtures of soil and stone where the most accurate description should have been a recycled aggregate with a LoW (List of Wastes) code 19 12 12.

**It is essential that all waste leaving site is described accurately to ensure the lawful and safe handling, transport, treatment, recovery or disposal by subsequent holders.**

**Failure to describe wastes accurately has the potential to have significant detrimental impacts on the environment and human health.**

Waste assessment and classification must be undertaken by Thomas Skip and Plant Hire Ltd in accordance with Waste Classification Guidance WM3:

[Waste\\_classification\\_technical\\_guidance\\_WM3.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/214242/Waste_classification_technical_guidance_WM3.pdf)

The company's Environmental Management System (EMS) dated the 20 July 2012 has been reviewed and at present there are insufficient written procedures outlining how the company assesses and classifies the waste it handles. The EMS must also include procedures for complying with Section 34 of the Environmental Protection Act 1990 (duty of care).

Inaccurate information recorded on waste transfer notes do not comply with Section 34 of the Environmental Protection Act 1990.

Section 1.5.2 of the EMS makes reference to the List of Wastes Regulations (Wales) 2005 but this list in insolation does not address NRW's concerns regarding the company's ability to assess and classify waste accurately.

**ACTION: Review and update site EMS to include procedures outlining how Thomas Skip and Plant Hire Ltd are to assess and classify wastes in accordance with Section 34 of the Environmental Protection Act 1990.**

With further reference to the incident investigated by NRW in 2023, concerns were raised regarding visible contamination of wood, metals and plastics throughout the recycled aggregate supplied by Thomas Skip and Plant Hire Ltd.

The current EMS does not contain a written procedure which explains how the company assesses whether waste streams are hazardous or non-hazardous prior to transfer to exempt or permitted waste facilities.

Any wastes coded under a mirror entry must be assessed to determine whether a non-hazardous or hazardous code should be applied.

Specifically in your case, mixed construction and demolition wastes and soils that are mechanically treated at a waste transfer station can be categorised as:

- 19 12 11\* other wastes (including mixtures of materials) from mechanical treatment of waste containing hazardous substances.

Or the mirror entry that can be coded as:

- 19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11\*

In order to determine that a non-hazardous waste code can be applied you must identify whether the waste contains any hazardous substance which can be done by taking samples and appropriate analysis on the waste.

During inspection this requirement was discussed, and it was explained that samples are taken approximately every 500 tonnes and assessed for Waste Acceptance Criteria (WAC) analysis.

WAC analysis is carried out for landfill disposal purposes. WAC analysis cannot be used in isolation for waste classification and hazardous waste assessment purposes.

We note that the recycled aggregate and soils produced by the company are being transferred to permitted waste transfer stations and U1 exempt sites.

Such sites are not landfill sites and as a result WAC analysis cannot be used to determine whether the waste is hazardous or not.

Instead, an appropriate chemical analysis that allows you to make a full assessment in line with the guidance in WM3 must be used.

Typically, such tests would need to include full chemical analysis to measure for heavy metals, total PAH, pH, PCB's, organic carbons, mineral oils.

**ACTION: Review and update site EMS to include sampling procedures outlining how Thomas Skip and Plant Hire Ltd are to determine non-hazardous/hazardous properties of mixed construction and demolition wastes and soils.**

Section 1.5.3 of the current site EMS states that "the throughput of the site will be limited to a maximum of 100 tonnes per day and <5,000 tonnes per annum".

Waste returns submitted by the company record that 7,553.08 tonnes of waste was accepted by the company in 2023.

**ACTION: Section 1.5.3 of the site is therefore not being complied with and requires review.**

**ACTION: Update site EMS to include emergency contact details for Natural Resources Wales. The current EMS includes out of date references to the Environment Agency.**

**A CCS Category 2 score has been consolidated against permit condition 1.1.1.**

It is NRW's view that the current site EMS requires review and is insufficient to minimise the risks of pollution from the activities covered by your environmental permit.

We believe that now is an appropriate time for this document to be reviewed and updated accordingly by the company.

**The deadline for the amendments to be made and sent to NRW is the 30 September 2024.**

### **W2D The Site**

***Permit Condition 2.4.1 - The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit.***

During the site inspection it was observed that the inert waste and soil stockpile had overtopped the site boundary and wastes had escaped down the slope towards the

adjacent watercourse.



**ACTION:** Please arrange a litter pick to ensure that all wastes which have escaped outside the sites permitted boundary be removed and disposed of appropriately by the 28 June 2024.

**ACTION:** Please ensure that all waste operations are contained within the site plan as required by permit condition 2.4.1.

**A CCS Category 3 score has been issued for this non-compliance.**

Diolch yn fawr iawn am eich cydweithrediad.

Leon Williams

Uwch Swyddog Rheoleiddio Gwastraff / Senior Waste Regulation Officer

Cyfoeth Naturiol Cymru / Natural Resources Wales

[Siaradwr Cymraeg](#)

[www.cyfoethnaturiol.cymru](http://www.cyfoethnaturiol.cymru) / [www.naturalresources.wales](http://www.naturalresources.wales)

***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.