

Compliance Assessment Report CAR_NRW0044506

Permit being assessed: CB3991ZT.

For: North Powys Bulking Facility, **held by:** Powys County Council

At: Abermule Business Park, Abermule, Powys, SY15 6FB.

Type of assessment: Site Inspection,

Reason: Routine.

On: 16/05/2024 between 13:53 and 14:50.

Parts of permit assessed: Permitted Activities, General Management, Emissions, Improvement Programme.

NRW Lead Officer: Liz Park, accompanied by David Fowles.

Report sent to: Nigel Hicks, Manager/ TCM, on 06/06/2024.

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	3.1.1
W1A - Waste - Management - General management	C3 Minor	1.1.1
W2G - Waste - Operations - Improvement programme	C3 Minor	2.5.1
W2A - Waste - Operations - Permitted activities	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
3	12

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	Ensure drain in front of green waste bay is clear so that	06/06/2024

Criteria	Action needed	Complete by
	contaminated water drains only to the foul water system	
W1A	Ensure that checks are completed, any issues recorded, and appropriate actions taken	06/06/2024
W2G	Undertake if not already done so the noise impact assessment as required by improvement condition IPC4 and submit a written report to NRW for approval	27/06/2024

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Liz Park (Senior Officer - Waste Regulation) and David Fowles (Waste Regulation Higher Education Placement) arrived on site to undertake an unannounced inspection. This is the first inspection since the site became fully operational. At the time of the inspection the weather was cool with light rain showers.

Liz and David undertook a site walkover accompanied by a site supervisor. The TCM, Nigel Hicks, was not on site at the time.

The following non-compliances were identified:

W3B - Emissions of substances not controlled by emission limits - Permit condition 3.1.1 - C3

The drain in front of the green waste bay was blocked with debris allowing contaminated water to pool at the entrance to the bay and not discharge to the foul water system, which was then being tracked across the yard. As the yard drains to the clean surface water system there is the potential for contaminated water to enter the clean surface water system which discharges to a soakaway.



Blocked drain in front of green waste bay



Contaminated water being tracked across yard

Action - Clear the drain (the site supervisor was to arrange this drain to be cleared, please provide a photograph to show that this has been done) - With immediate effect

Action - Ensure drain in front of green waste bay is clear at all times so that contaminated water drains only to the foul water system - with immediate effect

Litter is also assessed under compliance criteria W3B. The management of litter was assessed as compliant.

W1A - General Management - Permit condition 1.1.1 - C3

The blocked drain in front of the green waste bay was not managed in accordance with the management system.

Operating Techniques Document V0.5, Section 4.2 Sewer states that '*EMS.S8.05 will include a routine monitoring and maintenance schedule to ensure the integrity and performance of the surfacing and drains. In addition, the EMS will detail how incidents which could affect the drainage system will be managed*'.

The daily check sheet for 16 May 2024, and previous days were reviewed. The check sheet has checking the drains listed. It was ticked as compliant however this was clearly not the case. The assessment of the checks listed must be thoroughly undertaken and not simply completed as appears to be the case. The blocked drain should have been identified, recorded and actions put in place to clear the drain to enable the contaminated water to drain away into the foul surface water system. This is the root cause of the emission non-compliance.

Action - Ensure that checks are actually undertaken, any issues recorded, and action taken to rectify any issues - with immediate effect

Action - Provide a copy of EMS.S8.05 to Natural Resources Wales (NRW) for review - by 14 June 2024

W2G - improvement programme - Permit condition 2.5.1 - C3

The written report for the noise impact assessment has not been submitted to NRW for approval as required by improvement condition IPC4 listed in Table S1.3, Permit condition 2.5.1. within 6 months of the permit being issued.

Action - Submit the written report for the noise assessment - by 27 June 2024

Rear Fire access track

The rear access track was free of vegetation. In the CAR_NRW42479 you were asked to provide a copy of the Fire Prevention and Mitigation Plan/ relevant section of the management system showing how the track will be maintained to ensure access is kept clear. This has not been received. Please provide a copy of the updated document(s) to NRW - by 27 June 2024



Clear rear access track

Improvement condition - IPC1

Please note that the Odour Assessment is due by 31 July 2024.

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.