

Compliance Assessment Report CAR_NRW0044569

Permit being assessed: FP3590LV.

For: Rhuddlan Bach Quarry Landfill Site, **held by:** Hurt Plant Hire Ltd

At: Rhuddlan Bach Quarry Landfill Site, Brynteg, Anglesey, LL78 7JJ.

Type of assessment: Site Inspection,

Reason: Routine.

On: 13/06/2024 between 10:00 and 12:00.

Parts of permit assessed: See below.

NRW Lead Officer: Sarah Walton.

Report sent to: John Flood, Director, on 21/06/2024.

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	Action only (X)	
W2F - Waste - Operations - Technical requirements	Action only (X)	

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	Review and improve the current site EMS so that it meets the requirements for waste storage. See guidance 'How to comply with your Environmental Permit'. Submit this document to NRW for review by 19th July.	19/07/2024
W1A	The permit holder (Hurt Plant hire Ltd) is the only entity authorised to operate under the Environmental Permit.	30/08/2024

Criteria	Action needed	Complete by
	Should both companies wish to operate on site, then a permit variation should be sought to include an additional operator on the permit. The permit application must specify which part of the facility each operator is responsible for.	
W2F	Please send through the Technical Competency certificate for Caroline Barnes. Please also include evidence to show how often Caroline visits site and any reports / documentation generated as a result of Caroline's visit to the site.	05/07/2024

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

A routine site inspection took place on Thursday 13th June 2024.

This was a pre-announced inspection. In attendance from NRW was Sarah Walton (Waste Regulation Officer). Also in attendance was Robin Williams (Senior Minerals and Waste Planning Officer from North Wales Minerals and Waste Planning Service), George Leeming (representing Hurt Plant Hire Ltd), Richard Hurt and Clive Hurt representing Clive Hurt (Anglesey) Ltd.

The purpose of this visit was to check compliance with previous actions placed on the operator and to discuss compliance matters from the point of NRW and the Minerals and Waste Planning Service.

The inspection began with a walk around site.

Permit Condition 2.1.1. 'The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities")...No more than 400 tonnes of untreated waste shall be stored at any one time'.

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 risk 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"

The waste treatment area was inspected first. All the waste that had been observed on the previous inspection on 27/11/2023, had now gone through treatment and was being stored in a significant stockpile across the whole of the waste treatment area, which had been levelled across the top.





Photographs showing waste storage in transfer station area

It is estimated this is somewhere between 15,000 and 20,000 tonnes.

George explained the waste had all been treated as a product under WRAP Quality Protocol. However, George was unsure of exactly what product had been generated. George explained that Zowi Whittaker had been overseeing production of WRAP QP aggregate. George was unable to answer questions about how this waste had been treated and what the testing regime was.

NRW completed a review of waste transfer notes and tickets for WRAP QP aggregate earlier in the year. NRW informed the operator in February 2024, that it was not satisfied that the site was complying with WRAP's Quality Protocol and that it considered all material on site a waste. Since that point, the site has been stockpiling this waste, with the intention of removing it as a WRAP QP aggregate.

No evidence has been forthcoming to show how this waste has been treated in line with WRAP's Quality Protocol aggregates from inert waste.

A key condition of the WRAP QP, is that there is certainty of use. Prior to any production, there must be demand and a market for which the product would be destined. Because this waste has been stockpiled for a long period, it would suggest there no certainty of use and therefore NRW continues to hold the view that this material remains a controlled waste.

NRW has instructed the site to reduce the volume of untreated waste to come in line with the permit limit of 400 tonnes on two separate CAR forms (02/08/2024 & 27/11/2024).

The treatment of waste on site does not by default make this material a 'product'.

Processed waste must be produced in full compliance with the specifications noted in WRAP's 'Aggregates from inert waste' document.

Section 1.3.1 of WRAP 'Aggregate from inert waste' document states:

"Aggregate will normally be regarded as having ceased to be waste, and therefore no longer subject to waste management controls, provided:

- *it conforms to the requirements of the European standard appropriate to the use it is destined for as set out in Section 2;*
- *the aggregate is produced under Factory Production Control as required by the British standard and as set out in Section 2;*
- *within Factory Production Control, inputs are limited and controlled as set out in Section 2;*
- *it requires no further processing, including size reduction, for the use it is destined for as set out in Section 2; 1 Unless on a case-by-case basis it can be demonstrated that the material is non-waste. Aggregates from inert waste 03*
- *it is destined for a use within the designated market sectors set out in Section 4; and*
- *it conforms with CE conformity marking requirements contained in the Construction Products Regulations, which will apply to all aggregates placed on the market to harmonised European Aggregates Standards from July 2013".*

Given conversations on site across the last 3 inspections, staff on site seem to have little awareness of these controls and have not been able to evidence how the waste has been treated.

Therefore, NRW maintains the view that all this material is a waste and should be removed as such.

The site Environmental Management System (EMS), as required by permit condition 1.1.1, has been reviewed.

The EMS is currently not adequate and is not meeting the minimum criteria as laid out in NRW guidance 'How to comply with your environmental permit'. See link below:

<https://naturalresources.wales/media/680335/how-to-comply-with-your-environmental-permit.pdf>

Page 35 of the document states the following information regarding waste storage should be included in your EMS:

"If you store waste pending its disposal or recovery elsewhere, your management system must include:

- storage times and procedures to ensure that these times are not exceeded
- maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded
- maximum storage heights to prevent or minimise the emission of dust, litter and throughput management
- a procedure to identify the specific waste types stored at your facility
- procedures to segregate incompatible wastes for example use of appropriate separation distances and or suitable engineering measures".

The current EMS does not stipulate storage times, storage capacities, storage heights or procedures for identifying specific waste types or dealing with incompatible wastes.

Stockpiles of waste on site are significant (15,000 tonnes+) and the current EMS for the site is currently not sufficient to manage the risks associated with waste storage.

As such, the permit has been scored a CCS3 for this non-compliance.

ACTION: Review and improve the current site EMS so that it meets the requirements for waste storage. See guidance 'How to comply with your Environmental Permit'.

Submit this revised document to NRW by 19th July 2024.

The landfill and quarrying area of the facility was then inspected.

The landfill area is currently being managed by Richard Hurt and Clive Hurt (as Clive Hurt Anglesey Limited) on behalf of Hurt Plant Hire Limited.

It appears that Clive Hurt Anglesey Limited are acting as an 'operator' for the landfill aspect of the permit as the company manages day to day operations. The permit operator for the entire site is 'Hurt Plant Hire Limited' who are the only authorised entity who can operate under the permit.

As stipulated on previous CAR forms, it must be stressed that Hurt Plant Hire Ltd are legally responsible for waste operations across the entire site. The company must have sufficient control over the landfill operations.

'Sufficient control' means:

- having day-to-day control of the permitted facility or activity, including the manner and rate of operation;
- making sure permit conditions are complied with;
- ensuring staff on site are competent to fulfil their specific roles and/or duties;
- making business, investment and financial decisions that affect the facility's performance or how the activity is carried out; and
- making sure activities are controlled in an emergency.

In addition to this, it became apparent during the inspection that there are disagreements between representatives of Hurt Plant Hire Limited and Clive Hurt Anglesey Limited. No landfilling has taken place on site as yet in 2024. It was highlighted to officers that quarrying material was being stored in the location where the new landfill cell is due to commence. Lining of the new cell cannot begin until the floor is cleared in front of the landfill face.



Photograph showing excavated material from site and location of new landfill cell

For at least the last 6 months, no waste appears to have come into site or left site. There are also concerns from a Minerals and Waste planning perspective, that the site is dormant and lacking in progress in order to fulfil planning conditions.

As mentioned earlier, it seems that Clive Hurt (Anglesey) Limited has taken on the role of 'operator' for the landfill area, without appropriate permissions from Natural Resources Wales. The issues between the two companies is beginning to impact waste operations on site.

ACTION: The permit holder (Hurt Plant Hire Ltd) is the only entity authorised to operate under the environmental permit (EPR/FP3590LV). Should both companies wish to operate on site, then a permit variation should be sought to include an additional operator on the permit. The permit application must specify which part of the facility each operator is responsible for.

Permit Condition 1.1.4 "The operator shall comply with the requirements of an approved competence scheme"

It was queried with George Leeming, who the current Technically Competent Manager (TCM) for the site is. George explained it was Caroline Barnes. So far, NRW Officer Sarah Walton has not met or spoken with the TCM for the site. They have not been present at any site inspections.

ACTION: Please send through the Technical Competency certificate for Caroline Barnes. Please also include evidence to show how often Caroline visits site and any reports / documentation generated as a result of Caroline's visit to the site.

The inspection concluded with a walk through the quarrying area and a brief discussion was had in the site office to confirm actions to be completed.

Thank you to staff for their time and cooperation throughout the inspection.

Should you wish to discuss or query anything in this CAR form, please get in touch using the details below.

Kind Regards,

Sarah Walton
Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

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.