

## Compliance Assessment Report CAR\_NRW0044571

**Permit being assessed:** SP3090VU.

**For:** S P Waste Services Ltd, **held by:** S P Waste Services Ltd

**At:** Newtown, Powys, SY16 3JE.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 04/06/2024 between 11:10 and 11:25.

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

**NRW Lead Officer:** Luke Taylor.

**Report sent to:** Steve Pryce, TCM, on 24/06/2024.

### 1. Summary of our findings (full details in section 4)

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|---|-------------------|------------------|
| W4B - Waste - Information - Reporting                     | C3 Minor          | 4.2.2            |
| W1A - Waste - Management - General management             | 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 |
|----------|--|-------------|
| W4B      | Submit all outstanding waste returns to NRW as required, up to and including Q1 2024 | 31/07/2024  |
| W1A      | Submit a copy of the current site management system to NRW for review                | 31/07/2024  |

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

This compliance report is being produced following an inspection carried out on 4th June 2024, conducted by Luke Taylor (Waste Regulation Officer - Natural Resources Wales).

At the time of the inspection the weather was overcast with light rain showers and no wind. The site was operational but no activity was taking place.

The following breaches were identified:

**W4B Reporting - Category 3 Breach - Permit Condition 4.2.2**

You have been scored for the above breach as, from review, no waste returns have been submitted by the site since 2022. Section 4.2.2 of your permit states: *"within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter"*

The matter of waste returns has been noted on several previous Compliance Assessment Reports,

- CAR\_NRW0037896 - Sent 27/04/2021
- CAR\_NRW0037356 - Sent 08/02/2021
- CAR\_NRW0034221 - Sent 21/11/2018
- CAR\_NRW0032885 - Sent 14/02/2018

Waste returns must be submitted as set out in your permit. The deadline below of the end of July 2024 should easily be achievable, as all of the required information should be retained to comply with legislation.

**ACTION - Submit all outstanding waste returns to NRW as required, up to and including Q1 2024. Deadline 31/07/2024**

**W1A General Management - Permit Condition 1.1.1 - Action Only**

The repeated issue with the late submission of waste returns may be due to a management system which is insufficient. Condition 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 risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformance, closure and those drawn to the attention of the operator as a result of complaints; and using sufficient*

*competent persons and resources'*

An effective management system will enable you to manage compliance with your permit and any other legal requirements to protect the environment. It needs to be reviewed regularly and kept up to date, with changes made if it fails, or when you identify ways of improving it. Guidance on management systems can be found at the link below on the NRW website, within part 1 of the document titled 'How to comply with your environmental permit'

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

**ACTION - Submit a copy of the current site management system to NRW for review.  
Deadline 31/07/2024**

**Other observations**

Whilst no activity was taking place at the time of the inspection, the site appeared clean and tidy, with waste piles deposited awaiting processing. There was no evidence of litter or debris and Mr Pryce's WAMITAB continued competency is up to date.



(Waste deposited awaiting processing)



(Waste deposited awaiting processing)

If you have any queries regarding this Compliance Assessment Report, please email [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.