

Compliance Assessment Report CAR_NRW0044664

Permit being assessed: HP3799FH.

For: Blue Circle Cement, **held by:** Blue Circle Industries Ltd

At: East Aberthaw, Barry, Glamorgan, CF62 3ZR.

Type of assessment: Site Inspection,

Reason: Routine.

On: 19/06/2024 between 10:30 and 12:00.

Parts of permit assessed: General Site Inspection.

NRW Lead Officer: Sally Wakeford.

Report sent to: Daniel Bound, Environmental Coordinator, on 05/07/2024.

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	Assessed (A)	
W3A - Waste - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
W3E - Waste - Emissions and monitoring - Monitoring	Assessed (A)	
W4C - Waste - Information - Notification	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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
W4C	Submit a permit variation application to reflect the current company name	29/11/2024

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 was conducted at Aberthaw Quarry Closed Landfill permit number EPR/HP3799FH on 19 June 2024 by NRW Officers Sally Wakeford and Katie Lewis-Davies. We were accompanied on site by Daniel Bound of Tarmac. The weather was dry and sunny, with little to no breeze.

Certificate of Technical Competence

Thank you for providing the Technical Competence Certificates for Paul Stanyard. They are suitable and in date, although expiry date is 29/09/2024. You are therefore in compliance with permit condition 21.1.

Change of Operators Details

Permit condition 23.1 states that the Regulator must be notified of any change in the Licence Holders registered name. The permit is currently in a previous company name of Blue Circle Industries PLC. Daniel Bound informed officers that a variation application was already in progress to change the name of the company following a further name change. It is understood that this is a change in company name only, and not a transfer to a different company. This has been marked as Action Only.

Action: submit a permit variation application to reflect the current company name.

Gas Monitoring boreholes

The three gas monitoring points were inspected. There is slight damage to BH1, where the cover had been bent so could not be closed. BH4 & BH3 were not locked, but the covers were serviceable.

The boreholes are not marked, and it took some time to work out which borehole was which. It would be prudent to mark or label these in case of change to those undertaking the monitoring.

There is a replacement in waste gas monitoring borehole which will be installed shortly as the CQA has been approved.

BH4:



BH1:



Groundwater Monitoring boreholes

GW2 at the base of the quarry side has been buried by rockfall, however it is already in the process of being replaced. This will be located above the quarry edge, and the CQA has been approved.

GW3 was inaccessible due to vegetation growth in the area. You should ensure that the boreholes are accessible to be able to take the samples, and maintain the boreholes as required.

We did not attempt to view MW4.

Surrender

Whilst on site we discussed the requirements for the monitoring schedule and restoration for surrender. Further information can be found in the following guidance document on NRW's website:

<https://naturalresources.wales/media/2130/how-to-surrender-your-environmental-permit-additional-guidance-for-landfill-and-other-permanent-deposits-of-waste.pdf>

This provides guidance on the number of data sets required and the completion criteria. The standard of evidence required is typically a minimum of 12 datasets over 2 consecutive years.

Regarding restoration of the landfill, currently there is a very poor growing medium, however some plants are starting to take hold in the area as can be seen in the photographs below.



Guidance on restoring your landfill can be found here:

<https://www.gov.uk/guidance/landfill-operators-environmental-permits/restore-your-landfill-site>

You must have restored your site in accordance with your closure plan and/or permit requirements before making an application to surrender your permit. In this case the closure plan and permit provide us with very little guidance or requirements, other than previous land use being that of "poor grade grazing land".

Landfill restoration is normally required by planning permission. It would be advisable to check on any planning requirements at the site, or contact the Local Authority.

You must review the length and gradient of slopes at the site and determine the likelihood of failure using an appropriate stability assessment for the level of risk posed by the slope. A slope specific analysis is not required for shallow slopes. We will not accept an application to surrender your permit where any waste slope or retaining structure is in an

unstable condition.

Previous Actions

Summary of actions from CAR_NRW0044345 dated 20/05/2024 with completion comments:

- Provide the details and certification of the technically competent person. **COMPLETED**
- confirm if the replacement of the boreholes for the monitoring of gas and groundwater as per the CQA submitted to NRW have been completed. **IN PROGRESS**
- it should be attempted to locate the previous sampling completed to obtain a full picture of the impact the landfill may be having on the groundwater. **IN PROGRESS – all data held by NRW has been provided to the Operator**
- Provide a copy of the current working plan/aftercare plan. **COMPLETED**
- Update working plan following borehole installation. **IN PROGRESS**
- Provide a report or summary of the investigation and the reasons why it was determined that no further work was required to the site. **COMPLETED**

Thank you for taking the time to accompany us on site.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource 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.