

Compliance Assessment Report CAR_NRW0044833

Permit being assessed: CB3590CP.

For: Mobile Plant, **held by:** Transforma Home Building Services Ltd

At: .

Type of assessment: Site Inspection,

Reason: Routine.

On: 28/02/2024 between 09:00 and 17:00.

Parts of permit assessed: General management, storage and site drainage.

NRW Lead Officer: Laoni Tye, accompanied by Amy Bailey, Suzanna Cohen.

Report sent to: Lee Bowen and Gavin Bowen, Directors, on 29/07/2024.

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	C3 Minor	1.1.1 a)
W1A - Waste - Management - General management	C3 Minor	1.1.1 b)
W2A - Waste - Operations - Permitted activities	C3 Minor	Permit condition 2.1.1 Table S1.1
W2A - Waste - Operations - Permitted activities	C3 Minor	2.1.4 The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by the Environment agency

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

Total non-compliances recorded	Total non-compliance score
4	16

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	You must have a written environment management system in place prior to operating a mobile plant deployment. This will be required before any future activities commence under this permit.	23/08/2024
W1A	You must have a competent person (TCM) on site and copies of this persons certificates should be sent to NRW. Please review how to comply with your environmental permit guidance for further information.	23/08/2024
W2A	Please provide NRW with a plan as to your proposed next steps to remedy the situation and deal with the illegal deposit of waste	23/08/2024
W2A	As this is not within the permitted boundary this is deemed an illegal discharge from the site. The deployment has expired but the waste remains on site and this is therefore an illegal site at present. You must provide a plan of action as above as to how you are intending to remedy the situation including ensuring there are no illegal discharges and ensuring there are no potential risks posed to nearby watercourses	23/08/2024

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

Senior regulatory officer Laoni Tye visited site with regulatory officer Amy Bailey and enforcement officer Suzanna Cohen. We arrived at approximately 11am and met with Lee and Gavin Bowen, the directors of Transforma Homes. The purpose of the visit was to assess compliance against the permit, Standard Rules 2010 no 11, Mobile plant for the treatment of waste to produce soil, soil substitutes and aggregate. The operators had also requested a site meeting to discuss the mobile plant deployment and request an extension as the deployment had expired. There were numerous breaches recorded during the visit which are outlined below.

W1A – General management. Category 3 breach

Permit condition 1.1.1 states '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;

The site did not have a full environmental management system, produced in line with 'how to comply with your environmental permit' available for officers on site. This was also requested following the visit but has not been provided.

The risk assessments provided with the application do not reflect what is happening on site in terms of proximity to sensitive receptors and site boundaries.

How to comply with your environmental permit guidance: [How to comply with your environmental permit \(naturalresources.wales\)](https://naturalresources.wales)

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As well as helping you comply with your permit an effective management system can help improve your business. By using your management system you will:

- be more likely to comply with your environmental permit and other environmental legislation
- demonstrate your commitment to protecting the environment
- better protect the environment and human health
- identify, provide and record all staff training
- have a structured programme of maintenance for plant and infrastructure.
- develop more consistent site operations
- be a good neighbour
- manage your site more efficiently
- be more able to develop cost saving practices (resource efficiency, recycling rates, possibility of cheaper insurance, no legal costs).

The risk to the environment and human health is therefore increased should you not have and follow an EMS.

Action: You must have a written environment management system in place prior to operating a mobile plant deployment. This will be required before any future activities commence under this permit.

W1A – General management. Category 3 breach

and

(b) using sufficient competent persons and resources.

The site has not benefited from a technically competent manager (TCM) and we were advised that they have not visited site during the time of the deployment. Lee Bowen the director was in the process of completing a WAMITAB but has not completed the course. There was a lack of awareness from the director of the company as to what the permit conditions required and how to remain compliant.

Action : You must have a competent person (TCM) on site and copies of this persons certificates should be sent to NRW. Please review how to comply with your environmental permit guidance for further information.

W2A – Permitted activities. Category 3 breach.

Permit condition 2.1.1 Table S1.1 states:

Table 2.1 Activities	
Description of activities	Limits of activities
<p>R13: Storage of wastes pending the operations numbered R3 and R5</p> <p>R3: Recycling or reclamation of organic substances which are not used as solvents;</p> <p>R5: Recycling or reclamation of other inorganic materials</p>	<p>Treatment of wastes listed in table 2.2 using mobile plant consisting only of sorting, separation, screening, crushing and blending of waste for recovery as a soil, soil substitute or aggregate.</p> <p>Treatment shall be at the place where the waste is produced or the treated waste is to be used.</p> <p>Secure storage of wastes listed in table 2.2.</p> <p>Storage under these standard rules shall only be in association with the treatment taking place as notified in the deployment from.</p> <p>No more than 5,000 tonnes of imported wastes shall be stored on site at any one time and shall be stored for no longer than 6 months prior to use on the site.</p> <p>No more than 75,000 tonnes of waste shall be treated under any one deployment under these standard rules.</p>

The site is currently storing approximately 60,000 tonnes of waste, this is a significant exceedance in volume as only 5,000 tonnes of waste should be stored at any one time prior to use. The length of storage of 6 months prior to use on site has also been exceeded. The deployment has now expired and the waste storage is a breach of the permit. It is now deemed an illegal deposit of waste.

Action: Please provide NRW with a plan as to your proposed next steps to remedy the situation and deal with the illegal deposit of waste (1 month).

Options to consider such as DoWCoP, other end of waste protocols and deposit for recovery permits were advised during the visit and further information can be found on NRW and other relevant websites.

W2A - Permitted activities. Category 3 breach

2.1.4 The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by the Environment Agency.

The deployment form PAN-019396 includes a permitted site boundary. The site boundary outlined in red provided with the application does not reflect the operational and permitted activities boundary. The site drainage including the settlement ponds and discharge is out into the area of lowland and is adjacent to the watercourse. The risk assessment submitted also states that the activities will not be within 10 metres of any watercourse but it is likely this is being breached. This is not in line with the deployment and has not been appropriately risk assessed due to being excluded from the application and site plan. There is therefore a

potential risk of silt and other contamination from the run off from the waste materials stored on site, entering watercourses and causing a silt pollution.

Action: As this is not within the permitted boundary this is deemed an illegal discharge from the site. The deployment has expired but the waste remains on site and this is therefore an illegal site at present. You must provide a plan of action as above as to how you are intending to remedy the situation including ensuring there are no illegal discharges and ensuring there are no potential risks posed to nearby watercourses.

Please note, we will no longer be dealing with this site via compliance with the permit as the deployment has now expired. All further correspondence will be dealt with as a separate matter as an illegal waste site.

Other comments

Suitability of the permit

As discussed during the visit, the permit is not suitable for the site operations or requirements for you as an operator. Mobile plant permits are for temporary operations and would not usually last for longer than a year. We would not usually grant a mobile plant permit, should the intention be for the activity to last longer than a year. This is explained in regulatory guidance note (RGN) 2 Appendix 4: [Regulatory Guidance Note No. 2 Understanding the meaning of regulated facility - Appendix 4 Understanding the scope of mobile plant \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61442/Regulatory-Guidance-Note-No-2-Understanding-the-meaning-of-regulated-facility-Appendix-4-Understanding-the-scope-of-mobile-plant.pdf)

Section A4.11 states: *We would normally expect deployments to last for no longer than a year. If an operator intends to set up at one site for a long period of time or to make a particular site a base for operations, we are unlikely to grant it a mobile plant permit or agree to a deployment. These types of operations should be regulated under a site based permit.*

The waste is currently being stored on site without a use, due to the fact there are currently no permissions in place for use of the material which is currently considered a waste. This was discussed at length during the meeting and advice was provided to the operator on the type of permit that may be required and/or alternative options around end of waste protocols and the CL:AIRE definition of waste code of practice. Any waste deposited for use under this permit would be considered an illegal deposit of waste as this mobile plant permit, as listed in permitted activities, is for treatment only. This was raised by our permitting team at the application stage as this permit does not cover the treatment and deposit of waste.

There may be alternative treatment mobile plant permits for you to explore such as with the local authority.

From discussions on site, there are pre-acceptance waste checks being completed and soil analysis results are being reviewed prior to any material coming onto site. Loads have been rejected from site to ensure good quality waste material in line with the permitted waste types. The quality of waste material appeared visually of good quality and within the accepted permitted waste types.

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.