

## Compliance Assessment Report CAR\_NRW0044814

**Permit being assessed:** BP3396SL.

**For:** Williams Plant Hire Ltd, **held by:** Williams Plant Hire Ltd

**At:** Aberbechan Wharf, Newtown, Powys, SY16 3AW.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 20/06/2024 between 12:40 and 13:30.

**Parts of permit assessed:** Permitted activities, Infrastructure, TCM, Waste Returns.

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

**Report sent to:** Keith Williams, Operator/ TCM, 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
W3G - Waste - Emissions and monitoring - Fire	C3 Minor	3.5.1
W2A - Waste - Operations - Permitted activities	C3 Minor	2.2.1
W4A - Waste - Information - Records	Assessed (A)	
W1A - Waste - Management - General management	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
2	8

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
W3G	Review and submit an updated FPMP	26/08/2024
W2A	Move all skips containing waste and the biodegradable garden and park waste onto an impermeable surface with sealed drainage within a building.	26/08/2024

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.**

**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 (Higher Education Placement) arrived at Williams Plant Hire Ltd to undertake an un-announced Compliance visit. At the time of the visit the weather was warm and dry. Liz and David met with Keith (Site Operator and TCM) and walked around the site.

#### Fire Prevention and Mitigation Plan (FPMP)

The current FPMP Williams Plant Hire 2020 v4 requires to installation of a Fire detection and alarm system to UKAS specification. At the last site inspection in July 2023 the board for the control system was in place but not the control system. This work has now been completed.

#### Skip of waste on site

There continues to be a number of skips containing mixed waste accepted under the permit ready for sorting and several other skips containing waste following the sorting of waste such as aluminium and plastic, which are being stored without the benefit of an impermeable surface with sealed drainage, and not inside a building.



*Mixed waste skip stored on unmade ground outside a building*

However, a frame for a new building has now been erected. Liz discussed with Keith and a site operative who is currently undertaking their WAMITAB TCM qualification, the use of the new building and its drainage system.

#### Green waste & Wood waste

There is deposit of green waste on site stored on unmade ground outside of a building. Wood waste is being stored and treated on unmade ground. Keith was shown the conditions in his permit relating to the storage of waste. Green waste & waste wood must be kept within a building with an impermeable surface and sealed drainage. If he wishes to store green waste and wood waste outside a building he would need to apply for a permit variation.



*Wood waste stored on unmade ground*

#### **(W4A) Waste returns - Permit condition 4.2.2 - Assessed as compliant**

All waste returns has been received as required.

**(W1A) General Management - Technically Competent Manager (TCM) - Permit condition 1.1.4 - Assessed as compliant**

Keith Williams is the TCM for the site and has achieved his continuing competence certificate under the approved scheme.

**The following non-compliance were identified:****(W3G) Fire - Permit Condition 3.5.1 - C3**

NRW have not received an updated FPMP for assessment following the review by NRW as detailed on CAR\_NRW0041560 and re-requested on CAR\_NRW0042299 sent on 17 August 2023.

**Action - Review and update the FPMP and submit a copy to NRW for assessment by 26 August 2024.**

**(W2A) Permitted activities - Permit condition 2.2.1, Table S1.1, Section A1 - C3**

Permit condition 2.2.1 requires all non-hazardous waste to be stored and treated on an impermeable surface with a sealed drainage system and the storage and treatment of all non-hazardous waste to be carried out inside a building. It is acknowledged that you are in the process of erecting a building however it is not ready for use.

You have received this non-compliance as waste including skips of mixed unsorted waste continue to be stored outside the building on unmade ground. Please note this also includes the storage and shredding of 15 01 03, 17 02 01 19 12 07, 20 01 38 and 20 02 01. The permit does not permit the storage and treatment of these waste outside of a building. Keith Williams was reminded that this waste must be stored and treated inside a building.

**Action - remove all non-hazardous waste currently stored outside the buildings on unmade ground and store in accordance with permit condition 2.2.1 inside a building on impermeable surface with sealed drainage by 26 August 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](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.