

## Compliance Assessment Report CAR\_NRW0044837

**Permit being assessed:** BP3090ST.  
**For:** Potters Yard, **held by:** James Edward Potter  
**At:** Severn Road, Welshpool, Powys, SY21 7AZ.

**Type of assessment:** Site Inspection,  
**Reason:** Routine.  
**On:** 20/06/2024 between 10:15 and 12:20.  
**Parts of permit assessed:** General Management., Permitted activities, Records & Fire.

**NRW Lead Officer:** Liz Park, accompanied by David Fowles.  
**Report sent to:** Kevin Pryce, TCM/ Site Manager, on 30/07/2024.

### 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)	
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W4B - Waste - Information - Reporting	Assessed (A)	
W3G - Waste - Emissions and monitoring - Fire	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
W3G	Please submit new site plans for the FPMPs/ EMS for both the Transfer Station & HWRC	15/09/2024

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

Liz Park (Senior Officer - Waste Regulation) and David Fowles (Higher Education Placement - Workplace Recycling) arrived at Potters Yard to undertake an unannounced compliance visit. The Officers met with Kevin Pryce (TCM, North Area Manager). The purpose of the visit was to focus on the storage of waste in accordance with the Fire Prevention & Mitigation Plan (FPMP). It also provided an opportunity for Kevin and David to discuss the Workplace Recycling Regulations. At the time of the visit the weather was warm and dry. A site walkover of the Transfer Station and Household Waste site was undertaken with Kevin Pryce.

Kevin confirmed that there had been no further updates to the FPMPs or management system.

The household waste recycling centre was open during the inspection.

**The following compliance criteria and specified permit conditions have been assessed as detailed below.**

#### **(W3G) Fire - Permit condition 3.5.1 – Action only**

##### **Site Plan for transfer station**

Since the last inspection on 25/09/2023 the storage of waste in the Transfer Station has been re-arranged. The Small Domestic Appliance waste has been moved away from the north-east corner. This is to provide an increased separation between this waste and the neighbouring building. However, a new plan has not yet been produced.

**Action** - Produce an updated Transfer station site plan for the FPMP and management system (EMS) and provide a copy to NRW. The updated plan must also be placed in the fire boxes. **By 15/09/2024.**

##### **Site plan for HWRC FPMP**

A new plan showing the new location of the oil tank has not been received as previously requested.

**Action** – Produce an updated HWRC site plan for the FPMP and management system (EMS) and provide a copy to NRW. The update plan must also be placed in the fire boxes. **By 15/09/2024.**

**Sandbags**

Kevin has trialled the new plastic sandbags and they have worked well. They have now been filled and are ready for use.

**Waste wood stacks**

The waste wood stacks appeared to visually be within the permitted stack height of 4m with sufficient separation distances in accordance with the Transfer Station FPMP v10.

**Metal waste bay**

The depth of the waste in the metal bay appeared to visually exceed the permitted 10m in the Transfer Station FPMP v10. It was not possible to safely access the rear of the bay to measure the distance. A painted marker or similar would ensure that the bay depth is not exceeded.

**Water supply**

Further discussion is still required with MWWFRS.

**(W1A) General Management - Permit condition 1.1.1a – Assessed****Management of water in waste chemical bund**

SOP-03 Waste Storage and handling was updated to include the management of pooled rainwater within the bund.

**Fluorescent tubes stand in HWRC.**

All the tubes were supplied with covers as required by the management system.

**Small oil spill**

A small recent oil spill was observed by the metal waste. Kevin arranged for an operative to clear up the spill.

**Storage of waste**

A review of photographs taken during the visit appears to show mattresses adjacent to some form of biodegradable waste. Please ensure these wastes streams remain separated.



*Mattresses appear to be adjacent to biodegradable waste on left of photograph*

### **(W1A) Compliance with an approved competence scheme - Permit condition 1.1.4 – Assessed**

#### **Technically Competent Manager(s) (TCM)**

Kevin Pryce's 4TSH continuing competence certificate is in date.

Please supply a copy of Debbie Potter's continuing competency certificate for her primary certificates - 4TMNH & 4TSH which was achieved on 16 August 2023.

Please also confirm as to whether or not Mark Phillips is still providing TCM cover.

### **(W2A) Permitted activities - Permit condition 2.1.1 – Assessed**

#### **Permitted activities**

All hazardous and non hazardous waste was being stored and treated on impermeable surface with sealed drainage. All end-of-life vehicles and metals were being stored on impermeable surface with sealed drainage.

#### **Treatment of waste by sorting and mattresses by dismantling**

Small scale sorting with a grab to remove wood waste is now taking place to ensure waste wood is not sent to landfill. In addition, obvious wastes from the MSW waste are being removed by hand or by the grab and mattresses are being dismantled. Some but not all

these treatment activities are listed for general household waste (MSW) in SOP-03. Table S1.1 A2 lists the treatment operations that can be undertaken in the transfer station. Further information will be sought to assess whether these treatments fit into the listed treatment operations.

#### **(W4B) Reporting - Permit condition 4.2.2 - Assessed**

##### **Waste returns**

All waste returns have been received.

**No evidence of non-compliance was identified for the permit conditions assessed as detailed above.**

##### **Workplace recycling regulation**

The level of contamination in the waste received in from workplaces in Wales that should have been separately collected was discussed. Consideration is being given to a SOP to manage this and enable the site to record issues. Any issues can be reported to NRW.

David provided additional information via email including an explanation of skip waste and when it does and does not fall into the workplace recycling regulations.

***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.