

Compliance Assessment Report CAR_NRW0045031

Permit being assessed: XB3893HN.

For: Taybrite Works, **held by:** Browns Waste Management & Recycling

At: Hoel Y Bwlch, Bynea, Llanelli, SA14 9ST.

Type of assessment: Site Inspection,

Reason: Incident Response (Incident number 2411123).

On: 09/08/2024 between 12:00 and 12:45.

Parts of permit assessed: W3C, W4F, W4B, W1A.

NRW Lead Officer: Sally Wakeford, accompanied by Richard Samuel.

Report sent to: Mathew Roderick, Director, on 21/08/2024.

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	Action only (X)	
W3C - Waste - Emissions and monitoring - Odour	Ongoing (O)	3.2.1
W3F - Waste - Emissions and monitoring - Pests	Ongoing (O)	3.1.1
W4B - Waste - Information - Reporting	C3 Minor	4.2.2

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
W1A	Provide a Pest Management Plan, Environment Management System & Drainage Plans	27/09/2024
W3C	Reduce volume of waste on site	27/09/2024
W3F	Reduce volume of waste on site	27/09/2024

Criteria	Action needed	Complete by
W4B	Submit the missing waste returns for Q4 2021, Q1, Q2 & Q3 2022, Q1 2023, Q1 & Q2 2024	27/09/2024

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

On 09 August 2024 NRW Officers Sally Wakeford and Llyr Samuel attended unannounced at Browns Waste Management in Bynea. NRW have received complaints regarding odour coming from the site, and this inspection was to follow up a recent report and check on progress following the previous inspection on 16 July 2024.

Summary of actions required, as detailed below:

- Reduce volume of waste on site by 27/09/2024.
- Submit missing waste returns by 27/09/2024.
- Provide a Pest Management Plan to show how you will operate the site to ensure reduction in pests on site by 27/09/2024.
- Provide a copy of your Environment Management System by 27/09/2024.
- Provide the drainage plans by 27/09/2024 – unless otherwise agreed in writing with NRW.
- Clear drains/maintain drainage system by 27/09/2024.

Site Inspection:

The weather was dry and sunny, with a light breeze from an estimated WSW or SW direction.

On arrival in the area at 12:00, officers attended at the Bynea Car Park and walked along the footpath the bridge near the site. A noticeable refuse type odour was present from the pedestrian exit of the car park to the footbridge across the A484. The odour disappeared at the footbridge. There did not appear to be any odour present at the sewage treatment works nearby.

On arrival on the site, officers met with Mathew Roderick, Director, who accompanied us to the footpath. The strength of the odour had diminished in that time, however officers were still able to detect it.

It was suggested by Mr Roderick that the loading and removal of one load of waste that morning had potentially been the cause of the odour off site.

A site inspection was conducted to ascertain progress towards the actions laid out in Compliance Assessment Report CAR_NRW0044777 from 16 July 2024. The actions required the operator to reduce the volume of waste on site by 27 September 2024.

It appeared from a comparison of photographs taken during this inspection and on the 16 July that there was not much difference in the amount of waste on site. Mr Roderick explained Atlantic Recycling had taken 3 loads of waste from the site this week, at around 23 tonnes per load, and going forward would be removing 5 loads per week. Browns is also taking occasional loads to Trecatty Landfill.

Mr Roderick explained that the balance of waste in and out had now improved, and they should see a turn around of the volume of waste on site. It was estimated by Mr Roderick that there was double the usual amount of waste outside the buildings.

There were a large number of gulls present at the site, feeding off the waste outside the building. The audible bird scarer on site was not having any effect on their presence.

Ongoing Breaches of Permit:

The following breaches were identified during the site inspection, they were marked on the previous Compliance Report CAR_NRW0044777, and are still under action until 27/09/2024. As such, these have marked as ongoing non-compliances.

W3C Odour – Permit condition 3.2.1 – Ongoing

You have been scored (suspended) a Category 3 breach of permit condition 3.2.1 as during the site inspection it was identified by officers of NRW that there was odour offsite on the footpath beyond the site boundary.

Permit condition 3.2.1 states: *“Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.”*

ACTION: Reduce volume of waste on site by 27/09/2024.

You should ensure you are operating your site in accordance with the site Odour Management Plan.

W3F Pests – Permit condition 3.1.1 – Ongoing

You have been scored (suspended) a Category 3 breach of permit condition 3.1.1 as the storage of waste within the permitted boundary is attracting pests, namely gulls, allowing pests to breed and/or disperse from the facility.

Permit condition 3.1.1 states: *“Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.”*

ACTION: Reduce volume of waste on site by 27/09/2024.

Additional Breaches:

W4B – Reporting – Permit condition 4.2.2 – Category 3 Breach

You have been scored a Category 3 breach of permit condition 4.2.2 as on review of your waste returns following the inspection, it was noted that you have failed to submit waste returns relating to the following reporting periods: Q4 2021, Q1, Q2 & Q3 2022, Q1 2023, Q1 & Q2 2024.

Permit condition 4.2.2 states: *“Within one month of the end of each quarter, the operator shall submit to the Environment Agency 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.”*

ACTION: Submit the missing waste returns by 27/09/2024.

Additional Actions:

On review of NRW files, we request the following:

Pests:

Permit condition 3.1.2 states that if notified by the regulator that the activities are causing an issue with pests, that the operator must submit to NRW for approval a Pest Management Plan.

ACTION: Provide a Pest Management Plan to show how you will operate the site to ensure reduction in pests on site by 27/09/2024, or as otherwise agreed in writing with NRW.

Environment Management System:

Following the inspection I have been unable to find a copy of your Environment Management System for the site on our system. You are required under Permit condition 1.1.1(a) to manage and operate the activities in accordance with a written management system, which identifies and minimises the risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances.

ACTION: Provide a copy of your current Environment Management System by 27/09/2024.

Drainage:

Whilst on site it was identified that the drainage system had not been cleaned, and there was a significant pool of water in the centre of the site. The drainage system around the site is also significantly blocked. As can be seen in the photograph below.

Table S1.1 of your permit states: *“All waste shall be stored and treated on an impermeable surface with a sealed drainage system.”*

The drainage system must be functional and maintained.

It was previously requested in Compliance Report CAR_NRW0040561 dated 17/10/2022 that a drainage survey would be commissioned. To date, it is understood that NRW has not received the drainage plans/report following this investigation.

ACTION: Provide the drainage plans by 27/09/2024 – unless otherwise agreed in writing with NRW.

ACTION: Clear drains/maintain drainage system by 27/09/2024.

Photographs of site inspection:

Photographs showing a number of gulls on roof of building, large pool of water in centre of site:



Photographs showing waste outside of building & blocked drains:



Photograph showing waste outside building:



END

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.