

Compliance Assessment Report CAR_NRW0045063

Permit being assessed: HP3591EZ.

For: Gofer Bulking Station, **held by:** Conwy County Borough Council

At: St George, Abergele, Conwy, LL22 9SE.

Type of assessment: Site Inspection,

Reason: Routine.

On: 18/07/2024 between 11:25 and 12:50.

Parts of permit assessed: see below.

NRW Lead Officer: Sorcha Barry, accompanied by Sarah Walton.

Report sent to: Danielle Richards, Assistant Waste Manager, on 29/08/2024.

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	C3 Minor	1.1.1(a)
W2E - Waste - Operations - Waste acceptance	C3 Minor	2.3.2(a)
W4B - Waste - Information - Reporting	C4 No impact	4.2.2
W3E - Waste - Emissions and monitoring - Monitoring	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
3	8.1

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	Improve pest management procedures in the Site Management Plan regarding scavengers and gulls. Ensure staff are following procedures in the Site Management Plan and closing the roof of the food waste container in between food waste deposits to ensure gulls do not have easy access	31/10/2024

Criteria	Action needed	Complete by
	to food waste.	
W2E	Apply for a permit variation which would seek to add 20-03-01 to the list of authorised waste types which can be accepted on site.	31/10/2024
W4B	Ensure food waste is correctly described with EWC code 20 01 08 when being accepted and removed from site. Submit outstanding waste return for quarter 4, 2023 and quarter 1, 2024. Confirm which authorisation is being used to accept waste code 20 01 33*.	31/10/2024
W3E	Please provide previous sampling/monitoring reports from the effluent sample point and outlet 1 on site.	31/10/2024

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

Site

Gofer Bulking Station

Old Gofer Site, Rhuddlan Rd, St George, Abergele LL22 9SE

Permit number – **HP3591EZ**

Type of Inspection

Routine unannounced site inspection.

Present

NRW Waste Regulation Higher Education Placement Sorcha Barry and NRW Waste Regulation Officer Sarah Walton

Officers were accompanied by Team Leader Amanda Redrup and Assistant Team Leader Nigel Davies.

Description of Inspection

Site inspection conducted on the 18th of July 2024 at 11:25 am.

Weather conditions throughout the visit was dry and mild.

Upon arrival to site, the site entrance was tidy and clear of debris however, the number of gulls and seagull excrement was noticeable. There was clear signage with the permit/permit number present on one of the entrance gates.

Different points relating to the permit were assessed.

Permit condition 1.1.1(a) – Management System – W1A

Upon arrival to site it was evident that there is an issue with the number of gulls on site (see below photographs).



Section 4.10.4 of the Environmental Management System (EMS) /Site Management Plan 2024 (20240611) relates to the control of pests and references a pest management plan. The management plan also states that there is a contract in place with North Wales Pest Control who visit every 3 months routinely and can be contacted when needed. However, the EMS procedures do not make reference to the control of scavengers or gulls. It is recommended that you implement procedures to control gulls including using scaring tactics.

Due to inadequate pest management procedures in the most recent EMS / Site Management Plan, there is a significant issue with the number of gulls on site.

With reference to deposits and storage of kerbside and commercial food waste deposits, section 2.4.1 (Permitted activities) of the management plan states:

“The container is also fitted with a lockable roof to eliminate odours and keep the material covered and secured whilst on site. The roof will remain closed between tips to minimise odour release. The roof will only be opened for the emptying of food waste collection vehicles.”

Although this refers to minimising odour, the site management plan does state that the roof of the container where food waste is stored, will be closed between tips. During our inspection, the roof of the container was not closed in between tips, therefore not complying with permit condition 1.1.1(a). With the food waste skip being left uncovered throughout the day, the gulls have easy access to the food waste. It is recommended that closing the skip in between each deposit of food waste to site could reduce the numbers of gulls on site.

With reference to permit condition 1.1.1(a) of environmental permit **HP3591EZ** which states:

“The operator shall manage and operate the activities in accordance with a written management system..”

A CCS Category 3 score has been recorded for this non-compliance against permit condition 1.1.1(a).

Action: Improve pest management procedures in the EMS / Site Management Plan regarding scavengers and gulls.

Action: Ensure staff are following procedures in the EMS / Site Management Plan and closing the roof of the food waste container in between food waste deposits to ensure gulls do not have easy access to food waste.

Permit condition 2.3.2(a) – Operating techniques – W2E

As noted on previous CAR forms, the site continues to accept co-mingled plastic bottles and trays with steel and aluminium cans, which is assigned a EWC code of 20 03 01. This waste code is not authorised by the site permit.

The future plans of Gofer Bulking Station were discussed, staff on site were not aware of any further advancements with the funding. With this project funding the site would be able to apply for a permit variation/new permit at another site.

With reference to permit condition 2.3.2(a) which states:

“Waste shall only be accepted if it is of a type listed in schedule 2 table S2.1”

A CCS Category 3 score has been recorded for this non-compliance against permit condition 2.3.2(a).

Action: Apply for a permit variation which would seek to add 20 03 01 to the list of authorised waste types which can be accepted on site.

Permit condition 4.2.2 – Summary records of wastes accepted and removed – W4B

It was noted on a previous waste returns for Q2, 2024 that food waste being accepted onto site is accepted under the EWC code 20 03 01 for mixed recycling. However, food waste being removed from site was then described as EWC code 20 01 08 as biodegradable kitchen and canteen waste. The food waste being accepted at site is collected separately from producers and deposited separately at Gofer Bulking Station site. This indicates food waste is not being accepted onto site as a mixed load and therefore, should have an EWC code reflecting this.

Action: Ensure food waste is correctly described with EWC code 20 01 08 when being accepted and removed from site.

Quarter 4 (Oct – Dec), 2023 and quarter 1 (Jan – March), 2024 waste returns have not been submitted to NRW within 1 month following the end of each respective quarter.

With reference to permit condition 4.2.2 of environmental permit **HP3591EZ** which 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.”

A CCS Category 4 score has been recorded for this non-compliance against permit condition 4.6.1 as there is no potential for any environmental impact.

Action: Submit outstanding waste return for quarter 4, 2023 and quarter 1, 2024.

It was also noted on the returns, that waste batteries (20-01-33*) are listed on the 'waste removed' tab. The permit does not allow the acceptance of hazardous waste. If this waste type is being accepted under your S2 exemption ([NRW-WME089470](#)), then this waste should not be featured on the waste return. Any waste accepted under a waste exemption, should be accepted and stored in a separate part of the site that is clearly distinguished from permitted activities.

Action: Confirm which authorisation is being used to accept waste code 20 01 33*

There are incoming changes which will prohibit the use of exemptions at/adjacent to permitted sites. Once the new regulations are made, there will be a transition period of 6 months until they come into force. For further information on this, please follow the link below:

<https://www.gov.uk/government/consultations/reducing-crime-at-sites-handling-waste-and-introducing-fixed-penalties-for-waste-duty-of-care/outcome/supplementary-government-response#improving-regulation-of-exemptions>

Permit condition 1.1.4 – competent person – W1A

Permit condition 1.1.1 of environmental permit **HP3591EZ** states:

“The operator shall comply with the requirements of an approved competence scheme”

Danielle Richards is the technically competent manager for the site. Danielle Richard’s CIWM Continuing Competence Certificate valid until 16/08/2025 was sent by email during the site visit.

Permit condition 3.5.1 – Monitoring – W3E

Permit condition 3.5.1 of environmental permit **HP3591EZ** states:

“Permanent means of access shall be provided to enable sampling/monitoring to be carried out in relation to

emission points specified in schedule 3 tables S3.1, S3.2 and S3.3..”

Action: Please provide previous sampling/monitoring reports from the effluent sample point and outlet 1 on site.

Thank you for assisting us during our visit.

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.