

Compliance Assessment Report CAR_NRW0045134

Permit being assessed: VP3030BX.

For: Whitchurch Salt Slags, **held by:** Befesa Salt Slags Limited

At: Fenns Bank , Whitchurch, Shropshire, SY13 3PA.

Type of assessment: Site Inspection,

Reason: Routine.

On: 05/09/2024 between 11:50 and 12:50.

Parts of permit assessed: See Report.

NRW Lead Officer: Kathryn Bradshaw, accompanied by Paul Challender.

Report sent to: Site Owner/Director, Site Owner/Director, on 19/09/2024.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2B - Installations - Operations - The site	Action only (X)	
IR1A - Installations - Management - General Management	C3 Minor	1.1 General Management
IR1E - Installations - Management - Avoidance, recovery and disposal of wastes produced by the activities	Action only (X)	
IR1E - Installations - Management - Avoidance, recovery and disposal of wastes produced by the activities	Action only (X)	
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	Action only (X)	
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	Action only (X)	

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
IR2B	Confirm if the intention is to surrender the permit and what plans with timelines are in place for this	31/10/2024
IR1A	Ensure the site is secure at all times	23/09/2024
IR1E	Provide evidence of waste characterisation and assessment plus copies of consignment notes for the removal of waste fines located in the building	31/10/2024
IR1E	Confirm if the waste stones and rubble have been tested to check there is no contamination from previous activities and what the plan is for this material	31/10/2024
IR3A	Provide a definitive date when the surface water lagoon will be emptied	31/10/2024
IR3A	Confirm if the leachate tank is still in use and any agreements that are in place in relation to this	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

This Compliance Assessment Report (CAR) form has been raised following an unannounced site inspection, despite several attempts by NRW to arrange an accompanied site inspection. The site is non-operational with wastes from previous activities removed.

The site is currently owned by Markos Commercial Ltd and a letter dated 23rd February 2023 was received to that effect to comply with Permit Condition 4.3.4. This letter also stated the intention of the current owner to continue with the permit surrender application process.

Action 1

Confirm if the intention is to surrender the permit and what plans with timelines are in place for this.

The site is non-operational with all wastes from previous operations removed. We made our presence known at several buildings but there was no one present on site at the time of our inspection. The gate to the compound was not locked and we accessed the site through this gate, see photo below.



As the site was insecure this has been scored as a CAT 3 against Permit Condition 1.1.1 General Management.

Action

Ensure the site is secure at all times

Demolition works appeared to be ongoing on the site with some buildings, equipment and structures having been removed. The buildings were empty of equipment and waste, except for a pile of waste fines found in one of the bays, see photo below.



This could potentially be hazardous waste and will require waste characterisation and assessment prior to disposal. White salt marks were present throughout the main building which could indicate that the floor of the buildings are potentially contaminated from when the site was operational.

Action 2

Provide evidence of waste characterisation and assessment plus copies of consignment notes for the removal of waste fines located in the building

Inside the building there were several 'squares' where there was no concrete presumably where equipment had been previously installed. This unmade ground could be potentially contaminated and will need to be assessed before permit surrender.



An area to the South West of the site has been cleared of buildings, tanks and other infrastructure. The ground has been levelled and piles of waste stones and rubble were present on site with a digger and riddle close by.



Action 3

Confirm if the waste stones and rubble have been tested to check there is no contamination from previous activities and what the plan is for this material

The surface water lagoon situated to the South of the site is still full of water and what looks to be a gas bubble underneath the liner in a corner of the lagoon. This is despite a number of communications from the site stating this would be emptied.



Action 4

Provide a definitive date when the surface water lagoon will be emptied

There were several concrete bunds on site which were full of liquid. This liquid will need to be tested to ensure there is no contamination before removal.





There are several tanks still left on site in one of the bunds. These tanks will need to be emptied and cleaned before permit surrender.



There is also a leachate tank on site sitting within a concrete bund.

Action 5

Confirm if the leachate tank is still in use and any agreements that are in place in relation to this

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 Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – 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.