

Compliance Assessment Report CAR_NRW0045115

Permit being assessed: CB3237AP.

For: Gwynedd Skip And Plant Hire Ltd, **held by:** Gwynedd Skip And Plant Hire Ltd

At: Lon Hen Felin, Cibyn Ind Est, Caernarfon, Gwynedd, LL55 2BD.

Type of assessment: Site Inspection,

Reason: Other.

On: 25/06/2024 between 09:26 and 10:45.

Parts of permit assessed: As below..

NRW Lead Officer: Leon Williams, accompanied by Daniel Grant, Stewart Haddow (EA), Steven Birtles (EA).

Report sent to: Huw Jones, TCM, on 30/09/2024.

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	C2 Significant	1.1.1
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2E - Waste - Operations - Waste acceptance	Assessed (A)	
W3F - Waste - Emissions and monitoring - Pests	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	31

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	Further amend soil and fines sampling plan to address concerns raised in report below.	31/10/2024

Criteria	Action needed	Complete by
W3F	Send NRW the most recent version of GSPHL's Pest Management Plan.	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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This was an unannounced site inspection conducted at Gwynedd Skip & Plant Hire Limited (GSPHL) by Senior Waste Regulation Officer Leon Williams, Hazardous Waste Regulation Officer Daniel Grant of Natural Resources Wales and Stewart Haddow and Steven Birtles from the Environment Agency's Joint Unit for Waste Crime.

The purpose of the visit was to inspect GSPHL's processes regarding the production, sampling, analysis and classification of waste fines produced at the waste transfer station at Lon Hen Felin, Caernarfon, Gwynedd, LL55 2BD.

Present on site on behalf of GSPHL were Company Director, Stacey O'Grady Pritchard, Site Manager Huw Jones and Yard Manager Callum Barnes.

Notice of Powers of Rights 06789 was issued prior to the commencement of the site inspection.

Production of trommel fines

Officers were provided an overview of this process by Yard Manager Callum Barnes.

- 1) Skips containing general mixed waste are received at GSPHL's site and deposited either directly in or outside of the Materials Recycling Facility (MRF) building prior to processing.
- 2) Mixed waste streams are placed into the MRF process where trommelled waste produce fines described as "10% Qualifying Fines" and a "25% grade fines".
- 3) Residual waste streams pass through a picking line to remove further recyclables before non-recyclables are stockpiled at the end of the process prior to shredding.
- 4) Both the 10% and 25% grade fines are stored in bays in the yard following processing. Pieces of metal, plastic wood were visible throughout the 25% grade stockpile.



- Fines described as "10% qualifying"



- Fines described as "25% grade"

Off-site disposal of GSPHL's trommel fines

The Environment Agency are currently investigating the transfer of a significant quantity of trommel fines described as LoW 19 12 12 "qualifying fines from construction & demolition waste with an LOI of 10% or less" from GSPHL to a third party disposal site over several months in 2024.

Schedule 1 of the Landfill Disposals Tax (Wales) Act of 2017 and Landfill Tax (Qualifying Material) Order 2011 list the different types of waste which can be disposed of at landfill at the lower rate of tax.

Trommel fines produced from general mixed waste streams as observed during this inspection do not wholly contain waste types which qualify for the lower rate of tax within the Landfill Disposals Tax (Wales) Act of 2017 and Landfill Tax (Qualifying Material) Order 2011.

NRW hold concerns regarding GSPHL's description of fines leaving site as "qualifying fines" and we consider this mis-description of waste.

If trommel fines have not been assessed and classified correctly, they may not be dealt with appropriately which could result in an unauthorised and harmful deposit, treatment or disposal and the description of waste may be inaccurate.

The Waste Duty of Care Code of Practice states that misclassification of waste where the waste does not fit the written description is an example of a failure to prevent an authorised or harmful deposit, treatment or disposal of waste. Likewise, it also says for the description of the waste to be accurate and contain all the information a producer is reasonably in a position to provide, a classification should have been conducted using the appropriate guidance. Failure to do so could result in Section 34 Environmental Protection Act 1990 offences being committed.

As required by permit condition 1.1.1 - a operator's Environmental Management System (EMS) must explain how they will comply with all relevant environmental and waste legal duties. This includes identifying legal requirements, meeting any standards or requirements in guidance and codes of practice, quality protocols, assurance schemes, as well as other regulations that relate to environmental protection. The latter includes regimes such as Duty of Care.

GSPHL's "Interim Sampling Plan, October 2023 Revision 2" document does not contain a procedure outlining how the company will ensure that trommel fines are described correctly prior to off-site disposal in compliance with landfill tax legislation.

We have issued a CCS Category 2 breach in relation to the lack of written procedures to address these concerns.

ACTION: Please cease the description of all trommel fines from GSPHL permitted waste site CB3237AP as "qualifying fines" unless the fines are produced wholly from waste types qualifying for the lower rate of tax as listed within the Landfill Disposals Tax (Wales) Act of 2017 and Landfill Tax (Qualifying Material) Order 2011.

ACTION: Please further amend "Interim Sampling Plan, October 2023 Revision 2" to include procedures to ensure the correct description of trommel fines produced by GSPHL and compliance with Landfill Disposals Tax (Wales) Act of 2017 and Landfill Tax (Qualifying Material) Order 2011 by the 31 October 2024.

Please also be aware that NRW's Hazardous Waste team are currently also reviewing "Interim Sampling Plan, October 2023 Revision 2" in relation to the soil sampling campaign undertaken at your site. Further recommendations may be communicated

to GSPHL in the near future.

Sampling of trommel fines

Trommel fines are a highly variable waste stream and multiple representative samples are required to characterise this type of waste.

GSPHL's fines sampling methodology is outlined in document "Interim Sampling Plan, October 2023 Revision 2".

During our visit to GSPHL, Officers requested to inspect recent samples taken from the fines stockpiles.

Yard Manager Callum Barnes was unaware where the sampling pots for the fines samples were stored.

Site Manager Huw Jones later stated that no fines samples had been taken recently and that no samples were available for inspection on site.

ACTION: Please ensure that access is granted to NRW/EA Officers when requests are made to inspect waste samples and/or the storage areas they are retained. Failure to provide such assistance to NRW/EA Officers may be considered an obstruction offence under Section 110 of the Environment Act 1995.

Interpretation of fines sampling results

We note document "Interim Sampling Plan, October 2023 Revision 2" states that fines sample results are to be assessed by GSPHL senior management and a third party consultant.

NRW are unclear of how the assessments and interpretation of the fines samples are recorded and retained by GSPHL.

NRW may request evidence from GSPHL to illustrate that fines sampling assessments have been completed.

ACTION: Please further update "Interim Sampling Plan, October 2023 Revision 2" outlining how sample results assessments are recorded and retained by GSPHL.

Pest Management Plan

During this inspection, the presence of a significant number of seagulls were noted on site.

A large quantity of general mixed waste was being stored outside the MRF building awaiting processing. This deposit was positioned outside of the netted area designed to deter seagulls.



- General mixed waste stored outside of seagull netting

Condition 3.4.2 of your site permit requires the company to develop and implement a Pest Management Plan.

ACTION: Please send NRW a copy of the most recent version of the Pest Management Plan for your site by the 31 October 2024.

If you require any further information regarding this report, please contact us.

Diolch yn fawr,

Leon Williams

Uwch Swyddog Rheoleiddio Gwastraff / Senior Waste Regulation Officer

Cyfoeth Naturiol Cymru / Natural Resources Wales

Maes Y Ffynnon, Penrhosgarnedd, Bangor, Gwynedd, LL57 2DW

[Siaradwr Cymraeg](#)

www.cyfoethnaturiol.cymru / www.naturalresources.wales

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 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.