

## Compliance Assessment Report CAR\_NRW0045169

**Permit being assessed:** UP3290VF.

**For:** Dan Y Parc Council Depot, **held by:** Powys County Council

**At:** Caerbont, Abercrave, Powys, SA9 1SP.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 04/09/2024 between 11:14 and 11:39.

**Parts of permit assessed:** See criteria listed below .

**NRW Lead Officer:** Luke Taylor, accompanied by Holly Dyke.

**Report sent to:** Chris Richards, TCM, on 10/10/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W2E - Waste - Operations - Waste acceptance	C3 Minor	2.3.2
W4B - Waste - Information - Reporting	C4 No impact	4.2.2

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

Total non-compliances recorded	Total non-compliance score
2	4.1

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
W2E	Provide alternative arrangements for the storage of grass cuttings on site, and dispose of the existing deposit by appropriate means	30/11/2024
W4B	Please submit all outstanding waste returns to Natural Resources Wales, and continue to do so in line with the permit condition.	30/11/2024

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

This compliance assessment report is being produced following an unannounced, routine site inspection of Dan Y Parc Depot on Thursday 4th September. The inspection was conducted by Natural Resources Wales Officers Luke Taylor and Holly Dyke.

The weather at the time of the inspection was dry and bright, the officers were accompanied by the depot supervisor, Stephen Daniel.

On arrival the site diary was checked and showed attendance by the Technically Competent Manager, Chris Richards. The site management system was also available, although this was not fully reviewed at the time of the inspection.

The following non-compliance were identified:

**W2E - Waste Acceptance - Cat 3 Breach - Permit Condition 2.3.2**

There are two bays on site, with one being used to de-water street cleaning sweepings. Within this bay, on top of a quantity of street cleaning waste, was a deposit of grass cuttings from local authority cutting activity. These grass cuttings, waste code 20 02 01 - Biodegradable Waste (Garden and Parks), are not listed as an accepted waste on the site permit. You have been scored for this breach as, whilst grass cuttings could be stored under the Waste Exemption: Non-Waste Framework Directive 3 temporary storage of waste at a place controlled by the producer, a condition of that exemption is that you cannot mix different types of waste.

Mixing the wastes in this manner has resulted in run off from the street sweepings being de-watered getting soaked up by the grass cuttings. This now means that and all the waste within the bay must be treated as 20 03 03 - Street Cleaning Residues, and would not be suitable for composting under the composting Quality Protocol, this waste code being excluded from the list of those accepted.

If grass cuttings are to be accepted and stored at the site under the Non-waste framework directive exemption, then they need to be stored separately, in a clearly defined bay, not in the same bay as the street sweeping waste.

**ACTION - Provide alternative arrangements for the storage of grass cuttings on site and dispose of the existing deposit by appropriate means. Deadline 30/11/2024**



(Grass cuttings on top of road sweepings)

#### **W4B - Reporting - Cat 4 Breach - Permit Condition 4.2.2**

The site permit states that, within one month of the end of each quarter, the operator shall submit details of the waste accepted and removed from the site during the previous quarter. From review of the waste returns, the last submission was marked Jan-March 2024 as Q1, with the deadline for submission of Q2 returns having past on 31st July. There is also a gap in the waste returns received from Q1 2021 until Q4 2023, with no submissions recorded in that period. Even if no waste was received or removed from site during that time, waste returns are still required as condition of the site permit.

**ACTION - Please submit all outstanding waste returns to Natural Resources Wales, and continue to do so in line with the permit condition. Deadline 30/11/2024**

If you wish to discuss this CAR, or have any queries in relation to its contents, please email: [luke.taylor@cyfoethnaturiolcymru.gov.uk](mailto:luke.taylor@cyfoethnaturiolcymru.gov.uk)

Regards,

Luke Taylor

*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.