

Compliance Assessment Report CAR_NRW0045429

Permit being assessed: CB3091ZE.

For: Bryncir Quarry, **held by:** Cambrian Services Limited

At: Bryncir Quarry, Llecheiddior, Uchaf Bryncir, Garndolbenmaen, LL51 9LX.

Type of assessment: Site Inspection,

Reason: Routine.

On: 11/09/2024 between 10:56 and 11:26.

Parts of permit assessed: As below..

NRW Lead Officer: Leon Williams, accompanied by Ricky Hartleb.

Report sent to: Sam Higgitt, TCM, on 18/10/2024.

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)	
W2C - Waste - Operations - Operating techniques	C3 Minor	1.1.1
W2D - Waste - Operations - The site	Assessed (A)	
W4A - Waste - Information - Records	C3 Minor	4.1.2
W4B - Waste - Information - Reporting	C2 Significant	4.2.2

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

Total non-compliances recorded	Total non-compliance score
4	70

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	Please review and amend procedural documents 1) En-f-003 -Factory Production Control and 2) En-f-002 Quality Protocol	31/12/2024

Criteria	Action needed	Complete by
	so that they comply with the WRAP Quality Protocol.	
W2C	Please ensure waste stockpile heights are kept below 2.5 metres.	31/12/2024
W4A	Please ensure waste transfer notes for all incoming and exported wastes are kept on site as required by permit condition 4.1.2.	31/10/2024
W4B	Please correct and re-submit all waste returns submitted to NRW between the periods of quarter 1 2021 and quarter 2 2024.	31/12/2024

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 Cambrian Services Limited waste transfer station in Bryncir, Gwynedd by Senior Waste Regulation Officer Leon Williams, Tackling Waste Crime Officer Ricky Hartleb of Natural Resources Wales (NRW) and Senior Minerals and Waste Planning Officer Rhys Cadwaladr of Gwynedd Council.

Present on site on behalf of Cambrian Services Limited were Director Arwyn Evans and Supervisor Patrick Booth.

W1A - General management

Permit Condition 1.1.1 - The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises the risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.

With reference to the document "how to comply with your environmental permit" a site Environmental Management System (EMS) must explain how an operator 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.

NRW have been investigating the procedures outlined and summarised in the following sections of the Company's Environmental Management Plan (En-f-016) which state:

"2.1 The main site operations are quarrying sand and gravel from the dig site at Llecheiddior which is run through the wash plant, washed out silt is then returned to the dig site for reinstatement, restoration soils are mixed with the silt where permitted to gain the required level of restoration".

2.4 The recycling of waste is carried out in accordance with En-f-003 Factory Production Control and En-f-002 Quality Protocol".

For reference there is no environmental permit or waste exemption currently in place at the sand and gravel production site at Llecheiddior to permit the deposit of controlled wastes.

Section 1.0 of document En-f-003 Factory Production Control states *"This Factory control document has been developed to enable the site to use the WRAP Quality Protocol to produce a product from waste. It must be used in conjunction with Jones Bros. Quality Protocol document EN-f-002".*

Section 1.0 of document En-f-002 Quality Protocol for Aggregates states *"Cambrian carry out recycling operations of inert construction waste. This material will be processed into aggregate/soil meeting the Class 4 specification under the 'Specification for Highway Works'. All aggregate material meeting the class 4 specification will be used on site to manufacture bunds and use as restoration soil".*

Please be aware that soils are specifically excluded from the WRAP Quality Protocol. Page 18 of the guidance document states *"For the avoidance of doubt, clays and soils are not considered to be aggregates for the purposes of this Quality Protocol."*

The above mentioned documents contain procedures which are erroneous and do not demonstrate that waste silts and soils processed by Cambrian Services Limited have met end of waste status.

NRW requires that the use of these documents cease immediately and new procedural documents are produced in compliance with the requirements of the WRAP Quality protocol.

At present there are no end of waste regulations, quality protocols or resource frameworks which enables soils treated at waste transfer stations to meet end of waste status.

The onward recovery or disposal of waste silts and soils stored and transferred from Cambrian Services Limited's waste transfer station in Bryncir must be made at sites which benefit from either a relevant environmental permit or waste exemption.

All movements of waste soils from Cambrian Services Limited's waste transfer station must also comply with the requirements of Section 34 of the Environmental Protection Act 1990 and Control of Pollution (Amendment) Act 1989.

We have issued a CCS Category 2 score in response to this non-compliance against permit condition 1.1.1.

The mis-description of controlled wastes as non wastes can lead to wastes not being dealt with appropriately. This can result in unauthorised and harmful deposits, treatments or disposal of waste which pose a significant risk to the environment.

ACTION: Please review, amend and submit new written procedures which comply with the requirements of the WRAP Quality Protocol by the 31 December 2024.

W2A - Permitted Activities

A stockpile of imported waste sand was being screened on site for re-sale as a non-waste material. This screening of waste sand is permitted under the activities listed in Table 2.1 of the permit.

ACTION: Please ensure the correct written procedures are developed for waste sand to meet end of waste status in accordance with the WRAP Quality Protocol.

NRW are continuing to investigate the deposits of waste silts and soils treated at Cambrian Services Limited's waste transfer station in Bryncir which were subsequently deposited at sites which don't benefit from a relevant environmental permit or waste exemption.

These waste silts and soils are described by Cambrian Services Limited as "Class 4 Landscape Fill" and a quantity of these wastes have been used to construct and maintain various bunds and embankments at Bryncir Quarry.

Environmental permit EPR/CB3091ZE does not permit the re-use of controlled wastes for construction or engineering activities at Bryncir Quarry.

ACTION: Please ensure all future uses of controlled wastes used as part of construction and engineering activities at Bryncir Quarry are undertaken in accordance with either an environmental permit or waste exemption.

NRW are considering enforcement action in response to the suspected illegal waste deposits referenced above and further correspondence will be sent to the company separate to this Compliance Assessment Report.

W2C - Operating Techniques

Section 4.6 of the Company's Environmental Management Plan (En-f-016) states that "Waste material will not be stored in excess of 2.5m in height at any time".

During the time of this inspection waste stockpiles were exceeding this limit.



A CCS category 3 breach has been recorded against permit condition 1.1.1 for this non-compliance.

ACTION: Please ensure waste stockpile heights are kept within 2.5metres.

W2D - The Site

During the site inspection it also appeared that waste stockpiles are being stored outside the permitted site boundary as shown edged green in Schedule 1 of the site permit.



ACTION: Please ensure all waste operations are contained within the area edged green in Schedule 1 of the site permit.

W4A - Records

Permit Condition 4.1.2 - The Operator shall keep on site all records, plans and the management system required to be maintained by these standard rules, unless otherwise agreed in writing by Natural Resources Wales.

A request was made to inspect waste transfer notes relating to the imported waste sand being processed during the time of our inspection.

These waste transfer notes were not made available for inspection on site.

A CCS Category 3 score has been recorded against permit condition 4.1.2 for this non-compliance.

ACTION: Please ensure waste transfer are kept and retained on site and are made accessible on request of NRW Officers.

W4B - Reporting

Permit Condition 4.2.2 - Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales 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.

NRW have identified that approximately 18,307 tonnes of LoW 17 05 04 non-hazardous soil and stone was imported to Cambrian Services Limited's waste transfer station in Bryncir between quarter 1 of 2022 and quarter 2 of 2023.

Waste returns submitted by the company record that 3100 tonnes of waste was imported to site over the same period.

There are significant discrepancies in the quantities reported by Cambrian Services Limited on the waste returns submitted to NRW.

Since quarter 4 of 2021 waste returns submitted to NRW have declared that 0 tonnes of waste have left site.

NRW believes that this figure is also incorrect.

The waste silts and soils treated and exported by Cambrian Services Limited described as "Class 4 Landscape Fill" are controlled wastes and these quantities must be reported on the waste returns submitted to NRW.

On the 16 September 2024, NRW received an Excel spreadsheet containing records of movements of wastes from the Bryncir waste transfer station. These movements should have been declared in the waste returns submitted to NRW.

The waste returns submitted to NRW are inaccurate and misleading.

There is a lack of validity in the information reported to NRW and this throws doubt on the competence of the Operator to be able to track and report waste movements correctly.

Controlled wastes have been removed from site and have been mis-described as non wastes.

The mis-description of waste has serious implications for the transferee of waste, as they are could be unaware of the true nature of wastes and therefore cannot manage risks accordingly. It may also have led to the transferee breaching permit or exemption conditions as well as Section 34 of the Environmental Protection Act 1990.

We have issued a CCS Category 2 score in response to this non-compliance against permit condition 4.2.2.

ACTION: Please correct and re-submit all waste returns for incoming and outgoing waste movements for your site by the 31 December 2024. This action includes all waste returns submitted to NRW since Quarter 4 2021.

Under Section 2.2 of the waste returns submitted to NRW, Cambrian Services Limited state the waste management facility/operation is "A25 Deposit of waste to land as a recovery operation".

This is not the correct type of waste management facility that Cambrian Services Limited operate at Bryncir.

ACTION: Please also correct this section on all waste returns that are to be re-submitted to NRW.

Please contact us if you would like to discuss the contents of this Compliance Assessment Form.

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](mailto:leon.williams@naturalresources.wales)

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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.