

Compliance Assessment Report CAR_NRW0045614

Permit being assessed: PP3795CG.

For: Daniel Lee Vaughan T/A K Vaughan Metals, **held by:** Daniel Lee Vaughan

At: Rhos, Cwmbelan, Llanidloes, Powys, SY18 6RF.

Type of assessment: Site Inspection,

Reason: Routine.

On: 01/11/2024 between 15:00 and 16:15.

Parts of permit assessed: See criteria below .

NRW Lead Officer: Luke Taylor, accompanied by Jeremy Goddard.

Report sent to: Lee Vaughan , Site Operator , on 13/11/2024.

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 | Assessed (A) | |
| W2A - Waste - Operations - Permitted activities | Assessed (A) | |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 0 | 0 |

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?

No action required.

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 a routine site inspection, which was conducted on Friday 1st November 2024. The inspection was conducted by Luke Taylor and Jeremy Goddard, officers with Natural Resources Wales (NRW), who were accompanied throughout by the site operator, Daniel Lee Vaughan, known as Lee.

The weather at the time of the inspection was dry and overcast, with the site being operational.

Technical Competent Manager - Continuing Competence

Since the previous inspection was carried out the permit has been transferred into the name of the site operator, Lee Vaughan. A previous action was to ensure that continuing competency in relation to Technically Competent Manager/WAMITAB qualification was obtained. This has been completed.

Written Management System

There is now a detailed Environment Management System (EMS) in place for the site, which has been developed in conjunction with an environmental consultant. A copy of the EMS has been supplied to NRW and contains several appendices, including an environment accident management plan and site plans.

Fire Prevention and Mitigation Plan

Along with the EMS documents, a Fire Prevention and Mitigation Plan is also now in place at the site. This has been provided to NRW and will be reviewed as part of future compliance work.

Waste Returns

The matter of waste returns was raised on the previous compliance assessment report. Lee stated that he has tried to locate records of waste received and removed from the site prior to him taking over the operation from his grandfather, without success. Lee showed the officers the new program which allows him to produce documents detailing all the wastes accepted and removed from the site. The original site permit required that waste returns be submitted one month following each quarter, however, a variation from 1993 modified this requirement to annual waste returns. Lee is aware of this requirement and waste returns for 2024 should be received by end of January 2025.

Other observations

There has been a significant improvement to the site, with historic waste having been cleared away. Some waste remains, and work to remove the remaining waste is in hand. New signage, including a new site notice board, has been erected, showing the new operator details and emergency contact details. No evidence of pollution arising from the activities was witnessed.

A discussion was had in relation to the small stream that runs alongside the southern boundary of the site. Lee stated that he wished to cover this, as is already the case above

and below the site. It was advised he seek clarity from the local authority before doing so.

If you have any queries in relation to this CAR, please feel free to contact me at:

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 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.