

Compliance Assessment Report CAR_NRW0045472

Permit being assessed: AB3893HE.

For: Troedrhiwgwynau Farm, held by Alun Hughes

At: Troedrhiwgwynau Farm, Comins Coch, Aberystwyth, Ceredigion, SY23 3BE.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 13/11/2024.

Parts of permit assessed: See criteria below

NRW Lead Officer: Luke Taylor.

Report sent to: Alun Hughes, Site Operator on 14/11/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C3 Minor	1.1.4
W1A - Waste - Management - General management	C3 Minor	1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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	Obtain the relevant TCM continued competency qualification or appoint a suitably qualified person to act as TCM	17/01/2025
W1A	Implement an EMS for the site that identifies and minimises the risk of pollution, and provide a copy to NRW for review.	17/01/2025

Action 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 a review of the Technically Competent Management and Environmental Management System of Troedrihwgwynau.

The following non-compliance was identified:

W1A General Management - Cat 3 Breach - Permit condition 1.1.4

Previous compliance assessments have highlighted that there is no Technically Competent Manager (TCM) on site. Mr Hughes did obtain the primary qualification in 2016, but has never passed a continued competency test, which is required every two years after the initial primary award has been obtained. As a result, there has not been a qualified TCM on site for six years. This has been highlighted to Mr Hughes on the following CAR's:

- Compliance Assessment Report CAR_NRW0037286 (January 2021)
- Compliance Assessment Report CAR_NRW0037814 (March 2021)
- Compliance Assessment Report CAR_NRW0038277 (May 2021)
- Compliance Assessment Report CAR_NRW0044086 (February 2024)

You must have a TCM to direct activities on your site and they must attend the site for a minimum period each week. Technically competent managers must demonstrate continuing competence by passing a periodic assessment, which tests understanding of recent developments within the waste industry. You must also keep a record in the site diary, or a separate log of weekly operational hours and site attendance.

Following the last inspection, Mr Hughes informed officers that he was booking his continued competency test and would be sitting it as soon as possible. To date, no record of him having taken or passed this test is available. As this breach has been recorded on several occasions previously, Natural Resources Wales will consider issuing a notice requiring you comply with this permit condition, should the deadline for the below action not be met. The failure to comply with such a notice is an offence.

ACTION: Obtain the relevant TCM continued competency qualification or appoint a suitably qualified person to act as TCM - Deadline: 17th January 2025

W1A General Management - Cat 3 Breach - Permit Condition 1.1.1

Your permit states under condition 1.1.1 that 'the operator shall manage and operate the activities in accordance with a written management system that identifies and minimises the risk of pollution.

Following the last inspection, a request was made for the site's Environment Management System (EMS), and it became apparent that no such document was being used on site, with Mr Hughes not being aware of what an EMS was or with the requirement to have one in place. An action was then issued, with a deadline of 30th June 2024, for an EMS to be implemented, and for a copy to be provided to NRW for review. To date, no document has been submitted. When spoken to on Wednesday 13th November, Mr Hughes confirmed that there was still no EMS in place at the site.

An effective management system enables you to manage compliance with your permit and

any other legal requirements to protect the environment. For your EMS to be effective you and your staff must implement it, and there must be evidence in the day-to-day activities taking place on the site that you are using it. Some examples of what it should include are:

- information regarding the maximum quantities for each waste stream and the method and time limit for their storage on site.
- how any potential pollution from the above activities could impact on air, water, land and neighbours
- your Duty of Care
- an accident management plan
- contact information for the public
- site and equipment maintenance procedures
- staff competence and training records
- keeping records

The above is not a complete list and further information regarding developing a management system for environmental permits can be found here:

<https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>

ACTION - Implement an EMS for the site that identifies and minimises the risk of pollution and provide a copy to NRW for review. Deadline 17th January 2025

Other Observations

When reviewing the waste returns for the site it is apparent that the TCM is still being recorded as Chris James of Cambrian Training. Chris James is not acting as the TCM for the site, and Mr Hughes has previously stated that he has never been the TCM. It may be that this is a clerical error when populating the waste returns template to submit to NRW, however, the returns template must be updated prior to the submission of the next waste returns to remove reference to Chris James.

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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.