

Compliance Assessment Report CAR_NRW0043903

Permit being assessed: MP3330WP.

For: Withyhedge Landfill, **held by:** Resources Management U.K Limited

At: Withyhedge Landfill Bowlings House , Rudbaxton, Haverfordwest, Pembrokeshire, SA62 4DB.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 03/04/2024.

Parts of permit assessed: CQA - Cell 9 Construction .

NRW Lead Officer: Rhodri Morgan.

Report sent to: Phil Ridley, Business & Development Director, on 15/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	Assessed (A)	
IR2G - Installations - Operations - Landfill engineering (only applicable to landfill)	Assessed (A)	
IR2F - Installations - Operations - Pre-operational conditions	Assessed (A)	
IR4B - Installations - Information - Reporting	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

CQA Proposal – Construction of Cell 9 (Phase 2) – Record of Acceptance

Permit condition 2.6.1 requires the operator to submit construction proposals, prior to the construction of any new cell of the landfill. Construction should not commence until Natural Resources Wales (NRW) has confirmed that it is satisfied with the construction proposals.

The operator has submitted construction proposals for the construction of Cell 9 (Phase 2). The construction proposals consist of the following documents/submissions:

- Withyhedge Landfill – Phase 2, Cell 9. Construction Quality Assurance Plan for Basal Lining. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2429r2v1d0324. Dated: March 2024.
- Withyhedge Landfill – Phase 2, Cell 9. Basal Lining Engineering Specification. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2429r1v1d0224. Dated: March 2024.
- Email from Ewan Thomas - Geotechnology, dated 26th March 2024 – 14:00. Subject title: Withyhedge Landfill - Cell 9 Construction. Including attached report: WithyhedgeCell9CQAPlanResponse1.

NRW can confirm that it is satisfied with the above submissions, subject to the caveats set out below:

- The Source Characterisation Report and the results of compaction trials for the new off-site source(s) of clay soils for the AEGB should be submitted for approval to NRW in adequate time before the start of construction works.
- The operator must ensure all appropriate measures are implemented and adhered to prevent contaminated surface water runoff from the landfill.

Please note that the acceptance of these CQA proposals, by NRW, does not mean that the assumptions, design specifications or testing regimes will be suitable for any future development at the site.

Pre – operational Measures

Pre-operational condition 1

Extract:

Prior to the construction of any cells within areas B,C,D,E as detailed in drawing ESID 6A of the application (BP3131SG) and drawing WHV 4 the operator shall undertake a site investigation as specified within the response to Question 1 of the schedule 4 notice dated 31 January 2006. The investigation shall include, but not be limited to the following issues:

- *Groundwater elevation and seasonal fluctuations*
- *Groundwater flow direction*
- *Interaction between ground and surface water*
- *Review of data obtained and update the conceptual model*

Following the investigation the operator shall submit a written report detailing the revised site conceptual model and provide evidence there is one m thick unsaturated zone as per the proposed landfill design. In the event that the unsaturated zone is less than 1 m the operator shall provide a revised hydrogeological risk assessment and, if required, a revised landfill design. The operator shall implement any improvements or measures as agreed in writing with the Environment Agency.

NRW have accepted the discharge of pre-operational condition 1, based on the information supplied in the following submissions and subject to the caveats set out below.

This acceptance only relates to the proposed development known as Cell 9 (Phase 2). The requirements of pre-operation condition 1 will still apply to any future cell built at the Site.

Cell 9 (Phase 2) pre-operational condition 1 submissions:

- Terraconsult report: Wityhedge Landfill Site – Area E – Pre-operational Measures (Permit Table S1.4 A Reference 1 & 2). Report No 5221/R02/01, February 2021.
- Wityhedge Landfill – Phase 2, Cell 9. Construction Quality Assurance Plan For Basal Lining. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2429r2v1d0324. Dated: March 2024.

Pre-operational condition 2**Extract:**

Prior to the construction of any cells within Areas B, C, D, E, E as detailed in drawing ESID 6A of the application (BP3131SG) and drawing WHV/4 the operator shall provide in writing details of the site-specific control measures that will be undertaken to ensure that the required minimum un saturated zone assessed as part of the pre operational condition1 will be maintained. The operator shall implement any improvements or measures as agreed in writing with the Environment Agency.

NRW will accept the discharge of pre-operational condition 2 based on the information supplied in the following submissions and subject to the caveats set out below.

This acceptance only relates to the proposed development known as Cell 9(Phase2). The requirements of pre-operation condition 2 will still apply to any future cell built at the Site.

Cell 9 (Phase 2) pre-operational condition 2 submissions:

- Terraconsult report: Withyhedge Landfill Site – Area E – Pre-operational Measures (Permit Table S1.4 A Reference 1 & 2). Report No 5221/R02/01, February 2021.
- Withyhedge Landfill – Phase 2, Cell 9. Construction Quality Assurance Plan For Basal Lining. Geotechnology Ltd. for Resources Management UK Ltd. Report Number 2429r2v1d0324. Dated: March 2024.

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 Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – 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.