

Compliance Assessment Report CAR_NRW0045738

Permit being assessed: BB3494CU.

For: Seiont Mill Brickworks and Quarry, held by Jones Bros Ruthin (Civil Engineering) Co Ltd

At: Seiont Mill Road, Caernarfon, Gwynedd, LL55 2YL.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 22/11/2024 between 10:00 and 11:50.

Parts of permit assessed: See below

NRW Lead Officer: Sarah Walton, accompanied by Cheryl Griffiths.

Report sent to: Sam Higgitt, Environmental Manager on 12/12/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
W2C - Waste - Operations - Operating techniques	C3 Minor	2.3.1
W2B - Waste - Operations - Waste recovery plan	Action only (X)	
W4B - Waste - Information - Reporting	C4 No impact	4.2.2

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

Total number of 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
W2C	Cease the treatment and removal of waste from site.	12/12/2024
W2B	Submit a recent topographic survey to NRW , along with a report explaining how the site has achieved the quality standards, as laid out in section 7 of the Waste Recovery Plan.	17/01/2025
W4B	Submit outstanding waste returns for quarter 3 of 2021 and quarter 3 2022.	03/01/2025

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

A pre-arranged site inspection took place on 22nd November 2024. In attendance from Natural Resources Wales was Sarah Walton (Waste Regulation Officer) and Cheryl Griffiths (Waste Regulation Officer).

Rhys Cadwaladr (Minerals and Planning Gwynedd Council) also accompanied officers.

Officers met on site with representatives from Jones Bros Ruthin (Civil Engineering) Co Ltd. In attendance was:

- Sam Higgitt (Environment Manager – Jones Bros)
- Steve Blunt (Environment and Planning – Jones Bros)
- Arwyn Evans (Director – Cambrian Services Ltd)
- Craig Taylor (Technical Manager – Cambrian Services Ltd)

Officers had attempted a site inspection a couple of weeks prior on 17/10/2024, however, the site is not operational at the moment, so no one was available to assist officers at the time. Therefore, it was decided this inspection would be pre-arranged to ensure the permit operator was present.

The initial visit is recorded on CAR_NRW0045504.

First of all the old brick storage yard was checked at the request of the Minerals & Planning department. This area falls outside the permit area, therefore this is not covered by this CAR form.

Operating techniques

The first area that was inspected was the haul road that goes up the west side of the quarry. There were various deposits of waste along this road, which looked to be recently deposited and accessed. Some stockpiles had been reduced and altered since the visit on 17/11/2024. See photos below:











Photographs showing waste storage on site

Permit Condition 2.3.1 (a) *"The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales"*.

Sam Higgitt explained the waste in the photos above, was from the bypass works and also from a clean up of the site. It was explained that some of this waste had been picked out from incoming waste which was deemed to be good quality for onward sale/use.

There is another individual operating on site who has a yard outside the permit area. It was explained this person sorts through the waste and sells this on as part of their business. It was made clear to the permit operator that this operation is not compliant with permit conditions and should cease immediately.

The permit only authorises the importation of waste from the local bypass construction scheme (which is now complete). Therefore, no further waste should be entering site. Waste should be stored and used in line with the Waste Recovery Plan (i.e. deposited within the quarry void for recovery).

The permit does not allow for the waste to be treated and used off site.

Within Table S1.2 of the site permit, titled 'Operating Techniques', it states under Response to Schedule 5 Notice, "Email confirming the following: -Waste will not be accepted or

treated for use off site".

In addition to this, table S1.1 activities states "Secure storage and use of waste must be carried out in accordance with the approved waste recovery plan" and "The waste operation shall consist of permanent deposit of inert waste only, on or in land for the purpose of recovery only."

The operator is allowing waste from the bypass operations to be stored, treated and sold for use off site. This is being sold as a product, not a waste. By selling this waste as a product (which has not met end of waste), you are failing to comply with the Waste duty of care. As a holder of waste, you have a duty to keep it safe, make sure it's dealt with responsibly and only given to businesses authorised to take it. In this instance, waste is being mis sold as a product, meaning there are no controls on where it goes. The new holder of the waste will be unaware they are handling waste and will likely will not have appropriate permissions in place to accept this waste.

As such, the permit has been scored a CCS C3 for this permit breach, as this has the potential to have minor environmental impact.

ACTION: Cease the treatment and removal of waste from site.

If the site wishes to accept and treat further waste, then the appropriate planning permission and Environmental Permit should be applied for.

The waste permit does not authorise treatment of waste (other than de-watering of waste prior to deposition in quarry void). The permit and environmental risk on site has only been assessed for the waste recovery operation. The storage and treatment of waste, is in close proximity to the river Seiont. This has the potential to cause sedimentary pollution to the river.

Waste Recovery Plan



Photographs showing quarry void

Whilst on site it was queried how much waste the site had accepted to date. Sam Higgitt stated the site had received approximately 530,000 tonnes of waste. The permit is limited to 532,950 tonnes of waste that can be accepted to site.

Given the site has taken in almost the maximum amount of waste and the last waste received by site was in quarter 1 of 2022, it is therefore expected that the site should now have achieved the proposals set out in Seiont Brickworks and Quarry - Waste Recovery Plan (document reference 3030/11/EP – dated 06/11/19 – Issue Number 03).

Section 6.5.2 of the Waste Recovery Plan states "On completion of the reclamation scheme a topographical survey of the Site will be carried out and results will be submitted to NRW".

This has not yet been received by NRW.

Section 7 of the Waste Recovery Plan also details the quality standards that will be met to show waste has been properly recovered.

ACTION: Please submit this topographic survey to NRW as soon as possible, along with a report to explain how the site has achieved the quality standards, as laid out in section 7 of the Waste Recovery Plan.

Waste Returns

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".

A review of waste return submissions has been completed. It was found that there are a couple of waste returns missing that have not been submitted.

The outstanding waste returns are:

- Quarter 3 2021
- Quarter 3 2022

None submission of waste returns is a breach of permit condition 4.2.2. **This has been assigned a CCS C4 score.**

ACTION: Submit outstanding waste returns for quarter 3 of 2021 and quarter 3 2022.

The inspection ceased at approximately 11:50. Thank you to all staff who assisted officers with the inspection.

Should you wish to discuss or query anything in this CAR form, please get in touch using the details below.

Kind Regards,

Sarah Walton

Waste Regulation Officer

Gogledd-Orllewin / North West

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.