

Compliance Assessment Report CAR_NRW0045842

Permit being assessed: FP3590LV.

For: Rhuddlan Bach Quarry Landfill Site, held by Hurt Plant Hire Ltd

At: Rhuddlan Bach Quarry Landfill Site, Brynteg, Anglesey, LL78 7JJ.

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

On 02/12/2024 between 09:00 and 09:40.

Parts of permit assessed: See below

NRW Lead Officer: Sarah Walton.

Report sent to: John Flood , Director on 20/12/2024.

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	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	
W4B - Waste - Information - Reporting	C4 No impact	4.2.3
W1A - Waste - Management - General management	Action only (X)	

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
W1A	submit a brief sampling plan to NRW, detailing how further sampling will be completed on this stockpile to ensure the treated waste has met WRAP's Quality Protocol for aggregate from inert waste and that the sampling is representative.	24/01/2025
W1A	Make edits to 'waste storage' section of site EMS. See comments section for details.	24/01/2025
W4B	Please submit quarter 3 monitoring and assessment report as specified in permit condition 4.2.3.	10/01/2025
W1A	Please provide evidence of financial provision as per the agreement dated 1st February 2010. Please include in your response, evidence to show that the bond (due to expire on 31st January 2025) has either been extended or replaced by	01/01/2025

Criteria	Action needed	Complete by
	another bond.	

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

A pre-arranged site inspection was completed on Monday 2nd December 2024. Waste Regulation Officer Sarah Walton, met with the site's Technically Competent Manager Roy Underwood.

It was confirmed that no waste had entered site since the previous site inspection. Therefore, the landfill has started to grass over (see photos below).



**Photographs showing landfill area**

It was unclear why the site was still not accepting waste. There are still large stockpiles from quarrying activities adjacent to the landfill, where the next cell would likely commence. See photo below:



Photograph showing quarrying activities on site adjacent to the landfill

The waste transfer station was then inspected.





Photographs showing treated waste with the waste transfer station.

W1A General Management

The large stockpile of treated waste was continuing to be stored on site. Roy estimated that there was still around 20,000 tonnes being stored. Roy confirmed the waste had been treated in line with WRAP Quality Protocol aggregate. The product generated was 6F5 (Granular Fill).

Prior to the inspection, Zowi Whittaker (Group Sustainability & Environmental Director for Fox Group), sent through evidence of testing which had been completed on the treated waste, which included:

- Particle size distribution (7th May 2024)
- Dry density / water content (7th May 2024)
- Determination of resistance to fragmentation by the Los Angeles test method (7th May 2024)
- Determination of constituents of coarse recycled aggregate (7th May 2024)
- Chemical analysis (6 samples, 19th July 2024)

WRAP's Quality Protocol document titled 'Aggregates from inert waste', lists the testing requirements associated with particular end uses (see table B2 on page 16).

Whilst most of the required sampling has been completed in line with table B2, the water soluble sulphate test has not been completed.

Given this waste was treated some time before May 2024, the waste has been in situ for at least 8 months with no certainty of use. The testing completed was also conducted over 8 months ago and given the volume of waste stockpiled (circa 20,000 tonnes), the sampling completed is not representative and further testing is required to evidence end of waste has been met.

It is suggested that further testing is completed that includes all testing requirements as specified in table B2 of WRAP's QP and that the number of samples is representative of the volume of waste.

ACTION: submit a brief sampling plan to NRW, detailing how further sampling will be completed on this stockpile to ensure the treated waste has met WRAP's Quality Protocol for aggregate from inert waste and that the sampling is representative.

This waste must be destined for use in a designated market sector as per WRAP procedures.

Please submit the plan to NRW for review, prior to conducting any sampling.

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 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".*

On the previous CAR form issued to the operator (CAR_NRW0044569), an action was placed on the operator to review and improve the current site EMS so that it meets the requirements for waste storage. Thank you for reviewing this document.

The waste storage section has been reviewed and some further comments are noted below.

Section 4.7.2 states *"Storage times of waste are not to exceed one year. In order to ensure that these storage times are not exceeded, annual review of the materials at the site is to be made and any long standing stockpiles appropriately disposed as waste"*.

Action: Please specify when the annual review will be completed each year.

Section 4.7 of the site EMS relates to waste storage.

Section 4.7.3 states *"In order to ensure the maximum storage capacities are not exceeded, stockpiles should be made approximately 400 tonnes maximum size (approximately 200 m³, or 12-13 Nr 8 wheeler tipper truck loads) so that it can easily be assessed when the storage capacity is reached"*.

Action: It is suggested that as well as tonnages/volumes, the operator specifies length and width of stockpiles, to make this easier to manage visually. Construction of bays may also help with managing size of stockpiles.

4.2 Reporting

Permit condition 4.2.3: "Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:

(a) in respect of the parameters and emission points specified in schedule 4 table S4.1;

(b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.3; and

(c) giving the information from such results and assessments as may be required by the forms specified in those tables."

Reports of monitoring and assessment for quarter 1 (Jan-March) and quarter 2 (April-June) of 2024, were submitted by the operator in line with permit condition 4.2.3.

However, a report has not been received for quarter 3(July-Sep).

Therefore a C4 has been applied for this permit breach.

ACTION: Please submit quarter 3 monitoring and assessment report as specified in permit condition 4.2.3.

1.2 Finance

Permit condition 1.2.1 states "The financial provision for meeting the obligations under this permit set out in the agreement made between the operator and Natural Resources Wales dated 1st February 2010 shall be maintained by the operator throughout the subsistence of this permit and the operator shall produce evidence of such provision whenever required by Natural Resources Wales.

Permit condition 1.2.2 states "The financial provision provided under condition 1.2.1 above shall thereafter be maintained by the operator throughout the subsistence of the permit and the Operator shall produce evidence of such provision whenever required by Natural Resources Wales".

Currently you provide financial provision for the above site by way of a Performance Agreement dated 1st February 2010 and a Bond.

Natural Resources Wales wrote to the operator on 11th November 2024, explaining that the bond provided in line with the Performance Agreement, was due to expire on 31st January 2025 and that it needed to be amended or replaced by another bond. No response has yet been received regarding this matter.

Failure to renew the existing Bond 1 month before its expiry is a breach of the Performance Agreement and means that Natural Resources Wales (NRW) can call upon the Bonded Sum. This failure to maintain financial provision will also mean that there has been a breach of a permit condition that may lead to enforcement proceedings by NRW **including** a partial revocation of your permit.

ACTION: Please provide evidence of financial provision as per the agreement dated 1st February 2010. Please include in your response, evidence to show that the bond (due to expire on 31st January 2025) has either been extended or replaced by

another bond.

Thank you to all staff who assisted with the site 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.