

Compliance Assessment Report CAR_NRW0045855

Permit being assessed: UP3291ED.
For: Powys County Council, held by Powys County Council
At: Welshpool, Powys, SY21 7DF.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 03/12/2024 between 11:34 and 12:00.
Parts of permit assessed: See criteria below

NRW Lead Officer: Luke Taylor, accompanied by Holly Dyke.
Report sent to: David Gardner, TCM on 06/01/2025.

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	1.1.1
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	Empty and clear the de-watering bay drain and update the EMS to include the drainage emptying process. Provide evidence of the updated EMS to Natural Resources Wales	31/01/2025
W1A	Update the site plan and drainage plan, keep an updated version in your Environmental Management System on site, and provide evidence of the new plans to Natural Resources Wales	28/02/2025

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 an unannounced site inspection, conducted on Tuesday 3rd December 2024. At the time of the inspection the weather was dry but overcast and the site was operational.

Luke Taylor (Waste Regulation Officer) and Holly Dyke (Enforcement Apprentice - Mid Wales Waste Regulation and Enforcement Team) of Natural Resources Wales carried out the inspection, being accompanied by staff member Ian Jarman. It was mentioned that Ian would be undertaking WAMITAB certification and will hopefully be able to provide additional TCM (Technically competent management) cover once this has been completed.

The following compliance breaches were identified:

W1A – General Management - Cat 3 – Permit condition 1.1.1

You have been scored for the above breach as your permit states under this condition:

The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformance, closure and those drawn to the attention of the operator as a result of complaints.

When the officers looked at the drain for the de-watering bay, the drain was full of water and covered over with thick mud, blocking the drain, resulting in a risk of pollution. Whilst there is a checklist in use, the issue had not been identified and staff were unable to provide officers with a date of when the drain was last emptied, or any records of the drain being emptied. They were not aware of the process for contacting the company that is used to empty the interceptor tank, as this is not mentioned anywhere in the site environmental management system (EMS).



(Image of de-watering bay drain full and partially covered with waste)

You must check and clear the drain and have the interceptor tank emptied when applicable and update your environmental management system to include this process. Waste transfer notes and hazardous waste consignment notes must be kept from the company clearing the interceptor tank.

ACTION - Empty and clear the de-watering bay drain and update the EMS to include the drainage emptying process. Provide evidence of the updated EMS to Natural Resources Wales. Deadline 31/01/2025.

W1A - General Management - Cat 3 - Permit condition 1.1.1

You have been scored for the above breach as, when the officers looked at your environmental management system, they noted that there had not been an updated version of the site plan and drainage plan since 2010. The pollution incident response plan submitted in 2024 did not contain any site plan or drainage plan.

The de-watering bay was still marked as 'proposed' on the plan.

You must have an up to date version of the management system on site, with an accurate site plan, which shows the site drainage.

ACTION - Update the site plan and drainage plan, keep an updated version in your Environmental Management System on site, and provide evidence of the new plans to Natural Resources Wales. Deadline 01/03/2025

If you wish to discuss the content of this Compliance Assessment Report, please feel free to contact me:

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.