

Compliance Assessment Report CAR_NRW0045992

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: Unknown, Reason: Other.

On 21/01/2025.

Parts of permit assessed: Financial Provision

NRW Lead Officer: Sarah Walton.

Report sent to: John Flood, Director on 22/01/2025.

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	C2 Significant	1.2.1

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

Total number of non-compliances recorded	Total non-compliance score
1	31

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	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.	24/01/2025

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

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".

A site inspection took place on 02/12/2024 and a CAR form was issued following the inspection (See CAR_NRW0045842).

The CAR form had an action to "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".

This action was due by 1st January 2025. It been 3 weeks since the deadline passed for this action and no evidence of financial provision has been provided to NRW, which is a breach of permit condition 1.2.1 and 1.2.2.

You must ensure that you have sufficient funds available for as long as the landfill poses a hazard and to maintain and monitor the site during the aftercare phase.

Failure to maintain financial provision means that the operator may not be able to sufficiently meet the obligations of the permit such as monitoring, aftercare or any environmental incidents that occur from site. No evidence of financial provision has been provided to NRW as per the above permit conditions. **This presents significant risk to the environment and therefore a CCS C2 score has been applied for this permit breach against permit condition 1.2.1.** Whilst there are breaches to both permit conditions 1.2.1 and 1.2.2, this has been consolidated into one score as this relates to the same issue.

Enforcement action will now be considered.

NRW is also looking to serve a partial permit suspension notice under Regulation 37 of Environmental Permitting Regulations 2016, which would be in place until the operator fulfils the requirements of permit conditions 1.2.1 and 1.2.2.

ACTION: 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.

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

Natural Resources Wales

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.