

Compliance Assessment Report CAR_NRW0046112

Permit being assessed: BP3995CY.

For: Lovatt Brothers, **held by:** Lovatt Brothers Ltd

At: Lovatt Bros, Goetre Villa, Abermule, Montgomery, Powys, SY15 6NW.

Type of assessment: Site Inspection,

Reason: Routine.

On: 22/01/2025 between 13:30 and 15:00.

Parts of permit assessed: All.

NRW Lead Officer: Malcolm Dines, accompanied by Jeremy Goddard.

Report sent to: Darren Lovatt, Technically Competent Manager, on 03/02/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	Assessed (A)	
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	
W2E - Waste - Operations - Waste acceptance	Assessed (A)	
W4B - Waste - 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

This was an unannounced routine compliance visit undertaken by Malcolm Dines (Waste Regulation Officer) and accompanied by Jeremy Goddard (Team Leader, Mid Wales Waste and Regulation Team) who met with, and were accompanied by Darren Lovatt (Technically Competent Manager) for the duration of the visit. The weather was dry and bright.

Following the last compliance visit in September 2022, you had been required to update the site noticeboard as the details for the site regulator were out of date. It was noticed when we entered the site that the noticeboard had been brought up-to-date.

The main area of interest for the visit was to review how mixed municipal wastes are processed at your site from acceptance to removal from site. This waste stream is accepted directly into a dedicated sorting shed where recyclates are sorted from the residual wastes either by a grab or by hand. Farm plastics are kept to the side of this shed, recyclate is stored in separate containers over the other side of the yard. The residual wastes are stored in the shed before being bulked up and removed from the site.

It was noticed, and brought to your attention, that the impermeable pavement around the second of the drains in the ELV processing area of the site was starting to break-up and you need to ensure that you have an improvement plan in place to ensure that this area is re-surfaced or repaired, before the damage becomes more severe.

The waste returns for the site were reviewed for the 12 months up to the end of December 2024. No issues were identified: all wastes reported as being accepted at your site are authorised by your permit and all quantities are within the limits set by your permit.

Please note that your permit limits the quantity of hazardous waste you can accept at your site to 10 tonnes a day and the amount you can store at your site to 10 tonnes at any one time. During 2024, your waste returns show that you accepted an average of just under 5 tonnes a day of End-of-Life Vehicles. You need to ensure that your Environmental Management Systems identifies and addresses this issue to ensure that you do not exceed these limits when you accept End-of-Life Vehicles at the site. You also need to ensure that your Management System has a suitable method of managing the depollution of End-of-Life Vehicles to prevent a backlog of undepolluted vehicles and therefore exceeding the 10 tonnes at any one time limit for the storage of hazardous wastes. .

Other Matters

During the site visit we also discussed the use of wood waste in your biomass boiler. While the exemption for biomass boilers limits the waste that can be used to clean wood only, the

exemption criteria may limit you to the use to which you can put the heat or energy produced. You may want to look at Schedule 13 of the Environmental Permitting Regulations 2016 as under this schedule the local authority can issue a permit for a small waste incinerator (SWIP) however, you need to ensure that you have the correct authorisations in place for the use of the heat and power produced.

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.

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

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – 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.