

Compliance Assessment Report CAR_NRW0045923

Permit being assessed: YP3398FW.

For: Llwyn Fynwent, **held by:** Michael John Oliver

At: Aberystwyth, Ceredigion, SY23 4HA.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 07/01/2025.

Parts of permit assessed: See criteria below .

NRW Lead Officer: Luke Taylor.

Report sent to: Mike Oliver, Site Operator , on 19/02/2025.

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	C3 Minor (Suspended)	1.1.1
W4B - Waste - Information - Reporting	C3 Minor	6.1.1

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

Total non-compliances recorded	Total non-compliance score
2	4

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	Obtain continued competency certification and provide evidence of this to NRW	30/04/2025
W4B	Submit all outstanding waste return to NRW	31/03/2025

Compliance 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 a review of the waste returns and Technically Competent Manager Certification (TCM) for Llwynfynwent. The review has been conducted by Luke Taylor, Waste Regulation Officer of Natural Resources Wales (NRW)

The following non-compliance has been identified:

W1A General Management - Cat 3 - Permit Condition: Section 74(3)(b) of the Environmental Protection Act 1990

Mr Oliver's last continued competency certification expired September 2023 and the site has been operating without a suitably qualified TCM since that time. The issue of technical competence had been highlighted previously, most recently on the below Compliance Assessment Report:

- CAR_NRW0043442 - Dated 12/02/2024

It is accepted that, due to personal circumstances, Mr Oliver has not been able to undertake a test, and that the site has not been operating since shortly after the previous compliance inspection in February 2024. As such, the score for this breach has been suspended. Mr Oliver will be resuming operations at a reduced level going forward. However, a TCM is still required.

Should Mr Oliver not obtain his continued competency award by the deadline below, the services of a suitably qualified person will need to be arranged to provide TCM cover at the site, with that person's proof of qualification being submitted to NRW. The breach is not an offence; however, we have the power to serve an enforcement notice for this breach. Failure to comply with the notice is an offence. Should the breach not be rectified by the time frame below, this score will be activated.

ACTION - Obtain continued competency certification and provide evidence of this to NRW. Deadline: 30/04/2025

W4B - Reporting - Cat 3 - Permit Condition 6.1.1

You have been scored for the above breach as no waste returns have been submitted to NRW since 2020. This has been highlighted on the previous Compliance Assessment Reports below:

- CAR (Report ID: CAR_NRW0037371) dated 12th February 2021
- CAR (Report ID: CAR_NRW0038325) dated 23rd June 2021
- CAR (Report ID: CAR_NRW0043442) dated 12th February 2024

In order to rectify this breach, please submit waste returns for all wastes imported to and removed from the site for the following financial years: 2021-2022, 2022-2023, 2023-2024 by 31st March 2025. This will enable NRW to track waste and identify whether waste is

being handled correctly, in line with regulations and the waste duty of care. These waste returns must be submitted even if the site did not accept or remove any waste during these reporting periods.

Under permit conditions 5.3.1 and 5.3.3, records should have been maintained of all wastes accepted and dispatched from the site, and therefore this should be an achievable time frame.

ACTION - Submit all outstanding waste returns to NRW. Deadline 31/03/2025

If you have any queries regarding this Compliance Assessment Report, please email 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.

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.