

Compliance Assessment Report CAR_NRW0046261

Permit being assessed: BP3330LS.

For: Ty Mawr Farm Landfill, **held by:** Mr Griffith Wyn Griffiths and Mr Edward Lloyd Griffiths

At: Betws Yn Rhos, Abergele, Conwy, LL22 8AA.

Type of assessment: Site Inspection,

Reason: Other.

On: 20/01/2025 between 10:00 and 12:00.

Parts of permit assessed: See below.

NRW Lead Officer: Sarah Walton, accompanied by Nia Brunning.

Report sent to: Griffith Wyn Griffiths / Edward Lloyd Griffiths, Permit operators, on 20/02/2025.

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	Action only (X)	
W2C - Waste - Operations - Operating techniques	C3 Minor	2.3.1
W3E - Waste - Emissions and monitoring - Monitoring	C2 Significant (Suspended)	3.6.1

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	Amend and improve site EMS procedures for waste acceptance (see bullet points in main body of CAR form). Submit a copy of the site's Environmental Management System, with the new waste acceptance procedures included.	28/03/2025

Criteria	Action needed	Complete by
W2C	Provide an up to date filling plan, along with topographic survey, which details how tipping of waste on site is being managed to achieve the profiles 'Hydrogeological Cross Section 2058.SRA.01', 'Engineering and Installation details 2058.SRA.02' and 'Restoration 2058.ESID.05.	07/04/2025
W3E	Re-instate all lost/damaged monitoring points and continue to action the steps laid out in the EPR Regulation 36 Notice (issued 08/10/2024)	16/06/2025

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.

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

A pre-arranged site inspection took place on 20th January 2025.

The previous site inspection on 28/08/2024, found issues with the site's environmental monitoring points. This resulted in an Environmental Permitting Regulations 2016 Regulation 36 Notice being issued to site, to re-instate all lost/damaged monitoring points. The operator has brought an environmental consultant on board to help address compliance issues.

This meeting was arranged to bring all parties together to address the non-compliances and actions from the previous CAR report and check progress with the notice. Sarah Walton (Waste Regulation Officer) and Nia Brunning (Industry and Waste Team Leader North-West) represented Natural Resources Wales. Griffith Wyn Griffiths, Edward Lloyd Griffiths and Griff Griffiths were representing the permit holders. Also in attendance were representatives of Egniol Environmental Consultancy.

The meeting began with a discussion in the site office, where outstanding actions from the previous CAR report were discussed first (Reference CAR_NRW0045108).

Waste acceptance procedures

(Permit condition 1.1.1 The Activities shall be managed and operated: (a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and non-conformances and those drawn to the attention of the operator as a result of complaints")

Following identification of non-permitted waste on site, an action was placed on the operator to

amend EMS procedures, to ensure the site has thorough waste acceptance procedures in place. Revised EMS procedures titled 'Waste acceptance procedure(v1)' was submitted on 6/12/2024. Thank you for updating these procedures. The procedures have now been reviewed. Whilst there has been improvement, there are still some areas that require attention. Suggestions for improvements are noted below:

The first section titled 'On-site verification and Waste Acceptance Procedure', under the second bullet point states; *"The site operator needs to ask the driver what EWC code the waste is, where the driver is not able to provide the EWC Code the site operator will define the code. Only waste from the table below is acceptable without testing. If the site operator does not believe the waste is from the table below the vehicle should be turned away".*

The permit operator should not be defining the LoW/EWC code, this is up to the producer to accurately classify and sample the waste. If the producer has not classified their waste (with appropriate evidence where requested), then this waste should be rejected from site.

On page 3 of the procedures, is a section titled 'Compliance Testing'.

This section states *"Waste from table 1 will be tested on a 6month period, waste delivered to the site on the day of testing will be tested by an accredited lab. Waste from table 2 will only be accepted with a test result from the producer of the waste".*

Further detail is required for this section. Please see comments below.

- A sampling plan is required to understand how the waste is being tested. Sampling plans must be produced for any testing in accordance with Appendix D of Guidance on the classification and assessment of waste: Technical Guidance WM3. See link:<https://www.gov.uk/government/publications/waste-classification-technical-guidance>
- How has the 6monthly period for testing waste from table 1 been decided? This should be based on the type, quantity and variability of the waste but this is not defined in the procedures. It would be good to understand the reasoning behind this decision.
- Please specify which lab will be used to conduct the sampling.
- How will any testing be analysed? Does anyone on the site have the skillset to understand/ interpret any testing reports or will this need to be done externally? This is required to understand the composition of the waste and know whether it is hazardous or not. A process needs to be put in place to ensure that testing results can be interpreted and actioned upon. For example, what kind of tests are required, what is being looked for in the results and when can the waste be accepted?

As a landfill accepting waste, you should have procedures in place to check the nature of waste being accepted to site. Your facility should be asking waste producers for their waste classification analysis and sampling plans which evidence and justifies the use of an inert, non-hazardous classification. Your procedures should stipulate how frequently these documents will be checked and also detail exactly what sampling results are being checked for. For example, are there certain limits of substances that you would be looking for. These checks should be written into your procedures.

When you come to surrender your permit, you should be able to demonstrate, through waste records, that the waste accepted throughout the lifetime of the permit has been genuinely inert.

ACTIONS: Amend and improve waste acceptance procedures, taking into account

bullet points above, to ensure they are fit for purpose.

Submit a copy of the site's latest Environmental Management System (with new waste acceptance procedures included).

Construction of the landfill

Permit Condition 2.3.1 *"The Activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1 table S1.2, unless otherwise agreed in writing by the Agency"* Table S1.2 states *"Application The responses to questions B2.1, B2.2, B2.3, B2.4, B2.5, B2.7, B2.8, B2.9 and B2.11 of Part B of the Landfill Application Form" and "Response to schedule 4 notice dated 06 /11/06 - All"*.

On the previous CAR form, an action was placed on the operator to explain how the tipping of waste on site was being managed to achieve the profiles 'Hydrogeological Cross Section 2058.SRA.01', 'Engineering and Installation details 2058.SRA.02' and 'Restoration 2058.ESID.05' A response was requested in the form of an up-to-date filling plan based on a recent topographic survey.

Whilst topographic surveys have been completed, no filling plan has been provided. Conversations on site with the operator have confirmed there is no filling plan in place and that no methodology has been used to construct the landfill.

This is a breach of permit condition 2.3.1 and as such a CCS C3 score has been applied. The reasoning is detailed below.

A walkover of the site was completed. It was apparent that since the previous inspection, the tipping face had been profiled out significantly and that the gradient was no longer as steep. There was no evidence of any slope failure / slipping and the water course downhill of the landfill, appeared to be running clear. Therefore, the risk of environmental impact from a lack of filling plan was deemed to be minor in this instance.

See photos below of the landfill.







Photographs of the landfill

ACTION: Provide an up to date filling plan, along with topographic survey, which details how tipping of waste on site is being managed to achieve the profiles 'Hydrogeological Cross Section 2058.SRA.01', 'Engineering and Installation details 2058.SRA.02' and 'Restoration 2058.ESID.05.

Environmental monitoring

Permit Condition 3.6.1 "The operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring for the parameters, specified in the following tables in schedule 4 to this permit:

- (a) Groundwater specified in tables S4.1 and S4.6;***
- (b) Landfill gas specified in tables S4.2, S4.3;***
- (c) Surface water specified in table S4.4; and***
- (d) Particulate matter specified in table S4.5".***

As referred to above, the site is not compliant with permit condition 3.6.1. This was identified on the previous CAR form, which resulted in a C2 score and an EPR 2016 Regulation 36 Notice being served on the permit operator.

This inspection confirmed that the operator is making progress with the steps laid out in the

notice, to ultimately re-instate all lost/damaged monitoring points.

A walk around site, found that the locations for the monitoring points had been clearly marked out ready for re-installation.

The operator submitted a CQA plan to NRW on 13/01/2025. This has been reviewed by NRW and the operator has now been informed that construction can commence.

Because the site remains non-compliant, but is making efforts to comply via the notice, **a suspended C2 score has been applied**. The notice specifies the actions required to become compliant and sets timescales for completion. If the notice is not complied with then we will immediately reinstate the suspended score.

ACTION: Re-instate all lost/damaged monitoring points and continue to action the steps laid out in the EPR Regulation 36 Notice (issued 08/10/2024).

Overall, this was a very positive meeting. The operator is clearly making a concerted effort to address all compliance issues at the site.

Thank you to all parties who assisted with the 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

Swyddog Rheoleiddio Gwastraff / 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.

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.