

Compliance Assessment Report CAR_NRW0046409

Permit being assessed: VP3095FS.

For: Soil and Aggregates Treatment Plant, **held by:** Neal Soil Suppliers Ltd

At: Atlantic Ecopark, Newton Road, Rumney, Cardiff, CF3 2EJ.

Type of assessment: Site Inspection,

Reason: Routine.

On: 21/11/2024 between 10:04 and 13:27.

Parts of permit assessed: 1.1.1 and 1.2 and 1.3 and 2.1.1 and 4.2.2(c).

NRW Lead Officer: Geraint Harris, accompanied by Lewis Evans, Kelly Sherratt, Rhodri Morgan.

Report sent to: Group Technical Manager, Group Technical Manager, on 21/02/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1D - Installations - Management - Efficient use of raw materials	Action only (X)	
IR1D - Installations - Management - Efficient use of raw materials	Action only (X)	
IR1D - Installations - Management - Efficient use of raw materials	Action only (X)	
IR1C - Installations - Management - Energy Efficiency	Action only (X)	
IR1C - Installations - Management - Energy Efficiency	Action only (X)	
IR4B - Installations - Information - Reporting	C4 No impact	4.2.2 c
IR1A - Installations - Management - General Management	Ongoing (O)	1.1.1
IR1A - Installations - Management - General Management	Action only (X)	
IR2A - Installations - Operations - Permitted activities	C3 Minor	2.1.1.
IR1A - Installations - Management - General Management	Ongoing (O)	1.1.1

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR1A - Installations - Management - General Management	Action only (X)	
IR2A - Installations - Operations - Permitted activities	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
2	4.1

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
IR1D	Action 1: Please investigate how you can measure and record water use on-site, including abstracting water from field ditches. Please provide NRW with a copy of your findings by the 4th of April 2025	04/04/2025
IR1D	Action 2: Please review your raw materials usage to identify any opportunities to improve efficiency of use. Please report your findings by the 4th of April 2025.	04/04/2025
IR1D	Action 3: Please provide NRW with your most recent 4 yearly review or raw materials usage. Due 4th of April 2025.	04/04/2025
IR1C	Action 4: Please check that 10.58 is the correct conversion factor. Due 4th of April 2025.	04/04/2025
IR1C	Action 5: Please provide NRW with your most recent 4 yearly energy efficiency review. Due 4th of April 2025.	04/04/2025
IR4B	Action 6: Please complete the correct performance report and submit to NRW by the 10th of March 2025.	10/03/2025
IR1A	Action 7: Please undertake a root cause investigation into why the correct form was not used and share your findings with NRW. Due 4th of April 2025.	04/04/2025
IR1A	Action 8: Please provide NRW with the quantities of all the end of waste/product materials that have left the sites each year for the past 4 years. Due 4th of April 2024.	04/04/2025
IR2A	Action 9: Neal's must reduce their waste piles in field 9 (warrior processing area) to 4 metres to bring their operations back into compliance with their permit. Due 4th of April 2025.	04/04/2025
IR1A	Action 10: Where we find noncompliance we must investigate	04/04/2025

Criteria	Action needed	Complete by
	the root cause, this is often associated with an operator's management system. Please investigate why waste piles in this area were allowed to increase above the permit limit and report your findings to NRW. Due 4th of April 2025.	
IR1A	Action 11: Provide NRW with an updated storage layout plan. Due 4th of April 2025.	04/04/2025
IR1A	Action 12: Survey the heights and volumes of waste stored on-site and report the results to NRW. The heights should be compared to the level of Newton Road at the site entrance. Due 4th of April 2025.	04/04/2025
IR1A	Action 13: For all the waste piles associated with activity A4, that are surveyed as being 4 metres above the level of Newton Road at the site entrance, please provide NRW with an action plan for reducing the piles backdown to 4 metres. Please include timelines and justifications for said operations. Due 4th of June 2025.	04/04/2025
IR2A	Action 14: The practice of spreading waste to a depth of 300mm appears to no longer be undertaken at the Neal's site. Please explain why this is no longer being undertaken and what you are doing instead?	04/04/2025

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

Neals Soil Supplier Ltd.

Annual Performance Review

Permit condition 4.2.2:

For the following activities referenced in schedule 1, table S1.1 (A1 to A3), a report or reports on the performance of the activities over the previous year shall be submitted to Natural Resources Wales by 31 January (or other date agreed in writing by Natural Resources Wales) each year. The report(s) shall include as a minimum:

(a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data;

(b) the annual production / treatment data set out in schedule 4 table S4.2; and

(c) the performance parameters set out in schedule 4 table S4.3 using the forms specified in table S4.4 of that schedule.

Activities A1, A2 and A3 are all associated with Neal's soil washing plant. Neal's has provided a review of their soil washing activities for 2024. This information includes details on the types of output, the various testing requirements for the different outputs and their frequency. The methodology for monitoring and sampling of outputs from the washing plant was submitted, via a pre-operational condition report, back in 2012 to the Environment Agency Wales. The submission was approved by NRW on the 1st of June 2012. Details of the monitoring and sampling of outputs from the washing plant were covered in Chapter 4 of this report. The agreed methodologies were then transferred into Neal's IMS operational procedures, the last versions of which were submitted to NRW in September 2019 as part of the response to a Regulation 61 Notice (BAT conclusion). Since some time has passed since this information was last reviewed NRW will likely undertake a review of this information and associated activities as part of an up-and-coming audit.

Included within the annual performance report is information relating water Usage, Energy Usage, Raw Materials and Performance Indicators. These are discussed below.

Raw Material and Water Usage

“The washing plant is topped up with surface water from interceptor ditches on the site and as such has not needed refreshing from the mains. The washing plant water system is a closed loop system and therefore disposal of waters since first operation is not required.”

Permit condition 1.3. requires operators to take appropriate measures to ensure that raw materials and water are used efficiently in their activities and to maintain records of their water use. This permit condition does not specify that this only relates to mains water use and since Neal's are utilising water from the interceptor ditch they should be recording their use in accordance with the permit.

Action 1: Please investigate how you can measure and record water use on-site, including abstracting water from field ditches. Please provide NRW with a copy of your findings by the 4th of April 2025.

“The raw materials include both the waste materials treated in the wash plant throughout the year and those virgin raw materials used on site as part of the process. A total of 225,000 tonnes of waste material was processed in the wash plant, 30,000tonnes (~13.0 % of the total) were hazardous while the remaining 200,000 tonnes were non-hazardous. The following materials were used in the washing process: -

- D-Floc 331 – 14,000kg
- D-Floc 5278 – 12,000kg
- D-Sperse PE58 – 7000kg
- D-Floc 335 – 15,400kg
- Sulphuric Acid – 6500kg”

Table 1 below is a review of the amount of waste (tonnes) treated per kg of raw material used. During 2024, Neal's used more virgin raw materials than in any of the preceding 3 years. Furthermore, during 2024 they treated less waste per kg of raw material used. As with energy usage, the heterogeneous nature of the waste means it is difficult to compare year-on-year consumption. However, Neal's is required to take appropriate measures to ensure that raw materials and water are used efficiently in their activities.

Action 2: Please review your raw materials usage to identify any opportunities to improve efficiency of use. Please report your findings by the 4th of April 2025.

Table 1

Year	Tonnes Treated	DFloc 331	DFloc 5278	D-Sperse PE58	DFloc 335	Sulphuric Acid
2024	225000	16.1	18.8	32.1	14.6	34.6
2023	200000	45.5	50.0	66.7	60.6	47.6
2022	245820	37.2	41.0	81.9	81.9	51.2
2021	245820		98.3	41.0	41.0	60.0

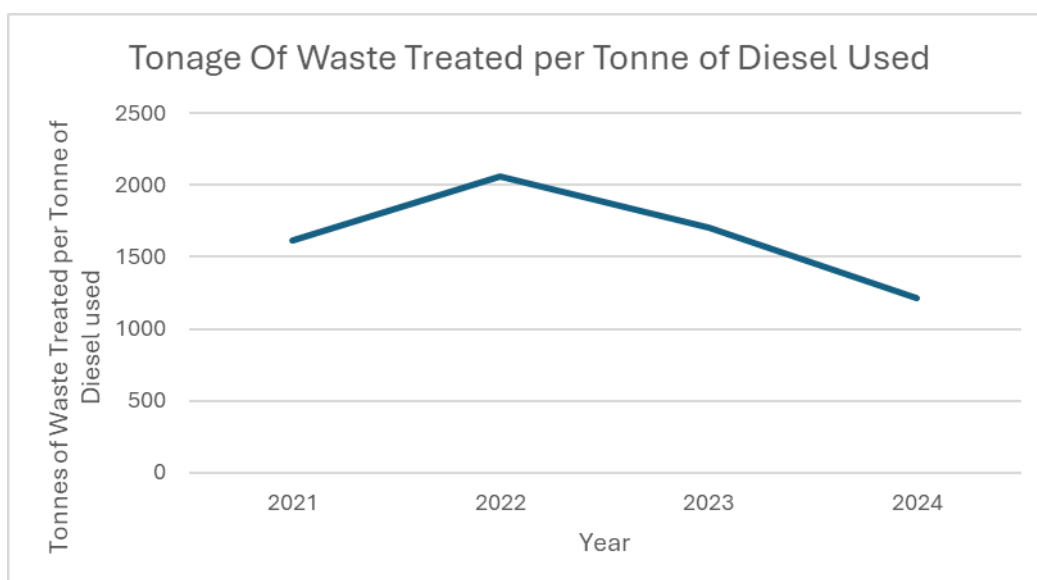
Neal’s is required to review and record at least every four years whether there are suitable alternative materials that could reduce environmental impact or opportunities to improve the efficiency of raw material and water use.

Action 3: Please provide NRW with your most recent review. Due 4th of April 2025.

Energy usage

“The washing plant is currently run via diesel oil generators on site. A total of 185,000 litres of diesel oil were used on-site during the reporting period. When multiplied by NRW conversion value of 10.58 (EPR Intensive Farming – Helping you to do your four-yearly reviews, January 2012) this converts to 1957300 kWh.”

Action 4: Please check that 10.58 is the correct conversion factor. Due 4th of April 2025.



When reviewing the figures for the past 4 years Neals have seen a decrease in the amount of waste treated per tonne of Diesel combusted in their generators. Although this comparison with previous years appears to show a reduction in energy efficiency, the heterogeneous nature of the incoming

wastes will directly influence energy use. Therefore, it is difficult to compare energy use with previous years. However, notwithstanding the above, Neal’s are required to take appropriate measures to ensure that energy is used efficiently in their activities. They are also required to review and record at least every four years whether there are suitable opportunities to improve the energy efficiency of the activities and take any further appropriate measures identified by a review.

Action 5: Please provide NRW with your most recent review. Due 4th of April 2025.

Please ensure you are using the correct guidance documents. Neal’s is a waste installation and so the intensive farming guidance is not relevant.

Reporting Forms

When Neal’s permit was varied in 2020 they were required to submit additional information. This additional information can be seen in Table S4.3 of the permit and is also copied in the Performance reporting form below. This blank reporting form was sent to Neal’s on the 21/12/2020. The performance report submitted by Neals for the 2024 reporting year, was on the old performance reporting form template, which doesn’t contain the additional information such as raw material used and the generation of wastewater. The information was provided within the text of the first section of Neal’s annual performance report, however, this is subject to a non-disclosure agreement. Therefore, the reporting forms associated with the permit must be correct since these have to go on the public register. Failure to complete the correct reporting forms infers that the Neal’s either do not understand their permit, have not read it thoroughly, or do not have easy access to the permit and associated documents. Since the required information was submitted within the non-disclosure section only a **minor category 4 non-compliance will be issued against permit condition 4.2.2 c for failure to submit the performance parameters set out in Schedule 4 table S4.3 using the forms specified in table S4.4 of that schedule.**

Action 6: Please complete the correct performance report and submit to NRW by the 10th of March 2025.

Action 7: Please undertake a root cause investigation into why the correct form was not used and share your findings with NRW. Due 4th of April 2025.

Current Reporting Criteria:

Parameter	Units
Total raw material used	tonnes
Total amounts of waste treated	tonnes
Generation of residues	tonnes
Generation of wastewater	m ³

Operator’s comments:

Signed
(Authorised to sign as representative of Operator)

Date.....

Waste Returns

Waste returns from Neals were submitted to NRW on time, throughout 2024. All of the EWC codes listed on the returns are listed in the permit. However, it is not clear which activity some of these wastes have been assigned to. This will be something that will be looked at in a future audit. In 2024, Neals received 683,044 tonnes of waste and removed 63,875.54 tonnes of waste. They also recovered 171,000 tonnes of aggregates.

Table 2

Year	Waste Received	Waste Removed	Aggregates Recovered	Remaining Waste
2024	683044.043	63875.54	171000	448168.503
2023	743157.67	127836.4	135000	480321.24
2022	463013.196	63875.54	160000	239137.656
2021	438045.017	57765.81	165000	215279.212
Totals	2327259.926	313353.3	631000	1382906.61

A review of the previous for 4 years shows an approximate surplus of 1,382,906.61 tonnes of waste remaining on site. However, other materials leaving the Neal's site such as soil have not been included within the above assessment. Therefore, the following action is being put to Neals.

Action 8: Please provide NRW with the quantities of all the end of waste/product materials that have left the sites each year for the past 4 years. Due 4th of April 2024.

Waste Heights

Permit condition 2.1.1. states "The operator is only authorised to carry out the activities specified in Schedule 1, Table S1.1 (the "activities")." Schedule 1 Table S1.1 Activity A4 states that waste shall not be stored to a height greater than 4 metres and spread to a depth not exceeding 300mm. This 4-metre height restriction is based on Neal's planning restrictions (Application No: 97/02264/R) that state "4-metre above the level of Newton Road at the site entrance is based on the interest of visual amenity and nature conservation and to prevent pollution in the local green network". During a site visit on the 21st of November 2024, the waste stored and processed for the warrior process was observed to be higher than 4 metres. The area in question is the waste stored in field number 9 in the diagram below, taken from Neal's 2020 permit variation application. Pictures of these waste piles were taken and are copied below (pictures 1 and 2). Since this material is a waste it should be no higher than 4 metres. **This is considered a breach of permit condition 2.1.1 and a category 3 non-compliance is being issued.**

Action 9: Neal's must reduce their waste piles in field 9 (warrior processing area) to 4 metres to bring their operations back into compliance with their permit. Due 4th of April 2025.

Action 10: Where we find noncompliance we must investigate the root cause, this is often associated with an operator's management system. Please investigate why waste piles in this area were allowed to increase above the permit limit and report your findings to NRW. Due 4th of April 2025.

During this site visit, only the warrior process area was inspected so the non-compliance and

subsequent action only relate to this area. However, a lot of waste is stored on-site. Diagram 1, below, shows waste piles associated with A4 activities are stored throughout numerous parts of the site. These also need to be maintained to a height no greater than 4 metres. Therefore, the following actions are being issued to Neal's

Action 11: Provide NRW with an updated storage layout plan. Due 4th of April 2025.

Action 12: Survey the heights and volumes of waste stored on-site and report the results to NRW. The heights should be compared to the level of Newton Road at the site entrance. Due 4th of April 2025.

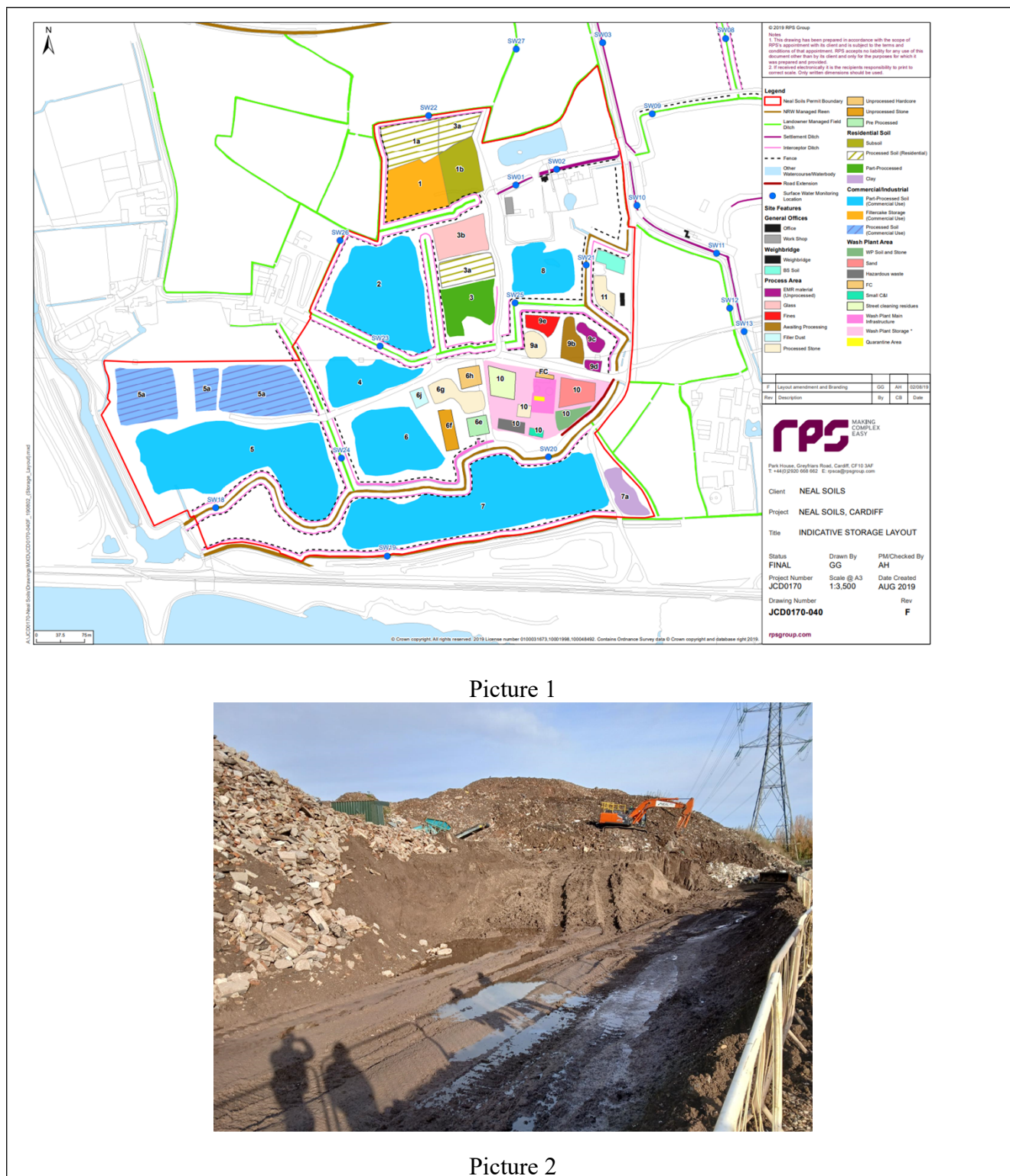
Action 13: For all the waste piles associated with activity A4, that are surveyed as being 4 metres above the level of Newton Road at the site entrance, please provide NRW with an action plan for reducing the piles backdown to 4 metres. Please include timelines and justifications for said operations. Due 4th of June 2025.

With regards to the spreading of waste to a depth not exceeding 300mm the aforementioned planning document states:

“The process has two land use components the stockpile itself and adjacent fields. The statement describes the process; soil and inert waste are delivered to the stockpile area. The material is often in a wet condition and without treatment loses its structure and becomes unsaleable. Therefore wet material is transferred onto adjacent fields and spread to a depth of 300 millimetres. The dried material is stone picked and organically fertilised by the addition of manure the material is then seeded to help recreate the original soil structure. Once the deposits are of sufficient quality for sale, the soil is stripped from the land and stored in the stockpile area before removal from the site. If the material is dry on receipt it is screened to remove stone and rock and stored in the stockpile area until delivery off site. The maximum period for stockpiling is 6 months, primarily over the winter. The maximum volume stockpiled is 1000 tonnes.”

Action 14: The practice of spreading waste to a depth of 300mm appears to no longer be undertaken at the Neal's site. Please explain why this is no longer being undertaken and what you are doing instead?

Diagram 1



Picture 1



Picture 2



End.

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

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – 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.