

Compliance Assessment Report CAR_NRW0046445

Permit being assessed: JP3894FM.

For: The Windmill Site, **held by:** Thorncliffe Building Supplies Ltd

At: Rhuddlan Road, Abergele, LL22 9SE.

Type of assessment: Site Inspection,

Reason: Incident Response (Incident number 2501888).

On: 24/02/2025 between 12:40 and 14:20.

Parts of permit assessed: See below.

NRW Lead Officer: Sarah Walton.

Report sent to: Jim Morgan, Technically Competent Manager, on 14/03/2025.

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) | |
| W3A(2) - Waste - Emissions and monitoring - Emissions to air | C3 Minor | 3.1.1 |
| W1A - Waste - Management - General management | Action only (X) | |
| W1A - Waste - Management - General management | Action only (X) | |
| W2A - Waste - Operations - Permitted activities | C3 Minor | 2.3.1 |
| W2C - Waste - Operations - Operating techniques | C3 Minor | 2.3.1 |
| W1A - Waste - Management - General management | C2 Significant | 1.1.1 |
| W2E - Waste - Operations - Waste acceptance | Action only (X) | |

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

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 4 | 43 |

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 | Ensure preventative maintenance checklists are completed for all plant and equipment as per FPMP (see point 3.5.2 and Appendix 6) | 14/03/2025 |
| W3A(2) | Complete an incident review following both fires. Identify any procedures or operations that require improvement to prevent future fires, with a particular focus on batteries. | 30/04/2025 |
| W1A | Conduct compositional analysis and WAC testing of the fire damaged waste. Refer to WM3 guidance to appropriately classify this waste and assign a LoW code & description. Communicate the outcome to NRW for approval prior to removal to landfill. | 28/03/2025 |
| W1A | As part of the FPMP review, ensure that the site layout plan is updated to reflect current operations. Submit a copy of the reviewed FPMP to NRW. | 30/04/2025 |
| W2A | Stop the treatment of waste through washing. This treatment is not authorised by the permit. A permit variation should be sought if site wishes to treat waste through washing. | 14/03/2025 |
| W2C | Repair areas of cracked concrete and service site drainage to ensure it is free flowing and operating as it should. | 25/04/2025 |
| W1A | Ensure EMS procedures are followed for the production of WRAP QP recycled aggregate on site. Only wastes listed in Appendix C of WRAP should be used as inputs. | 25/04/2025 |
| W2E | Please provide detail of all wood inputs and outputs to and from the site. Include virgin timber sources as well as waste wood sources. Provide waste transfer notes to evidence these movements. | 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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 inspection was conducted in response to the two fires that took place on site on 07/02/2025 and 20/02/2025. A full site inspection took place at the same time. Sarah Walton (Waste Regulation Officer) and Chris Nunn (Enforcement Apprentice), met on site with Dan Harper (Skips Operations Manager) and Ben Walls-Pierce (Assistant Site Manager).

Fires on site and Fire Prevention & Mitigation Plan

Permit Condition 3.1.1 *"There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1"*

Permit Condition 3.7.1 *"The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance".*

The fires were discussed first of all. The cause of the first fire (07/02/2025), was due to a faulty machine within the wood processing area. This fire was controlled and extinguished by staff on site.

ACTION: Ensure preventative maintenance checklists are completed for all plant and equipment as per FPMP (see point 3.5.2 and Appendix 6).

The second fire that took place on 20/02/2025, was within a shed storing general household waste (LoW code 19-12-12). Around 100 tonnes of this waste was involved in the fire. The fire service described this waste as bulky household waste, including chairs, bedframes etc.

The fire service were on site at approximately 18:30 and remained on site until the fire was extinguished at around 2am on 21/02/2025. Waste was pulled from the shed to dampen down.

NWFERS deployed dammit mats and polybooms to help prevent any pollution to nearby watercourses. The Fire Service requested the polybooms were left in place until an NRW officer could inspect them. However, NRW's Duty Officer on the day found the booms were removed by site at some point on 21/02/2025.

Fire water that was contained to site was collected for disposal on 21/02/2025. The cause of the fire is suspected to be a lithium-ion battery.

As this fire was within mixed household waste & bulky items, there was an impact to air from the smoke given off as the waste burned. **This is therefore a breach to permit condition 3.1.1.** The cause of the fire was found to be a battery. However, it was agreed on site that a small battery would be difficult to detect amongst the large waste throughput of the site. No issues were found regarding compliance with FPMP, **therefore a CCS C3 score has been deemed appropriate in this instance.**

ACTION: Complete an incident review following both fires. Identify any EMS/FPMP procedures or operations that require improvement to prevent future fires, with a particular focus on batteries.

The remaining waste that was involved with the fire was discussed. This continues to be stored within one of the waste sheds on site. Ben explained the waste would be classified as 19-12-12 and sent to landfill. However, no testing has been completed on the waste since the fire. The burned waste may have changed chemical composition and could be hazardous in nature.

The site's FPMP states in section 10.2.4; "*Any fire damaged waste will be characterised to enable determination of a suitable facility for recovery or disposal of the affected waste, which may include the following: Waste characterisation by visual sorting, Compositional analysis of the waste material and Waste acceptance criteria testing for landfill*".

ACTION: Conduct compositional analysis and WAC testing of the fire damaged waste. Refer to WM3 guidance to appropriately classify this waste and assign a LoW code & description. Communicate the outcome to NRW for approval prior to removal to landfill.

Dan explained that NWFRS would be returning to site to complete an inspection following the fire. The site FPMP will also be reviewed to ensure procedures were adequate and whether any areas require improvement, in line with condition 10.4.4 of site FPMP.

The 'Site Layout Plan' within the drawing section of the FPMP (Page 31) is outdated and no longer reflective of current waste storage/treatment arrangements.

This layout plan needs to be kept up to date, so that fire risks can be appropriately managed and also so that if a fire breaks out, it is clear to the fire service, exactly what waste is stored where. This should also mark locations of any hazardous wastes, particularly combustible/flammable waste.

ACTION: As part of the FPMP review, ensure that the site layout plan is updated to reflect current operations. Submit a copy of the reviewed FPMP to NRW.

Following this discussion, a site walk around was completed.

Site Drainage

Permit condition 2.1.1, Table S1.1 Activities "All non-hazardous waste shall be stored and treated on an impermeable surface with sealed drainage system".

Walking across the yard, there was a lot of standing water across the site. There were also some drains that were visibly blocked. Cracks could also be seen in the concrete. Dan said the recent heavy rainfall had led to the standing water on site.





Photos showing standing water and blocked drains on site

The blocked drains, standing water and cracked concrete gives cause for concern that site drainage is not working as it should. The cracks in the concrete could mean surface waters can leak into the ground beneath. If the drains are blocked, run off cannot drain as it should and may find an alternative path off site.

A CCS C3 score has therefore been assigned against permit condition 2.1.1.

ACTION: Clear all drains and gullies to ensure site drainage is able to work effectively. Repair cracked and uneven concrete to ensure the surface is

impermeable and that surface water flows towards the gullies and drains.

Section 10.9.2 of the site EMS states "All surface waters fall towards the site drainage and towards the silt traps and interceptor. In addition all drainage within the waste buildings falls to the rear of the building and is directed towards the site interceptor. The site is surfaced with impermeable concrete which will ensure that no surface waters are allowed to soak through site surfacing into underlying ground".

The standing water on site would suggest section 10.9.2 of the EMS is not being complied with. Waters should fall towards the sites drains and gullies.

The site's Environmental Management System should have robust procedures for ensuring site drainage is working effectively and to ensure the surfaces remain impermeable and in good condition.

The root cause of this issue is therefore deemed to be inadequate EMS procedures.

This is due to the risk of contaminated site waters leaking through cracked concrete to ground. Blocked drains may cause run off from site.

ACTION: Review and update EMS procedures for the management of site surface infrastructure and drainage. For example, there should be processes in place for identifying drainage issues on site, processes for servicing of drainage and interceptors etc.

Fines treatment



Photograph showing fines treatment area and water bath

Permit Condition 2.1.1 "The operator is only authorised to carry out the activities

specified in schedule 1 table S1.1 (the “activities”)

Within the fines treatment area, the site has acquired a recycling water bath. This machine separates the waste through size and weight. Lighter wastes are skimmed off the surface. The water system washes waste at the same time.

Heavier waste was coming out the end of the water bath machine. Dan explained the machine had been bought to help separate rubble from the fines. However, he stated this machine was not working as expected, therefore it was unlikely they would continue to use it.

Table S1.1 of the site permit states "Treatment operations shall be limited to: screening, air separation, crushing, shredding, magnetic separation, eddy current separation, baling, wrapping. The washing of waste is not an authorised treatment activity on the site permit.

As the washing of waste is not an authorised treatment activity, the permit has been scored a CCS C3 for this permit breach.

ACTION: Stop the use of the water bath and washing of waste. Apply for a permit variation if this is a form of treatment the site wishes to use.

Within the inert waste treatment area, there was a stockpile of treated waste that had been treated by the water bath machinery.





Photograph showing treated waste from water bath, being stored in inert waste treatment area

The input of this waste treatment process, is still 19-12-12 wastes (other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11), from residual skip waste. This waste code would still remain and the output of the water bath should not be entering the inert waste treatment area. Whilst Dan explained the waste had been moved to the inert waste treatment area temporarily, it was clear that 19-12-12 waste was being treated and washed to generate an aggregate material.

The site continues to input 19-12-12 fines waste to the inert waste treatment process, which it has been scored for on the previous inspection (CAR_NRW0043844)

Residual skip waste should not be entering the inert waste treatment process, because this waste could contain a variety of contaminants such as gypsum (from plasterboard), asbestos, micro plastics, biodegradable wastes and hydrocarbons. Contaminated waste could then be leaving site as a 'product' with no regulatory controls on where this material ends up, which poses a significant risk to both people and the environment. The treated stockpile from the water bath contained visible contaminants such as plastics and metals. This was being stored on permeable ground, risking contaminated run off to surface water and groundwater.

The site's EMS procedures titled "*Recycled Aggregate Production Protocol: Thorncliffe Building Supplies Ltd*" (Reviewed 2024), states "Processing will be restricted to wastes which fall within the waste codes outlined in Appendix C of the WRAP quality protocol for aggregates from inert waste, presented below".

The site is allowing 19-12-12 waste to enter the WRAP QP aggregate, which is not a specified waste in appendix C of WRAP. Therefore, this is a clear breach of procedures.

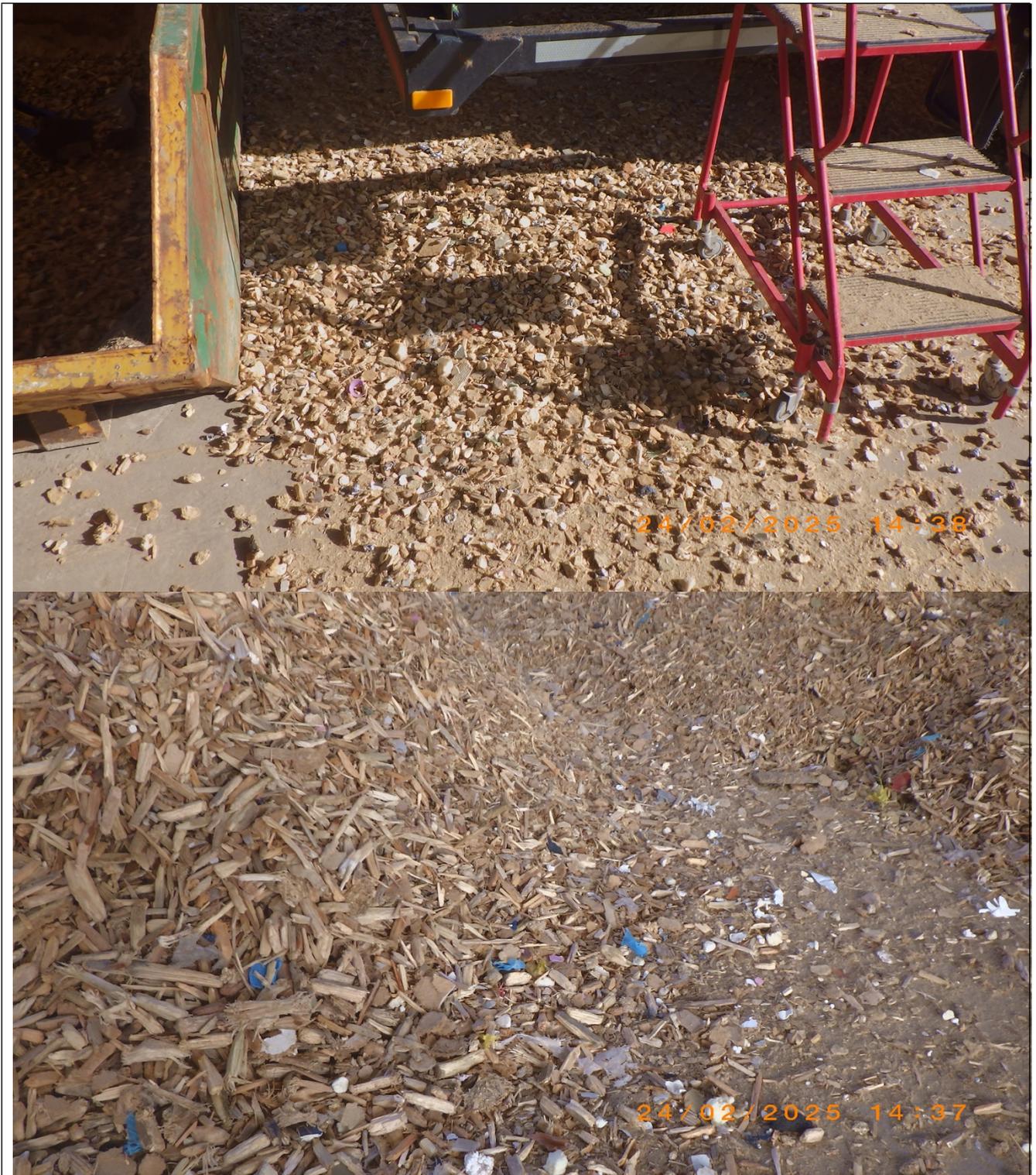
You must not make assumptions about the nature of the outputs from your waste treatment processes. You must make sure that you appropriately classify the outputs following WM3 Waste Classification guidance. Failure to do so may breach your Duty of Care for waste and constitute an offence under Section 34 of the Environmental Protection Act 1990.

This lack of adherence with EMS procedures has been scored a CCS C2 score.

ACTION: Ensure EMS procedures are followed for the production of WRAP QP recycled aggregate on site. Only wastes listed in Appendix C of WRAP should be used as inputs.

Waste wood treatment





Photographs showing wood treatment area

The outside wood treatment area was observed. Dan explained that only virgin wood is accepted and treated on site. However, upon inspection of this area, it was evident that other wood sources were being treated. Pieces of metal and plastic were observed on the ground below the hogger and in the skip between the hogger and eddy current machine. Dan stated Grade A wood is also accepted and treated.

ACTION: Please provide detail of all wood inputs and outputs to and from the site.

Include virgin timber sources as well as waste wood sources. Provide waste transfer notes to evidence these movements.

Thank you to staff 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
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.

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.