

Compliance Assessment Report CAR_NRW0048160

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: Routine.

On: 11/04/2025 between 09:30 and 11:30.

Parts of permit assessed: See below.

NRW Lead Officer: Sarah Walton.

Report sent to: Griffith Wyn Griffiths & Edward Lloyd Griffiths, Permit operators, on 30/04/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W2C - Waste - Operations - Operating techniques	C3 Minor	2.3.1
W3E - Waste - Emissions and monitoring - Monitoring	C2 Significant (Suspended)	3.6.1
W3E - Waste - Emissions and monitoring - Monitoring	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

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
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	30/05/2025

Criteria	Action needed	Complete by
	2058.SRA.02' and 'Restoration 2058.ESID.05	
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
W3E	Please investigate the water issue from the newly constructed borehole, located on the eastern boundary and report to NRW the outcome and any actions taken.	16/05/2025

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-announced site inspection took place on Friday 11th April 2025 at the request of Griff Griffiths representing Ty Mawr Farm Landfill.

Waste Regulation Officer Sarah Walton, met on site with Griff Griffiths (son of permit operator Griffith Wyn Griffiths), Wyn Griffiths (son of permit operator Griffith Wyn Griffiths) and Robin Williams (Senior Minerals and Waste Planning Officer from North Wales Minerals and Waste Planning Service).

This meeting was held to bring together representatives of Ty Mawr Farm Landfill, Natural Resources Wales and North Wales Minerals and Waste Planning Service.

There are issues with the planning status of the site which directly impacts compliance with the environmental permit. The planning service require the operator to scale back the current operation to be compliant with relevant planning legislation.

During the inspection, Griff and Wyn proposed various final landfill forms, which would be different from what is currently stipulated in the site's environmental permit. It was not possible for NRW to offer an opinion on whether the proposals were valid, as any changes to the permit would need to be assessed and determined by NRW's permitting team.

If the site wishes to vary away from the final levels specified in the permit, then a permit variation would need to be sought.

Please see the link below to apply:

<https://naturalresources.wales/permits-and-permissions/waste-permitting/apply-to-change-to-or-vary-a-bespoke-waste-permit/?lang=en>

Please be aware that from the point of application, it may take a number of months for

permitting to pick up your application, due to current work load and resource pressures. Ensure this is factored in if an application will be submitted.

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 yet been provided. It is appreciated that the site is currently considering a change to the final landform, however, the site is continuing to accept and deposit waste on site. Therefore, there needs to be an up to date filling plan, based on original permit application documents, to ensure waste is deposited correctly and safely.

This continues to be a breach of permit condition 2.3.1 and as such a CCS C3 score has been applied.

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'

Because this is a recurring breach of permit condition 2.3.1, NRW is considering a regulation 36 notice under the Environmental Permitting Regulations 2016, to remedy this non-compliance.

A short walkover of the site was completed.

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".*

The site is not compliant with permit condition 3.6.1, as identified on a 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 good progress is being made with notice requirements. The boreholes had been re-instated across the site.

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).

Following the expiry of the notice, a further inspection will be carried out to check compliance with notice requirements.

There was one borehole on the eastern boundary that appeared to be leaking a significant amount of water. The operator had placed weights on top of the borehole to reduce the flow of water coming out of it.

This was raised with Griff at the time, who said he would discuss this matter with the consultant.

ACTION: Please investigate this matter and report to NRW the outcome and any actions taken.

Overall, it appeared the site was making good progress with the actions laid out in the EPR2016 Regulation 36 notice (issued to site 08/10/2024) for the re-instatement of all monitoring boreholes.

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.