

Compliance Assessment Report CAR_NRW0048106

Permit being assessed: CB3195HG.

For: Jennings, **held by:** Jennings Building & Civil Engineering Limited

At: Plas Gwilym Quarry, 78 Llysfaen Road, Old Colwyn, Colwyn Bay, LL29 9HE.

Type of assessment: Site Inspection,

Reason: Incident Response (Incident number 2503239).

On: 01/04/2025 between 15:50 and 16:20.

Parts of permit assessed: Noise & vibration, Emissions of substances not controlled by emission limits.

NRW Lead Officer: Sarah Walton, accompanied by Daniel Grant.

Report sent to: Danny Jones, Director, on 16/04/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3D - Waste - Emissions and monitoring - Noise and vibration	C3 Minor	3.3.1
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
1	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
W3D	Ensure the site's Noise Management Plan is adhered to at all times. Monitor noise levels around the site perimeter throughout the day, using the class 2 sound level meter. Ensure staff operating the sound meter, are fully trained in the contents of the Noise Management Plan. Complete records as per section 5.2.2 of the NMP.	17/04/2025

Criteria	Action needed	Complete by
W3B	Ensure waste is dampened down to help prevent dust arising. Submit a copy of the site's emissions management plan to Natural Resources Wales	25/04/2025

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

On Tuesday 1st April 2025, Natural Resources Wales received an incident report, complaining about noise & dust arising from Plas Gwilym Quarry.

As the site has been the subject of a number of recent noise complaints and has a Noise Management Plan (NMP) in place, a decision was made to attend site in order to try and investigate the report.

Permit Condition 3.3.1 "Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable, to minimise, the noise and vibration".

Officers first of all walked along Craig Road, which follows the perimeter of the waste permit boundary. As officers walked along this road, there is a view directly into the quarry. The machinery on site included a crusher, excavator and front loading shovel. Noise pollution was heard leaving site. This was from waste being dropped into the crusher and the crushing of waste itself.

Officers approached the western side of the quarry. Crushing noise could be heard clearly when stood on the far side of the road away from the quarry wall. Noise pollution was also heard when the metal bucket of one of the machines was being dragged along the quarry floor.

Given that noise pollution was substantiated leaving the permit boundary, officers decided to enter site to investigate further.

Waste regulation officers Sarah Walton and Daniel Grant, met on site with Mark Rawson.

(Site Foreman). Operations ceased on site whilst Mark spoke with officers. It was explained to Mark, that a noise complaint had been received that morning and that officers had witnessed noise and dust pollution leaving site.

Mark explained the site was in the process of crushing waste, which was taking place over a period of a few weeks. Mark explained this operation is temporary and that after the following week, the site may not crush waste again for a number of months.

Officers asked what noise monitoring was taking place. Mark explained that he is responsible for monitoring noise using the class 2 sound level meter. The meter was being stored in the box at the time of the visit. The sound level meter is an SP79 meter produced by Martindale.

Mark explained this meter is set up next to the site office on the quarry floor from 8am until 12pm each day. The meter shows the loudest noise recorded that day in decibels. This result is then recorded in the site diary. Mark was unsure what happened with this information after this point.

Currently monitoring is taking place on the quarry floor, as opposed to the perimeter of the permit as specified in section 5.2.1 of the site's NMP (see below).

Section 5.2.1 of the sites NMP (Version 1.3) Ongoing Qualitative Assessment, states *"Site management i.e. the site manager, compliance manager or TCM will subjectively monitor noise levels in and around the entire site perimeter throughout the day. The monitoring will take place using a class 2 sound level meter while the site is operational and should it be observed that unacceptable levels of noise are being emitted from the site, the assessor will contact site management and advise that operations must cease"*.

It is currently not clear what 'unacceptable' levels of noise are. Staff on site were unaware of what decibel level would be unacceptable and how this would be actioned.

Section 5.2.2 of the NMP goes on to state; *"The results of monitoring exercises and any remedial action taken will be entered into the site's diary or logbook which is available for NRW to inspect upon request. The name of the inspector will be stated in the site's diary / inspection form for each day of operation"*.

Site diary logs provided by Danny Jones over email on 27/03/2025, showed the minimum and maximum decibels recorded for each day. However, the diary does not detail who the inspector was, nor any comments on whether noise levels were acceptable or not.

Because the site is not monitoring noise in compliance with the NMP and noise pollution has been witnessed beyond the permit boundary, this is a breach of permit condition 3.3.1. As such a CCS C3 score has been applied for this permit breach.

ACTIONS:

- **Ensure the site's Noise Management Plan is adhered to at all times.**
- **Monitor noise levels around the site perimeter throughout the day, using the class 2 sound level meter.**
- **Specify in your procedures, what unacceptable levels of noise are.**
- **Ensure staff operating the sound meter, are fully trained in how to interpret the results, action any issues and also the contents of the Noise Management**

Plan.

- **Complete records as per section 5.2.2 of the NMP.**

Section 5.2.3 of the NMP goes on to say; *"The operator will also consider informing local residents when the crushing/pecking activities are likely to take place and whether it would be suitable to do so at such time or agree another suitable time with the receptor"*.

Incident reports received by NRW and observations on site, have shown that crushing is the operation most likely to cause noise pollution. Mark explained crushing takes place periodically, therefore it is recommended (in line with 5.2.3 of the NMP), that local residents are informed when crushing activities will be taking place. If the activity is expected to be short lived, then notifying residents of the expected time frame, may be beneficial.

Permit Condition 3.1.1 *"Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this rule if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions"*.

Permit Condition 3.1.2 *"The operator shall:*

(a) maintain and implement an emissions management plan;"

(b) if notified by Natural Resources Wales that the activities are giving rise to pollution, submit to Natural Resources Wales for approval within the period specified, a revised emissions management plan;

Natural Resources Wales has received complaints of dust pollution from site. This was highlighted to the operator via email 24/03/2025.

When officers visited site on 01/04/2025, dust was observed rising from the crushing operation.

Natural Resources Wales does not hold a copy of the site's emissions management plan.

ACTIONS:

- **Ensure waste on site is dampened down to help prevent dust arising.**
- **Submit to Natural Resources Wales, a copy of the site's emissions management plan. Ensure this document has been reviewed, accounting for recent dust complaints**

Thank you to the staff who assisted officers 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
Cyfoeth Naturiol Cymru / Natural Resources Wales

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.