

Compliance Assessment Report CAR_NRW0045709

Permit being assessed: BB3296CU.

For: Frongoch Lead Mine, **held by:** Mark Skitt

At: Frongoch, Trisant, Aberystwyth, Ceredigion, SY23 4RL.

Type of assessment: Site Inspection,

Reason: Routine.

On: 31/10/2024 between 13:30 and 15:30.

Parts of permit assessed: All.

NRW Lead Officer: Malcolm Dines, accompanied by Luke Taylor.

Report sent to: Mark Skitt, Owner, on 29/04/2025.

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	C2 Significant	1.1.4
W1A - Waste - Management - General management	C3 Minor	1.1.1(a)
W2C - Waste - Operations - Operating techniques	C3 Minor	2.3.1
W4B - Waste - Information - Reporting	C3 Minor	4.2.2

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	Comply with an approved competency scheme by engaging the services of a suitably qualified Manager	01/01/2025
W1A	Update your Environmental Management System to reflect how you operate the site. You must then operate in	04/04/2025

Criteria	Action needed	Complete by
	accordance with your updated Environmental Management System	
W2C	Ensure that all waste treatment is carried out on impermeable surface with sealed drainage.	04/11/2024
W4B	Submit waste returns for 2019, 2020, 2021, 2022 and 2023	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

This pre-arranged compliance visit was undertaken by Malcolm Dines and Luke Taylor who met with the operator, Mark Skitt. Mr. Skitt accompanied the officers for the duration of the visit. The weather was dry and bright.

Permit Breaches

W1A - General Management - Cat 2; Permit Condition 1.1.4

You have been given this category 2 breach under the above condition as you are not complying with the requirements of an approved Competency Scheme.

Natural Resources Wales' guidance document, *"How to Comply with your Environmental Permit"* states that you must have a technically competent person to direct activities on your site and they must attend the site for a minimum period of time each week.

"The technically competent manager must be in a position to direct activities on the site. This will be reflected in the operator's management system and operational procedures.

There is a minimum site attendance of one hour a week on all operational sites. This includes in-house facilities taking their own waste. A week runs from Sunday at midnight and ends on the following Sunday at midnight.

We consider that a site is operational when it is either accepting or removing waste, or undertaking any process or activity involving waste that should be under the day-to-day control of a technically competent manager."

For tier 2 permits (this includes standard rules permits), we expect a minimum attendance of 20% unless you agree an alternative with us."

Currently the only version of your Environmental Management System that has been made

available to Natural Resources Wales is Version 1, dated 20 May 2019, in which section 1.5.1 states that the site is open to accept waste and for waste activities between: 08.00 and 17.00 on Mondays to Fridays; between 09.00 and 17.00 on Saturdays and between 09.00 and 10.30 on Sundays. This is a total of 54.5 hrs a week and we expect your Technically Competent Manager to be present on-site 11 hrs a week.

This non-compliance has previously been brought to your attention on many of the Compliance Reports issued to you.

When you applied for your permit you stated that you had applied for your son, Morgan, to undertake the training and this allowed until the summer of 2020 for the relevant qualification to be obtained. Obviously the 2020 Covid pandemic meant that it was not possible to complete the training within that timescale however, it is noted that the pandemic lockdown started about 8 months after your permit was issued and at that point the training course had not been started.

Following the Covid lockdowns, because you were already registered on a training course you were given extra time to complete the course however, by the compliance visit documented in Compliance Report CAR_NRW0039178, dated 21/02/2022, you had failed to provide any evidence that the qualification had been gained and you have not employed anyone else as the Technically Competent Manager.

By the compliance visit recorded on Compliance Report CAR_NRW0040191, dated 15/08/2022, we had accepted that the ability to gain the required qualification had been impacted by the COVID pandemic. But it was also documented that you had not made sufficient effort since the test centres re-opened in the spring of 2021 to gain this qualification. You were given until 31st August 2022 to register with a qualification centre to undertake a relevant qualification for the treatment of ELVs and provide evidence of this to NRW. By doing this, we would allow you a further 12 months, until 31/08/2023 to gain the qualification.

Following the compliance visit recorded on Compliance Report CAR_NRW0040939 dated 18/01/2023 we agreed that due to continued issues with resolving the training provision you were given until 31/03 2023 to provide evidence that you have enrolled on and are participating in a suitable course.

Despite being given a lot of time to register and start the required training, by the time of the compliance visit undertaken on 28/04/2023 and recoded on Compliance Report CAR_NRW0041846, dated 07/06/2023, you were still unable to provide evidence that the training course had been started. We gave further time, until 01/09/2023 to demonstrate that this training had been started and required, if the training course had not been started by this date, that you must employ a suitably qualified person to act as your Technically Competent Manager and that they must be in a position to direct activities at the site and must attend the site at a minimum of 8 hours a month. This was a much lower amount of time than most sites are required to provide technical competence cover as it was not clear how much time was being spent on waste activities.

Following the compliance visit recorded on the Compliance Report CAR_NRW0042596, dated 14/11/2023, this deadline was extended further until 01/01/2024

During the compliance visit recorded on the Compliance Report CAR_NRW0043173, dated 15/02/2024, you stated that you now had someone acting as your Technically Competent Manager but did not have their qualifications available. You were asked to ensure that this person attended the next arranged compliance visit however, at the pre-arranged compliance visit documented by Compliance Report CAR_NRW0044181, dated 04/06/2024, you did not arrange for your manager to attend and you were not willing to provide contact details for this person. You were required to ensure that your manager attended site for at least 4 hours a week, which equates to you carrying out waste activities for 20 hours a week.

At the time of this compliance visit, you were still not willing to provide contact details for your manager. Because of your repeated failure to comply with the requirements of an approved competency scheme and because of the other repeated breaches of permit and that you handle hazardous wastes, it is reasonably foreseeable that this could result in a significant pollution of the environment and we will be issuing a Regulation 36 Notice to require you to comply with this permit condition. The failure to comply with a Regulation 36 Notice is an offence.

Action: Comply with the requirements of an approved competency scheme by engaging the services of a suitably qualified manager by **1 January 2025 and ensuring that your manager attends site for at least 11 hours per week.**

W1A - General Management - Cat 3; Permit Condition 1.1.1(a)

You have been given this category 3 breach under the above condition because your Environment Management System has not been updated to reflect how you currently operate waste activities at your site and therefore you are not operating in accordance with your current Environmental Management System.

You have received non-compliances for this breach on multiple previous occasions:

- On Compliance Report CAR_NRW0040191, dated 15/08/2022, you were required to update and comply with your Environmental Management System and to submit it to Natural Resources Wales for review.
- Compliance Report CAR_NRW0040939, dated 18/01/2023, referenced the failure to comply with the action on the previous Compliance Report (ref: CAR_NRW0040191). You were given a category 3 breach under the above permit condition and you were required to update your Environmental Management System to reflect operational changes at the site and submit the revised Environmental Management System to Natural Resources Wales for review.
- On Compliance Report CAR_NRW0044181, dated 04/06/2024, you received a non-compliance score for breach failing to operate the site in accordance with a suitable management system as you have failed to comply with the action required in the previous Compliance Report (Ref: CAR_NRW0040939).

Action: Fully update your Environmental Management System to reflect actual site infrastructure and activities **by 4 April 2025**

W2C - Operating Techniques - Cat 3; Permit Condition 2.3.1

You have been given this category 3 breach under the above condition because during this

compliance visit depolluted ELVs were being dismantled on hardstanding.

Paragraph 8 in Table 2.3 under condition 2.3.1 of your permit specifies that:

"All wastes shall be treated on an impermeable surface with sealed drainage system"

Because of this requirement you must only dismantle vehicles in your shed as this is the only part of the site that has impermeable pavement and sealed drainage.

Action: ensure that vehicles are only dismantled on impermeable pavement with sealed drainage **with immediate effect**

W4B - Reporting - Cat 3; Permit Condition 4.2.2

You have been given this category 3 breach under the above condition because you have failed to submit waste returns for calendar years 2019, 2020, 2021, 2022 and 2023. You have been repeatedly reminded about the need to submit waste returns on the following compliance reports:

- CAR_NRW0040191 (dated 15/08/2022): you were required to submit waste returns for the site as required for each the calendar years of 2019, 2020 and 2021.
- CAR_NRW0040939 (dated 18/01/2023): you were reminded to submit any outstanding waste returns.
- CAR_NRW0041846 (dated 07/06/2023): you were required to submit all outstanding waste returns.
CAR_NRW0042596 (dated 14/11/2023): you were again required to submit all outstanding waste returns.
- CAR_NRW0043173 (dated 15/02/2024): You were required to submit all outstanding wastes returns
- CAR_NRW0044181 (dated 04/06/2024): You have not submitted your outstanding waste returns as required by the previous Compliance Report (CAR_NRW0043173).

Action: Submit the Annual Waste Returns for your site for 2019, 2020, 2021, 2022 and 2023 **by 1 February 2025**

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.