

Compliance Assessment Report CAR_NRW0046796

Permit being assessed: FP3590LV.

For: Rhuddlan Bach Quarry Landfill Site, **held by:** Hurt Plant Hire Ltd

At: Rhuddlan Bach Quarry Landfill Site, Brynteg, Anglesey, LL78 7JJ.

Type of assessment: Unknown,

Reason: Other.

On: 01/04/2025.

Parts of permit assessed: Financial provision, Reporting to Natural Resources Wales.

NRW Lead Officer: Sarah Walton.

Report sent to: John Flood, Director, on 14/04/2025.

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	1.2.1
W4B - Waste - Information - Reporting	C4 No impact	4.2.3

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

Total non-compliances recorded	Total non-compliance score
2	31.1

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
W1A	Provide evidence of financial provision as per the agreement dated 1st February 2010. Please include in your response, evidence to show that the bond (due to expire on 30th April 2025) has been renewed or provide evidence of alternative financial provision.	15/04/2025
W4B	Submit outstanding monitoring data for quarter 3 and quarter 4 2024.	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.

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

Permit condition 1.2.1 states "The financial provision for meeting the obligations under this permit set out in the agreement made between the operator and Natural Resources Wales dated 1st February 2010 shall be maintained by the operator throughout the subsistence of this permit and the operator shall produce evidence of such provision whenever required by Natural Resources Wales.

Permit condition 1.2.2 states "The financial provision provided under condition 1.2.1 above shall thereafter be maintained by the operator throughout the subsistence of the permit and the Operator shall produce evidence of such provision whenever required by Natural Resources Wales".

On 21/01/2025, CAR_NRW0045992 was issued to the operator and a CCS C2 score was assigned because evidence of financial provision was not provided in line with the agreement specified in permit condition 1.2.1.

Hurt Plant Hire Ltd later extended the bond by a further 3 months, which is now due to expire on 30th April 2025.

The agreement (referenced in permit condition 1.2.1), notes that financial provision must be in place 30 days prior to the expiry date of your current bond.

The finance department have written to the operator on a number of occasions requesting information on when the bond will be renewed / whether alternative financial provision will be sought.

Waste Regulation Officer, Sarah Walton, wrote to the operator on 27/03/2025 requesting evidence of financial provision to be provided by 31/03/2025. No response was received to this email.

It was later established that Hurt Plant Hire Ltd are unable to renew the current bond as there are issues with the current lease agreement.

A deed of trust has therefore been proposed which would underpin the financial provision, in the form of a cash deposit.

The cash deposit and signed deed of trust must be received by NRW by 15th April 2025 at the latest. (Please see email sent by Hayley MacDonald-Jones on 01/04/2025)

You must ensure that you have sufficient funds available for as long as the landfill poses a hazard and to maintain and monitor the site during the aftercare phase.

Failure to maintain financial provision means that the operator may not be able to sufficiently meet the obligations of the permit such as monitoring, aftercare or any environmental incidents that occur from site. Evidence of financial provision has not been

provided to NRW as per the above permit conditions (i.e. in line with the contractual agreement, which requires that financial provision is in place 30 days prior to the expiry of the current bond).

. This presents significant risk to the environment and therefore a CCS C2 score has been applied for this permit breach against permit condition 1.2.1. Whilst there are breaches to both permit conditions 1.2.1 and 1.2.2, this has been consolidated into one score as this relates to the same issue.

Enforcement action is being considered.

If no evidence of financial provision is forthcoming, NRW will look to serve a partial permit suspension notice under Regulation 37 of Environmental Permitting Regulations 2016, which would be in place until the operator fulfils the requirements of permit conditions 1.2.1 and 1.2.2.

ACTION: Provide evidence of financial provision as per the agreement dated 1st February 2010. Please include in your response, evidence to show that the bond has been renewed or that alternative financial provision has been arranged.

4.2 Reporting

Permit condition 4.2.3: *"Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by Natural Resources Wales, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:*

(a) in respect of the parameters and emission points specified in schedule 4 table S4.1;

(b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.3; and

(c) giving the information from such results and assessments as may be required by the forms specified in those tables."

Reports of monitoring and assessment for quarter 1 (Jan-March) and quarter 2 (April-June) of 2024, were submitted by the operator in line with permit condition 4.2.3.

A CAR report (CAR_NRW0045842) issued following an inspection on 02/12/2024, included a score for failing to submit quarter 3 (July-September) monitoring data as per condition 4.2.3.

An action was placed on the operator to submit quarter 3 monitoring data by 10/01/2025. This was not submitted.

Quarter 4 (October-December) 2024 monitoring data has not been submitted and is now also outstanding.

As such, a further CCS C4 score has been applied against this permit condition.

ACTION: Please submit quarter 3 & 4 monitoring and assessment report as specified in permit condition 4.2.3.

Please be aware Quarter 1 monitoring data for 2025, will be due Monday 28th April 2025.

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.