

Compliance Assessment Report CAR_NRW0044877

Permit being assessed: CB3992ZF.

For: Dandy's Topsoil, **held by:** Dandys (Chester) Ltd

At: Yew Tree Farm, Sealand Road, Sealand, Chester, Flintshire, CH1 6BS.

Type of assessment: Site Inspection,

Reason: Routine.

On: 18/07/2024 between 09:00 and 17:00.

Parts of permit assessed: 1.1.1.

NRW Lead Officer: Ian Thomas2, accompanied by Richard Smith.

Report sent to: Simon Hughes, Site Manager, on 14/07/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W2D - Waste - Operations - The site	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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
W2D	Ongoing advice from NRW for Yew Tree Brook	30/11/2024

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.

At this time, we do not intend to take any further action.

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 Thursday 18th July 2024 Natural Resources Wales officers Richard Smith and Ian Thomas attended site.

This was a site inspection for permit ref EPR/FB3734RP, the visit was an announced planned inspection primarily regarding the Yew Tree brook, which is located on the premises. The issue of silt entering the brook was recorded as an action on the CARS for in February 2024.

Officers were shown around the site by Simon Hughes. The site has not changed since the original inspection and consists of buildings and storage areas as well as the main substantial soil and aggregate sorting hub. Heavy plant machinery is in constant use. The site was dry. Concerns were raised due to a watercourse running on both sides of the site. Particularly to the southern side of the permitted area where a bridge runs over the brook to allow access to storage and staff parking. There was no bund to stop the water run-off into the brook. Also, there was evidence of a small amount of oil or residue in and near the water.

This issue has since been raised within the Environment, Conservation and Flood Risk teams. The overall advice is that the culvert is not suitable, the crossing which passes over the brook has no bund to stop soil or silt being deposited into the brook. Simon has been advised that although there has been some attempt to bund the crossing area, the use of concrete blocks are not sealing the crossing against further soils from plant machinery entering the brook. Ideally, it was mentioned that the site would benefit from an internal drainage system which would collect surface water from the site. It is understood that Dandys are not the owners of the land and have a landlord who would need to give permission for any works carried out.

Richard Smith has since sent correspondence to Simon at Dandy's Ltd. Please find below.

Following the site visit on Thursday 18th July 2024, several areas on site were identified as needing some attention and improvement.

The new crossing has had large concrete blocks placed along either side for safety reasons. The gaps between the blocks has been 'bunded' by using earth, packed up against the blocks. Due to the material and the watercourse below, a more permanent and suitable bunding should be put in place to prevent pollution from entering the watercourse. This crossing, will also require regular cleaning and maintenance to prevent mud and other silts building up and entering the water.

In relation to the concreted 'slip' from the North Eastern side of the watercourse, this is facilitating pooled rainwater containing silts to run directly into the water. This will require some attention and preventative measures will need to be put in place to prevent the dirty water entering the watercourse.

Additionally, during the visit, material was seen piled directly on the bank of the watercourse and some had spilled into the water. This material will need to be carefully re-located to a safer location on site. It would be recommended that a 5m buffer zone is implemented on either side of the watercourse where no materials will be placed or stored. If this zone is left to regenerate and vegetate, this will act as a natural filter for any silts being carried by rainwater.

It would be recommended that Dandy's Topsoil Ltd consider evaluating how contaminated rainwater is removed from site. For it to be allowed to continue to run

into the watercourse would cause further pollution which may need to be further investigated by NRW.

Simon at Dandy's has since also sent through details and a method statement for the removal of the damaged bridge and subsequent environmental protection measures.

As regulating officer for the site, Ian spoke with Simon regarding the permit operation. Paperwork is still recorded in the same manner and waste returns were up to date. No other issues were found relating to permit CB3992ZF.



Photo from previous inspection, only for reference.

Thank you for assisting us with the inspection. Kind regards, Ian Thomas, Waste regulation Officer Please find your new regulating officer's contact details below. Email:

ian.thomas2@cyfoethnaturiolcymru.gov.uk

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ 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.