

Compliance Assessment Report CAR_NRW0049036

Permit being assessed: EP3094FG.

For: Legacy Car Dismantlers, **held by:** David Ithel Kelly

At: Esclusham Mill, Llwyneinon Road, Legacy, Wrexham, Clwyd, LL14 4ET.

Type of assessment: Site Inspection,

Reason: Other.

On: 24/06/2025 between 11:00 and 13:00.

Parts of permit assessed: infrastructure.

NRW Lead Officer: Boguslawa Pierzchala, accompanied by Steven White.

Report sent to: David Kelly, permit owner, on 05/08/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W4B - Waste - Information - Reporting	C4 No impact	Condition G 1.2

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

Total non-compliances recorded	Total non-compliance score
1	0.1

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
W4B	Please submit all missing waste returns to NRW	31/08/2025

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.

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

Legacy Car dismantlers based in Esclusham Mill, Llwyneinion Road, Legacy, Wrexham, became non-operational in 2015. All End-of-Life vehicles were removed from site.

Recently NRW have been informed that the land has been sold.

The waste permit still remains in Mr David Kelly's name.

NRW have been in contact with the new land owner and discussed future plans for the site.

The land owner also confirmed that he had registered waste exemptions in order to construct some paths on site for better access.

On the 24th of June 2025 Waste regulation officers attended the site to conduct an unannounced site inspection.

The purpose of the visit was to check current infrastructure on site and the compliance with the recently registered waste exemptions.

The site remains non-operational.

The land owner was present and he accompanied the officers throughout the inspection.

Officers witnessed some groundworks being done and soil deposits, which had already been present on site, being moved to a different area within the site.

Officers also saw some of the waste accepted under the U1 waste exemption had been spread on the ground in a wooded area. The land owner stated that he wanted to create access and also that he had arranged for Wrexham County Council planning officer to attend site and discuss planning permission requirements.

Since the inspection officers confirmed that the advice given by the planning officer was that importing material and raising the land level on some parts of the site do require planning permission.

As discussed, any activities undertaken under the U1 waste exemption have to comply with the conditions listed here [U1: using waste in construction - GOV.UK](#).

Please note that land reclamation is **not** a permitted activity under the U1.

NRW is aware that Legacy Car Dismantlers site was subject to a planning application to construct 15 units (houses).

Information used to inform the above planning decision making process included an ecological report undertaken by the Tyrer Ecological Consultants.

This report confirmed the presence of bats and great crested newt.

All species of bat and the great crested newt are subject to legal protection under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) [the Habitats Regulations].

Owing to the presence of these protected species, we have consequently requested specialist advice from NRW's species advisors.

We now advise that **any subsequent works or activities** are undertaken in **strict accordance with the appropriate licence issued by NRW** under the above regulations. This advice was communicated with the land owner via email.

(W4B) Reporting

A review of annual waste return submissions from 2015 to 2024 for permit number EPR-**EP3094FG** has been completed.

Permit **Condition G 1.2** states:

A summary of the information, including nil returns shall be submitted to the Agency, In a format required by the Agency. Summaries shall be for each financial year and shall be submitted to the Agency within one month of the end of each financial year.

The annual waste returns for the following years have not been received

2015, 2018, 2019, 2020, 2021, 2023 and 2024 have not been received.

Please submit the waste returns once completed to the Natural Resources Wales (NRW).

This breach has been assigned a **CCS4 score**.

Action: Please submit the missing waste returns by the **31st August 2025**.

Please note that until the permit has been surrendered the operator must continue to submit annual waste returns within one month of the end of each calendar year.

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.