

Compliance Assessment Report CAR_NRW0048287

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: 08/05/2025 between 09:00 and 17:00.

Parts of permit assessed: All.

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

Report sent to: Mark Skitt, Operator, on 07/08/2025.

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 | C2 Significant | 1.1.1(a) |
| W1A - Waste - Management - General management | Action only (X) | |
| W1A - Waste - Management - General management | C3 Minor | 1.1.1(a) |
| W1A - Waste - Management - General management | C3 Minor | 1.1.1(a) |
| W2A - Waste - Operations - Permitted activities | C3 Minor | 2.1.1 |
| W2C - Waste - Operations - Operating techniques | C3 Minor | 2.3.1 |
| W2C - Waste - Operations - Operating techniques | C3 Minor | 2.3.1 |
| W2F - Waste - Operations - Technical requirements | C3 Minor | 2.5.1 |
| W2F - Waste - Operations - Technical requirements | C3 Minor | 2.5.2 |

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|--|-------------------|------------------|
| W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits | C3 Minor | 3.1.3 |
| W3G - Waste - Emissions and monitoring - Fire | C3 Minor | 3.4.1 |
| 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 |
|--------------------------------|----------------------------|
| 12 | 102 |

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 | Operator must ensure that they comply with an approved competency scheme. | 01/09/2025 |
| W1A | Update EMS to reflect on-site activities | 01/09/2025 |
| W1A | ensure that the update of your management system includes details about the storage of wastes at your site in accordance with, "How to Comply with your Environmental Permit" | 01/09/2025 |
| W1A | Ensure that you have adequate site security control measures to prevent unauthorised access to undepolluted ELVs and potentially polluting fluids | 01/10/2025 |
| W1A | Ensure that you comply with the Waste Duty of Care when exporting waste from the site and ensure that wastes are exported to an authorised facility and records are kept. | 01/09/2025 |
| W2A | Ensure all door cards and waste parts stored in the bay beneath the workshop are removed from site. | 01/09/2025 |
| W2C | Ensure that all wastes are stored in accordance with the permit | 01/10/2025 |
| W2C | Ensure that spillage collection facilities are provided | 01/09/2025 |
| W2F | Ensure that all fluids contained in End-of-Life Vehicles - unless they are necessary for the re-use of the parts concerned or where fuel is to be used as fuel in vehicles - are stored separately in accordance with your permit and your Environmental Management System | 01/09/2025 |
| W2F | You must not mix hazardous wastes and ensure that different hazardous wastes are stored separately | 01/09/2025 |
| W3B | Update your Environmental Management System to include a written procedure for regular maintenance and inspections of the IBC and collection tank and ensure that you undertake, | 01/09/2025 |

| Criteria | Action needed | Complete by |
|----------|--|-------------|
| | record and retain those records on-site of relevant checks. | |
| W3G | Update your Fire Prevention and Mitigation Plan | 01/10/2025 |
| W4B | Submit waste returns for 2019, 2020, 2021, 2022, 2023 and 2024 | 01/09/2025 |

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 was a pre-arranged compliance visit undertaken by Malcolm Dines (Waste Regulation Officer), Jeremy Goddard (Mid Wales Waste and Enforcement Team Leader) and Luke Taylor (Waste Regulation Officer). The officers met with Mark Skitt (Permit Holder and Landowner) who accompanied Malcolm Dines and Jeremy Goddard for the duration of the visit. Luke Taylor attended site to record the condition and location of all vehicles being stored at the site as non-waste.

The publication of this Report has been delayed, initially to allow time for you to demonstrate compliance with an approved competency scheme and then because I was off work ill for a month resulting in further delays to workload.

Therefore this Compliance Report is written to take into account the situation as of the date of issue and includes discussions between us following the compliance visit on 8 May 2025.

The conditions of Environmental Permits are written to be environmentally protective. To breach a permit condition means that it is considered that there is the potential for there to be a significant impact or effect on the environment, people and/or property.

Permit Breaches

W1A - General management - Cat 2; Permit Condition 1.1.4

You have been given this category 2 breach under the above condition because you are not complying, and you have never complied, with an approved competency scheme.

The Natural Resources Wales guidance document, "How to Comply with your Environmental Permit" sets out on page 37 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, which for your site is 20% of the time the site is operational.

Section 1.5.1 of your Environmental Management System states that the site is operational from 08.00 to 17.00 Monday to Friday; 09.00 to 17.00 on Saturdays and 09.00 to 10.30 all

other days. This means that the site is operational for 55 hours a week and therefore, the Technically Competent Person must attend site for 11 hours per week

The Technically Competent Person demonstrates their competence by satisfying one of the accepted industry schemes approved by Defra. All Technically Competent People must demonstrate continuing competence by passing a periodic assessment which tests the candidate's understanding of recent developments within the waste industry.

Compliance Report CAR_NRW0045709 required you to provide evidence to show that you are complying with an approved competency scheme by 1 January 2025. When you did not provide this information by the action deadline, I delivered a Regulation 36 Notice to you at the site, by hand. This notice required you to provide details of your Technically Competent Person and copies of their Qualification and any subsequent Continuing Competency certificates, by 7 April 2025. On 9 April 2025 I met with you at your home address to discuss compliance with the Regulation 36 Notice and you told me that the person who would be carrying out this role for you would email me the following day however, by the middle of the day I had not received an email from him, I messaged you and you replied asking me for my email address which I sent to you. You then replied saying that your consultant would be speaking with me.

When we undertook this compliance visit, I had still not heard from your consultant and you told me that Mr. Stockton was waiting for me to call him. I asked you for his contact details as you hadn't previously provided me with them and you had stated that he would be contacting me. On 9 May 2025 I contacted Mr Stockton and agreed to meet at Frongoch in two to three weeks. On 13 May 2025 you telephoned me and said that you had developed an improvement plan for the site that would be completed by 1 September 2025, but that you did not want me to meet Mr. Stockton at the site as you did not want him to see the site before you had completed the improvement. I explained that I would be meeting Mr. Stockton on site and that he understood what he was getting involved in. After that phone conversation I emailed Mr. Stockton asking for him to send me his WAMITAB qualification and any relevant continuing competency certificates, and to provide dates for meeting at Frongoch at the end of May or early July. I have not received a reply or a phone call from either Mr. Stockton or yourself since. Although you may be expecting Mr. Stockton to contact with me, as the permit holder it is your responsibility to ensure you are complying with an approved competency scheme, not Mr. Stockton. CAR Form CAR_NRW0045709 listed all the previous times you have been given a compliance action to comply with this permit condition. Additionally, your permit application in 2019 stated that your son, Morgan Skitt, would be undertaking the competency qualification. Compliance Report CAR_NRW0035568, for the first compliance visit to the site, dated 10 September 2019, set out that the deadline for Morgan Skitt to complete the qualification was 29 May 2020.

The failure to comply with a Regulation 36 Notice is an offence and we are now considering what enforcement action to take for failing to comply with the Regulation 36 Notice issued to you on 16 January 2025 and the on-going failure to comply with an approved competency scheme.

Action: Submit details, qualifications and any relevant continuing competency certificates for a suitably qualified technically competent person by **1 September 2025**

W1A - General Management - Cat 2; Permit Condition 1.1.1(a)

You have been given this category 2 breach under the above condition because the Environmental Management System for the site has not been updated since it was written for the permit application in 2019. It no longer reflects on-site activities and the failure to ensure that this document is adequate is the root cause of most of the other non-compliances at the site since the permit was issued.

As set out on Compliance Report CAR_NRW0045709, you have received non-compliances for this breach on multiple previous occasions and have failed to complete any of those actions. The action on Compliance Report CAR_NRW0045709 required you to submit an updated Environmental Management System by 4 April 2025. Had you complied with the requirement to comply with an approved competency scheme by the deadline set out in the same compliance report, it was anticipated that your Technically Competent Manager would have had time to update the Environmental Management System by the April deadline.

For your management system to be effective you and your staff must implement it. There must be evidence in the day-to-day activities taking place on the site that you are using your management system. The following are examples that show that you are not following the procedures set out in your management system and you are not updating it to reflect current day-to-day activities:

Section 2.5.1 of your management system states that a site noticeboard will be erected at the site entrance and Section 2.6.2 states that the site has CCTV with 24 hour supervision. The site does not, and has not had, either a noticeboard or CCTV.

If you were using your management system you should have ensured that the site has a noticeboard at the site entrance, either has CCTV, or the management system should have been updated to reflect the fact that you do not have CCTV and set out what alternative site security measures you have taken.

Section 3.8.2 of your management system states that oils and fuels will be stored in accordance with the Control of Pollution Oil Storage (England) Regulations 2001. These regulations do not apply in Wales - the equivalent regulations are the Water Resources (Control of Pollution)(Oil Storage)(Wales) Regulations 2016.

While the Oil Storage regulations do not apply to sites where there is a permit in force, referring to them in your management system demonstrates a commitment to environmental protection above the minimum require by your permit. If you were using your management system you would be also be complying with the Oil Storage regulations and you would have updated section 3.8.2 of your management system to refer to the correct regulations for Cymru.

The guidance document, "How to Comply with your Environmental Permit", states that you, as the site operator, are responsible for writing your management system and you must ensure that everyone on site follows the procedures. ALL staff and contractors must be aware of the permit requirements, have access to the permit, relevant Standard Rules and your management system and understand how the site management system works.

Action: Update your Environmental Management System to reflect current activities at the site **by 1 September 2025**

Action: Ensure that you operate your site in accordance with the updated Environmental Management System with immediate effect from **1 September 2025**

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

You have been given this category 3 breach under the above condition because you do not have adequate site security. Section 4.4.1 of your management system states that you don't have any site security infrastructure in terms of gates or fencing and that the mitigation for this is that you would have on-site security guards undertaking patrols.

You do not have and have never had security guards at the site.

Page 24 of our guidance document, "How to Comply with your Environmental Permit" states that you must take a risk-based approach to decide the level of security needed on site to prevent unauthorised access and that what is appropriate will depend upon the level of risk posed by the activities at the site.

Currently you are not storing waste fluids in accordance with the permit and currently there is nothing to stop anyone accessing the location where the IBC that they in is stored. Therefore you need to provide security measures that prevent unauthorised access to areas of the site that could result in damage to vehicles and storage facilities that can result in pollution. This is even more important given that you have stated that there has been unauthorised access to the site over the last 12 months which has resulted in vehicles being damaged and parts stolen.

Action: Ensure that you have adequate site security control measures to prevent unauthorised access to undepolluted ELVs and potentially polluting fluids **by 1 October 2025**

W1A - General Management - Cat 2 (consolidated); Permit Condition 1.1.1(a)

You have been given this category 2 breach under the above condition because you are not exporting waste oils and fluids from the site in accordance with the Waste Duty of Care. Waste must only be exported to a suitably authorised waste site.

Action: Ensure all that all fluids contained in End-of-Life Vehicles to be exported from the site are exported to an appropriately authorised facility and records are kept **with immediate effect**

W2A - Operating Techniques - Cat 3; Permit Condition 2.1.1

You have been given this category 3 breach under the above condition because you have been storing wastes such as door cards and interiors that are destined for disposal for longer than one year. You have also been storing wastes for recovery for longer than 3 years.

Our guidance document, "How to Comply with your Environmental Permit", states that if you store waste pending its disposal or recovery elsewhere, your management system must include:

- storage times and procedures to ensure that these times are not exceeded
- maximum storage capacities for specified storage areas and the facility as a whole and procedures to ensure that these capacities are not exceeded

- maximum storage heights to prevent or minimise the emission of dust, litter and throughput management
- a procedure to identify the specific waste types stored at your facility
- procedures to segregate incompatible wastes for example use of appropriate separation distances and or suitable engineering measures.

Section 3.5.1 of your management system covers the storage of wastes produced by the ELV depollution and dismantling process but it does not provide any detail regarding the specific types of waste to be stored, the storage times, heights or quantities of waste to be stored.

Action: ensure that the update of your management system includes details about the storage of wastes at your site in accordance with, "How to Comply with your Environmental Permit" **by 1 September 2025**

Action: clear all wastes from the bay below the main yard area **by 1 October 2025**

W2C - Operating Techniques - Cat 3; Permit Condition 2.3.1

You have been given this category 3 breach under the above condition because wastes other than fully depolluted end-of-life vehicles, uncontaminated plastic, glass and ferrous and non-ferrous metal wastes arising from the treatment of end-of-life vehicles are being stored on an impermeable surface with sealed drainage system.

Action: Ensure that all wastes are stored in accordance with your permit **by 1 October 2025**

W2C - Operating Techniques - Cat 3; Permit Condition 2.3.1

You have been given this category 3 breach under the above condition because there are no spillage collection facilities at the site and there is evidence of an increasing number of minor spillages of vehicle fluids that have not been cleaned up.

Action: Ensure your site is fully equipped with spill kits as required by this permit and your Environmental Management System **by 1 October 2025**

W2F - Technical Requirements - Cat 3; Permit Condition 2.5.1

You have been given this category 3 breach under the above condition because you are not storing oils and fluids from End-of-Life Vehicles separately.

Unless they are necessary for the re-use of the parts concerned or, such as fuel, are to be used in vehicles, Permit Condition 2.5.1 requires: fuel, motor oil, transmission oil, gearbox oil, hydraulic oil, cooling liquids, antifreeze, brake fluids, air-conditioning system fluids and any other fluid removed from an end-of-life vehicle to be stored separately.

Action: Ensure that all fluids contained in End-of-Life Vehicles - unless they are necessary for the re-use of the parts concerned or where fuel is to be used as fuel in vehicles - are stored separately in accordance with your permit and your Environmental Management System **by 1 September 2025**

W2F - General management - Cat 3; Permit Condition 2.5.2

You have been given this category 3 breach under the above condition because you are mixing hazardous wastes.

Because you are not storing oils and fluids from End-of-Life Vehicles separately, hazardous wastes such as brakes fluid and engine oil are being mixed. Permit condition 2.5.2 does not allow hazardous wastes to be mixed.

Action: You must not mix hazardous wastes and ensure that different hazardous wastes are stored separately **by 1 September 2025**

W3B - Emissions of substances not controlled by emission limits - Cat 3; Permit Condition 3.1.3

You have been given this category 3 breach under the above condition because you are storing waste oils in a single Intermediate Bulk Container (IBC) that is balanced on a single-skin tank of indeterminate size. It is unclear whether, in the event of the the IBC being damaged, that the tank will retain all or any of the fluids in the IBC. Additionally they are located at the edge of the building with nothing to protect it from vehicle strikes.

Section 3.8.2 of your management system states that oils and fuels will be stored in accordance with the Control of Pollution (Oil Storage)(England) Regulations 2001. These regulations do not apply in Wales and the equivalent are the Water Resources (Control of Pollution)(Oil Storage)(Wales) Regulations 2016. You do not store your hazardous fluids in accordance with those regulations and the failure to do so has the potential to have a significant impact or effect on the environment.

How to Comply with Your Environmental Permit sets out that:

*"This condition includes your measures to prevent any leaks or accidental releases from tanks, sumps, bunds and containers. All above-ground tanks containing liquids whose spillage could be harmful to the environment must be bunded. **If secondary containment (bunding) is not practicable** or structures are designed to work without secondary containment (such as lagoons and concrete effluent treatment plants) then appropriate measures to prevent or minimise leakage would include:*

- **regular maintenance and inspections to a written procedure**
- *ensuring that any leakage is detected for example by monitoring boreholes or sampling adjacent watercourses."*

You must ensure that your Environmental Management System has a suitable written procedure for regular maintenance of your IBC and collection tank and that you have records of the checks required by this procedure.

Action: Update your Environmental Management System to include a written procedure for regular maintenance and inspections of the IBC and collection tank and ensure that you undertake, record and retain those records on-site of relevant checks. **by 1 September 2025**

W3G - Fire - Cat 3; Permit Condition 3.4.1

You have been given this category 3 breach under the above condition because your Fire Prevention and Mitigation Plan has not been updated since the permit was applied for in 2019 and does not reflect current on-site activities.

While the risk of fire at your site is low, you must ensure that all risks are assessed and you have appropriate measures in place in the event of fire at your site.

Action: Update your Fire Prevention and Mitigation Plan **by 1 October 2025**

Action: Ensure that you operate your site in accordance with the updated Fire Prevention and Mitigation Plan **with immediate effect from 1 October 2025**

W4B - Reporting - Cat 3; Permit Condition 4.2.2

You have been given this category 3 breach under the above condition because you have not submitted waste submitted any waste returns since the permit was issued in 2019.

Action: Submit waste returns for 2019, 2020, 2021, 2022, 2023 and 2024 **by 1 September 2025**

Other Matters

Non-payment of Fees

As the holder of an environmental permit you are required to pay annual subsistence fees. The subsistence fees which are due and payable for this permit for the periods **2022-23, 2023-24 and 2024-25** have not been paid. Please find enclosed a notice requiring full payment of the outstanding amount of **£4116.80**. This must be made within 28 days of this notice being served and

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.