

## Compliance Assessment Report CAR\_NRW0049201

**Permit being assessed:** BP3339BH.

**For:** Aberthaw Quarry Ash Disposal Site EPR/BP3339BH, **held by:** RWE Generation UK plc

**At:** Aberthaw Quarry Lafarge Cement Works , East Aberthaw, Barry, Vale of Glamorgan, CF62 3ZR.

**Type of assessment:** Site Inspection,

**Reason:** Incident Response (Incident number 2506508).

**On:** 20/08/2025 between 12:35 and 13:37.

**Parts of permit assessed:** Dust management.

**NRW Lead Officer:** Antony Leakey.

**Report sent to:** Jason Keene, Company Secretary, on 26/09/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C2 Significant	3.3.1
IR2A - Installations - Operations - Permitted activities	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
1	31

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
IR3B	Improve dust management measures	Already completed

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

#### **Aberthaw Quarry PFA Landfill - environmental permit BP3339BH**

##### Dust Incident Summary

On 7 July 2025 at 16:07 the first low level dust incident at Fonmon Park Road, Fontygary was received by the South Central Industry Regulation (SCIR) Team from NRW Incident Communications Centre (ICC). NRW SCIR emailed RWE Generation UK Ltd regarding the dust complaint requesting that RWE investigate and report back with evidence that the dust management plan was being followed if reprofiling works had commenced.

On 8 July 2025 NRW held a Microsoft TEAMS meeting with RWE confirming additional dust controls to be taken and requesting dust deposition gauge results. RWE confirmed PFA landfill reprofiling works commenced w/c 30 June 2025 with damping down by bowser and controls on weather conditions and associated working restrictions. However, there was no use of forecasting and advanced work planning, no use of sealant on high risk areas and no local wind speed measurement capability.

North-westerly winds 10-20 mph and dry high ambient temperatures prevailed on Friday 4 July and Monday 7 July during cut and fill operations over a large area of the site. Previous experience during landfilling operations has shown that offsite fugitive dust impacts are possible when wind speeds exceed 11-13 mph from westerly directions. It is likely that the cut and fill operations gave rise to the reported fugitive dust releases and impacts on these dates, although clinker deposits were also being made into the southern quarry area by the Tarmac cement works at the time.

On 11 July 2025 a further TEAMS meeting was held with RWE to discuss detailed additional controls in place to manage dust, including adequacy of water supply and extension of planning consent operating hours to enable longer periods of pro-active damping down.

Further reports of black dust impacts inside and outside of residences were received on 14 and 15 July across a downwind front approximately 700 metres wide and 300 metres horizontal depth at a distance of 150 to 450 metres from the eastern boundary of the landfill. This is estimated to represent a total offsite area potentially affected by dust deposition of 31.5 hectares. Continuous westerly wind speeds of up to 21 mph were recorded at Cardiff airport weather station from midday on 14 July. Continuous westerly wind speeds of 12-24 mph with gusts of up to 38 mph were recorded on 15 July through to 02:00 hours on 16 July.

On 15 July 2025 following initial telephone discussions with two Fonmon residents, NRW emailed Walters UK site agent (RWE works contractor) and RWE requesting details of

actions taken by Walters to prevent or minimise fugitive dust emissions from the PFA reprofiling activity on 14 July, including a copy of the dust management plan or procedure in use and evidence of actions taken in the form of written site records or by other means and details of actions being taken or intended to be taken by Walters to prevent or minimise fugitive dust emissions from the PFA reprofiling activity on 15 July. An initial telephone discussion with the Walters site agent to confirm dust control measures was held. A further TEAMS meeting was held with RWE and Walters to establish timeline and actions being taken.

Reports of dust on the afternoon of 26 July are associated with continuous westerly wind speeds of 10 to 13 mph from midday to 15:00 hours.

An isolated report of dust impacts 600 metres to the south east of the landfill boundary was also received on 27 July and may be associated with variable northerly and easterly winds of up to 12 mph.

The dust incident reports for the period are summarised below:

Incident reference	Date and time	Location	Impact	Substantiated /unsubstantiated
2506269	7/7 15:38	Fontygary - north	Black dust on windows and inside house	Unsubstantiated. Allegation supported by photographs and video.
2506331	8/7 17:09	Fonmon	Black airborne dust	Unsubstantiated
2506508	14/7 15:10	Fonmon - south	Black dust outside and inside house. Pre-existing health condition deterioration causing GP concern.	Substantiated 16/7/25
2506507	14/7 16:44	Fonmon - south	Black dust in air and on windows/furniture. Public health concern.	Unsubstantiated
2506510	14/7 16:58	Fonmon	Dust	Unsubstantiated
2506516	14/7 17:57	Nurston	Business impact and animal welfare concerns due to dust	Unsubstantiated
2506518	14/7 19:46	Fonmon	Dust outside and inside property. Acute health impacts and concerns about consumption of garden produce.	Unsubstantiated
2506523	14/7 20:45	Fonmon - north	Dust outside and inside property. Visibility impaired due to dust clouds as far as airport.	Unsubstantiated. Allegation supported by photographs and video.
2506525	15/7 07:08	Fonmon -	Dust	Unsubstantiated

		north			
2506545	15/7 12:43	Fonmon north	-	Black gritty dust throughout house	Substantiated 16/7/25
2506836	24/7 15:00	Fonmon north	-	Black dust outside property. Closed windows.	Unsubstantiated
2506892	26/7 15:10	Fonmon north	-	Airbourne dust caused resident to move indoors.	Unsubstantiated
2506894	26/7 16:31	Fonmon north	-	Airbourne dust caused resident to move children indoors.	Unsubstantiated
2506906	27/7 10:00	East Aberthaw		Cement dust causing major nuisance and health effects.	Unsubstantiated
2507183	5/8 11:33	Fonmon north	-	Black dust and health concerns. Advised to increase steroid dose by NHS consultant.	Unsubstantiated
2507656	15/8 09:09	Fonmon south	-	Damage to new windows and exterior paint by black dust. Interior soiling of surfaces and furniture. Increased use of asthma inhalers to control condition.	Substantiated
2507792	21/8 09:54	Fonmon south	-	Black dust affecting cars, windows and buildings.	Unsubstantiated

Two residences were visited on the morning of 16 July, representing affected properties at the northern and southern ends of Fonmon village.

The first property visited is approximately 350 metres east of the landfill boundary and is associated with incident reference 2506545 to the northern end of Fonmon village. The resident confirmed that the house interior had been extensively cleaned since the 14 July and exterior surfaces had received some rainfall the previous day. One interior window ledge in the east-facing main bedroom had been left untouched. This was covered with a thin film of light grey to black fine dust, including some larger dark particles. The dust film appeared to be more extensive than would usually be associated with background road traffic dust and other combustion activities, especially inside an otherwise very clean property. The resident reported seeing a dust cloud drifting across the village and fields on 14 July and that most windows were open at the time resulting in dust deposits throughout the house. These observations are consistent with photographs and video clips submitted by other nearby residents showing extensive air borne dust being carried by the wind in the area.

The second property visited is approximately 150 metres east of the landfill boundary and is associated with incident reference 2506508 to the southern end of Fonmon village. The

resident provided a sample of light grey dust from a vacuum cleaner used to clean the property the previous day. There was visible evidence of darker grey dust washed from garden furniture onto the patio surface. The resident stated that they have an existing respiratory health condition which has been exacerbated by the dust and necessitated a visit to their doctor who raised significant concerns regarding the resident's welfare. The effects have necessitated re-prescription of steroid medication not previously required for some time. The resident was actively seeking to avoid staying at home during the day and working from an office in Barry to reduce the risk to their health.

A third property was visited on the morning of 20 August, in the middle of Fonmon village approximately 170 metres east of the landfill boundary and is associated with incident reference 2507656. The white house exterior had been extensively cleaned following the early July dust events and repainted by 31 July. There was evidence of dark particles extensively on all of the ground floor window sills, although this appeared to be loose dust and not attached to the base paint. The course-rendered white vertical walls appeared largely unaffected. One resident is a severe asthmatic and has had to increase inhaler use significantly since the works started at the landfill. The resident was not at home at the time of the 14 July event and considers that had they been at home their condition is such that they would likely have been hospitalised by an asthma episode triggered by the dust irritation. The resident based this assertion on the actual effects witnessed on an asthmatic neighbour shortly after the 14 July event.

On the above basis the three incidents are considered to have been substantiated and the wider geographic impact inferred from the extent of separation of the substantiated incidents and photographs or video provided by residents across the geographic extent.

Dust deposition data and characterisation information, where available, from local datasets was also examined for the period. As might be expected due to the prolonged dry weather, even background dust deposition rates are elevated, reaching 100-150 mg/m<sup>2</sup>/day from early June, and peaking at 200-265 mg/m<sup>2</sup>/day from mid-July to early August at some locations closer to industrial activities. One dataset reports uncharacteristically low deposition rates and is currently under review. The peak values are higher than the threshold "custom and practice" mass deposition rate guideline of 200 mg/m<sup>2</sup>/day for complaints to be likely, but the overall trend is higher than the long-term average for the area due to the unusually dry weather conditions.

Characterisation information suggests that PFA indicator particles (cenospheres – characteristic fused glass-like spherical particles associated with high temperature pulverised fuel combustion) increased downwind of the PFA landfill during the period of high winds around 14 July and subsequently reduced following improvements to dust management and better weather conditions.

Overall, the deposition data and information supports the likelihood that insufficient dust controls on 14 July resulted in an increase in PFA dust deposition downwind at Fonmon.

#### Site Inspection

An unannounced inspection of the landfill works was carried out at 13.30 hours on 16 July 2025.

Wind speeds were westerly at 10-12 mph while on site with no apparent dust blow, except for isolated plumes associated with bowser movements during damping operations. There was an extensive area of exposed PFA surface undergoing reworking to the planned revised land profiles. These wind speeds were around half the peak speeds recorded at Cardiff airport on 14-15 July.

The air quality monitoring data for the operational period to date was viewed.

The downwind operational monitoring location (Plate 1) is at the south eastern boundary of the landfill and may not record the peak impacts due to the topography, which seems to channel westerly winds slightly to the north, possibly due to a “funnelling” effect, which may also increase local wind speed, as the air flow is channelled by the quarry faces to the south and PFA landfill phases 1 and 2 to the north.

The air quality monitor measures PM<sub>1</sub> (aerodynamic diameter of 1 µm or less), PM<sub>2.5</sub> (aerodynamic diameter of 2.5 µm or less), and PM<sub>10</sub> (aerodynamic diameter of 10 µm or less) concentrations in ambient air, but not total particulate matter (TPM) which would give a better indication of gross dust concentrations during nuisance dust episodes.

Background PM<sub>10</sub> concentrations from other air quality monitoring in the area (demolition works at Aberthaw power station) suggests that expected concentrations are around 5 µg/m<sup>3</sup> or less, which corresponds to the 13 June 2025 daytime baseline data presented for the landfill works location prior to operations commencing [Dust Complaint Document – WUK.pdf<sup>1</sup>, provided by email 24/7/25].

However, the Plate 1 operational PM<sub>10</sub> concentration monitoring data seen on site and presented in reference 1 shows “typical” background levels of 5-14 µg/m<sup>3</sup> only at night-time and corresponding to periods of high (approaching 100%) relative humidity. At other times, during dry low humidity daytime periods, the levels were uncharacteristically low at less than 1 µg/m<sup>3</sup> and lower than 0.1 µg/m<sup>3</sup> at the time of the 14 July dust incident affecting Fonmon village. The immediately previous peak concentration was only 2.4 µg/m<sup>3</sup> corresponding to a peak overnight relative humidity of 88% at around 03:00 hours that day.

The data suggests that the air quality monitor is responding to moisture aerosol and may not be correctly calibrated for dry PM<sub>10</sub> concentration monitoring. This is a known problem with certain low cost air quality monitors when operating without heated sampling inlets, which is understood to be the case at the landfill.

RWE and Walters UK have not provided further information to address these aspects, which were raised during the site inspection, and the current conclusion is that the air quality data presented is not sufficiently reliable to use to assess the air quality impact of the dust incident.

The following further dust management aspects were discussed and subsequently confirmed in reference 1:

- Standard water spray and misting/fog cannon equipment deployment. Additional units

procured after the initial reports of dust and as weather conditions worsened.

- Works curtailed by Walters UK if forecast or actual dust conditions are poor, but this does not necessarily stop impacts due to the fast-drying exposed surfaces.
- Sealing and consolidation of surfaces is prioritised ahead of forecast unfavourable weather conditions.
- PVA sealant is being used on unprotected surfaces that are not being worked.
- All available granular drainage layer material to be placed onto finished PFA surfaces and working areas are being minimised to reduce exposed surface area that needs maintenance of wetting. Water supply was not expected to be limiting.
- Additional processing plant was brought to site to enable faster production of drainage stone to provide maximum coverage of exposed PFA surfaces. Changes to the drainage stone particle size specification to be sought from the planning authority to enable more production.
- Vale of Glamorgan planning team approached regarding extension of working hours to allow additional wetting later into the evening and earlier in the morning before works begin. There is likely to be a trade-off here with noise disturbance and minimisation of dust emissions.

The landfill site was left at 14:25 hours.

A further unannounced inspection of the landfill works was carried out at 12:35-13:37 hours on 20 August 2025. Wind speeds were north easterly to ENE at 12-15 mph while on site with no apparent dust blow. The higher risk completed slopes were seen to have been hydroseeded and under irrigation to promote vegetation growth as quickly as possible. 60-70% of the remaining completed PFA reprofiled areas were stated to have drainage layer protection. Two higher risk areas on the southern edge slopes and a wide strip on the east nearest to Fonmon were waiting for suitable weather conditions before final reprofiling and sealing. Further hydroseeding is planned as soon as topsoil surfaces are ready.

Water supplies are still sufficient, although the flow through to the Tarmac lagoon may need to be increased to restore levels for dust suppression and process cooling at the cement works.

A further review of the air quality data still suggests that the results are lower than might be expected and potentially influenced significantly by humidity despite a check by the supplier and confirmation of the calibration. The raw 1-minute average data provides a clearer picture than the hourly average trends and suggested that since the supplier visit the recorded data may be more representative. However, the 1-minute data were not available for the 14 July for comparison. The monitoring supplier is to be contacted to determine if this data can be provided.

Overall, the measures implemented are now considered to be sufficient to minimise the offsite impact of fugitive dust emissions from the works, but will need to be reviewed regularly until the works are completed.

#### Operational Permit Compliance

NRW has been discussing restoration of the landfill with RWE since closure of Aberthaw power station in 2019 and seeking completion of restoration to prevent or reduce groundwater and surface water contamination associated with PFA leaching.

On 2 February 2024 compliance assessment report CAR\_NRW0043316 was issued to RWE including hydrogeological risk assessment review feedback and an action to address the groundwater compliance aspects in an application for permit variation to incorporate proposed changes to the original landfill pre-settlement contours and final landform by 31 December 2024.

In March 2025 the S73 planning application for the amended Aberthaw Quarry Restoration Works (2024/00677/FUL) was approved by the Vale of Glamorgan planning department and RWE indicated that works may start in the summer subject to contract placement.

NRW emailed on 28 March 2025 to remind RWE that a permit variation is required before works CQA plan can be approved. RWE replied that a permit variation application for the Quarry had not yet been submitted.

On 3 April 2025 NRW emailed RWE to remind them that a permit variation is required before restoration works start and progressing the works without a favourably determined variation application will be at RWEs risk and potentially not in compliance with the current permit.

A Microsoft TEAMS meeting was held on 16 May 2025 with RWE to discuss the planned restoration works, provide provisional comments on the Construction Quality Assurance (CQA) plan, scope of the permit variation required and implications of undertaking works without determination of a variation application.

On 19 May 2025 NRW emailed RWE to confirm scope of variation required to implement restoration works and that during the proposed works it will be important to ensure that the current operational dust, surface water and noise management plans are updated to reflect the risks posed and sufficient training and supervision of contractors is provided to ensure proper implementation of appropriate measures. The possibility of unannounced inspections during the works to check compliance with relevant permit conditions was also confirmed.

Compliance assessment report reference CAR\_NRW0046406 was issued to RWE on 9 June 2025 including a statement that the landfill operating procedure LP/OPS/3078 will need to be updated or replaced to reflect the need to use weather forecasting, weather monitoring and frequent review of conditions during the reprofiling works. RWE was reminded that a range of wind speed thresholds at different working locations may need to be identified and included in the procedure. Some outline comments on the restoration CQA plan were included in the CAR and confirmation that changes to the final landform and any detailed changes to originally permitted engineering, monitoring and installation boundary will need to be subject to a variation application.

The first consideration for permit compliance in respect of the activities leading to the alleged offsite dust impacts is whether the reprofiling activity is authorised. Permit condition 2.3.1 states:

- 2.3.1 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1 table S1.2, unless otherwise agreed in writing by the Agency.

The Operating Techniques set out in the permit Schedule 1, Table S1.2 include a description

of the outline drainage design arrangements for the landfill cap, which are to be substantially revised to improve surface runoff management to reduce infiltration in to the waste mass and wash off of contaminant from the completed slopes. This change requires formal updating and incorporating into the permit.

Improvement condition reference 1 in permit Schedule 1, Table S1.3 required submission of a detailed drawing showing the pre-settlement contours of the final landform for approval. This requires formal updating and incorporating into the permit.

Pre-operational condition reference 2 in permit Schedule 1, Table S1.4 required submission of a site-specific dust management plan for approval. This requires formal updating and incorporating into the permit for the duration of the reprofiling activities.

The permit also includes conditions relating to infrastructure engineering approval:

- 2.7.4 No construction of landfill Infrastructure shall commence until the operator has submitted relevant construction proposals or a written request to use previous construction proposals and the Agency has confirmed that it is satisfied with the construction proposals.

And:

- 2.7.8 For the purposes of conditions 2.7.1, 2.7.3 and 2.7.4, the Agency shall be deemed to be satisfied where it has not, within the period of 4 weeks from the date of receipt of the relevant construction proposals or CQA Validation Report, either: (a) confirmed whether or not it is satisfied; or (b) informed the operator that it requires further information.

As revised capping construction details, including detailed drawings were shared with NRW by RWE and compliance assessment report reference CAR\_NRW0046406 included comments on CQA and some design aspects, it is arguable that approval was given, although confirmation of the need to vary the permit was also provided.

The need to update the dust management plan was also confirmed in the CAR, but not requested for review or re-approval suggesting that agreement to any revision was implicit.

On balance NRW concludes that the reprofiling activity was authorised by implicit agreement in writing, despite requiring formal incorporation into the permit by variation.

The next permit compliance consideration relates to the “general amenity” condition:

- 3.3.1 Fugitive emissions of substances (excluding odour, noise and vibration) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, have been taken to prevent or where that is not practicable, to minimise, those emissions.

As discussed above, the occurrence of pollution in Fonmon village by fugitive release of PFA dust due to the reprofiling works at the landfill on 14 July 2025 is considered to have been substantiated during the visits to the residential premises on 16 July 2025.

Some appropriate measures were taken by RWE's contractor, Walters UK, on 14 July 2025 to reduce PFA dust emissions, including cessation of heavy plant activity and damping down and surface sealing. However, the weather conditions were such that with very dry conditions (relative humidity as low as 56% in the afternoon), high ambient temperatures and high wind speeds, the measures taken were insufficient to minimise the emissions.

The revised Walters dust management plan dated 15 July 2025 [included in Ref 1] illustrates that further measures could be taken to minimise emissions.

Furthermore, on Friday 25 July RWE confirmed by email that an extra dust cannon along with a third water bowser were being procured. Wind breaks in the form of Heras fencing and Terram membrane were also being trialled, targeting areas where high winds are most likely to liberate dust.

The above points demonstrate that, on 14 July 2025, RWE failed to ensure that their contractor took sufficient appropriate measures to minimise the fugitive emissions of PFA dust and therefore failed to comply with permit condition 3.3.1 in contravention of Regulation 38(2) of The Environmental Permitting (England and Wales) Regulations 2016.

When assessing amenity permit conditions for waste or installation permits any non-compliances should be categorised based on the actual impact that occurred.

The following assessment uses the NRW incident categorisation guidelines annex definitions to determine the actual impact of the dust incidents:

Category 1 – major impact – the scale of the dust release does not meet the definitions for this category, which generally are not supported by the available evidence.

Category 2 – significant impact:

- Release of materials which directly causes or will lead to significant exceedance of National Air Quality standards for a sustained period, over a localised area.

As discussed above the available air quality data do not support this definition because the monitor is not considered sufficiently reliable. A modelling approach could be used, although deriving a sufficiently robust source term is likely to lead to significant uncertainty in the assessment. PFA does contain a significant proportion of particles within the PM<sub>10</sub> size fraction and therefore it is conceivable that the 24-hour mean Air Quality Standard (50 µg/m<sup>3</sup>) could be exceeded downwind if the dust episode continued for a significant period of the day, but there is no evidence to support this outcome.

- Noticeable and sustained deterioration in air quality from visible sources (dust and particulate fallout) or emission of toxic materials impacting on the locality. Ambient air quality results may show a sustained impact associated with the incident over several hours.

Visible dust clouds and fallout were reported on and around 14 July and evidenced with photographs and video recordings. Some fallout was verified inside and outside of properties 2 days later. The PFA dust is not classified as toxic. As discussed above the available air

quality data are not considered sufficiently reliable to assess impact.

- An accident or incident at an industrial establishment resulting in the unplanned or uncontrolled release of dangerous substance(s) to air. Quantifiable impact on air quality (which is attributable to the incident) will normally be detectable outside the establishment. Other confirmed impact types may be associated with significant air pollution incidents e.g. human health.

The PFA dust is not a classified dangerous substance. Air Quality data are not available. There are reported impacts on human health associated with exacerbation of pre-existing respiratory conditions (see below).

- Significant injury (usually involving the need to go to hospital) or effect on human health as a direct result of release of substance(s) to atmosphere.

No known instances of actual hospitalisation as a result of the incident have been recorded. However, at least two individuals have needed to seek medical advice and have increased medication and changed routines due to the incident, strongly suggesting a significant impact.

- Public exposed to concentration levels giving rise to possible minor health risks in either the short or longer term following a release into the atmosphere.

Exposure to PFA dust is not known to cause acute or chronic health risks in the general population, other than those already noted associated with irritation of pre-existing respiratory conditions by the respirable fraction of the dust. No reliable PM<sub>10</sub> in ambient air concentration data are available.

- Likely to cause significant offence to human senses.

The example given in the incident categorisation guidelines annex for this impact level notes that: *Significant effects may be noticed by sensitive individuals and action to avoid or reduce these effects may be needed (such as reducing exposure by spending less time in polluted areas outdoors). Asthmatics will find that their 'reliever' inhaler is likely to reverse the effects on the lung.* The avoidance behaviour and increased medication needs reported by residents strongly supports an impact at this level.

- Significant adverse effect on recreational activity, event or public space, prohibiting the normal range of activities including effects caused by smoke and airborne dust.

Some reports were made of inability to use garden spaces due to contamination of patio furniture but this does not appear to have been extensive based upon observations during visits to residences.

- Significant damage to property.

Allegations of property damage were made, although no apparently permanent damage was observed during residential visits.

- Significant but localised damage to agricultural activity.

No reports of effects upon agriculture have been received.

- Significant damage to commercial activity.

No reports of effects upon commerce have been received.

- Noticeable adverse impact on local businesses.

One report of impact on business activity was received but this is understood to not have resulted in short-term closure or reduced custom.

For comparison the minor impact definitions are reproduced below:

Category 3 – minor impact:

- Shorter term, localised effect on air quality arising from transient visible impact (smoke, fumes and dust). The impact to air may include temporarily elevated ambient air quality results at local monitors which does not contribute to exceedance(s) of National Air Quality standards.
- An accident or incident at an industrial establishment resulting in short-term or limited release(s) of dangerous substances to air. Quantifiable impact on air quality is not normally detectable outside the establishment.
- Minor injury or effect on human health as a direct result of release of substance(s) to atmosphere.
- Public exposed to concentration levels that present no known or a minimal risk to health
- Likely to be mildly offensive to senses. Mild effects, which are unlikely to require action, may be noticed amongst sensitive individuals.
- Minor transitory effect on the public local to the site. May be considered to be a minor nuisance, with minor effects on the normal range of activities.
- Minor effect on property.
- Minor damage to agriculture or commerce.

On the basis of the significant effect on human health and significant offence to human senses the failure to take sufficient appropriate measures to minimise the fugitive emissions of PFA dust is assessed as a **category 2 non-compliance with permit condition 3.3.1**.

Investigation of management system failures leading to the insufficient implementation of appropriate measures to minimise the fugitive emissions of PFA dust will be subject to a separate compliance assessment report.

END

Reference 1. Dust Complaint Document – WUK.pdf, provided by email 24/7/25.

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 Industry compliance criteria** (used in section 1 and 2):

**1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

**2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

**3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

**4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – 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](mailto: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](mailto: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.