

Compliance Assessment Report CAR_NRW0049477

Permit being assessed: CP3299FR.

For: Cwrt Y Plyffin Landfill, **held by:** J G Powell

At: Llanywern, Brecon, Powys, LD3 0RW.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 30/03/2022.

Parts of permit assessed: Permitted activities, Closure, Monitoring and Records.

NRW Lead Officer: Liz Park.

Report sent to: Gethyn Powell, Operator, on 29/09/2025.

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	C3 Minor	G1 - G7
W3E - Waste - Emissions and monitoring - Monitoring	C2 Significant	F2.2, F2.8, F3.2, F4.7, F5.3

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

Total non-compliances recorded	Total non-compliance score
2	35

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
W1A	Provide required information regarding capping and restoration	27/06/2022
W3E	Undertake monitoring and submit monitoring data to NRW in line with permit conditions	01/04/2022

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 is a re-issue of a Compliance Assessment Report originally created on 30/03/2022, which could not be entered into the Compliance Assessments Reporting System so was created manually. Now the issues have been resolved this CAR form has been re-entered onto the system.

Original CAR form:

A Compliance Assessment Report (CAR) was issued on 26 November 2020 detailing actions to be completed regarding restoration, procedures, undertaking monitoring and submission of monitoring data.

Following the issue of the CAR a meeting (via Skype) was undertaken with the operators consultant, the operators representation (Gail Powell) and Liz Park (NRW Waste Regulation Officer) and Gareth Lewis (NRW, Lead Specialist Advisor, Waste Policy) on 17 February 2021.

During the meeting it was acknowledge by Gail Powell that the site monitoring was not being undertaken. That it is Gethyn (and Gail's) understanding that the landfill was restored to a suitable level to be considered fully restored in 2010. And that this was accepted by Geraint Richards (former Compliance Officer) in 2013. And that Natural Resources Wales may not currently hold a copy of all the documents that were produced for Cwrt Y Plyffin Landfill by the permit holder as they were not referred to in 'Cwrt Y Plyffin – Closed Landfill Review: April 2018, produced by Ramboll.

Following this meeting, a review of the previous CAR forms indicates that the site has not been restored as required by the relevant permit conditions to a level suitable for surrender. This review was communicated to all parties and an explanation requested as to why Gethyn Powell considers that no further restoration work is required before a surrender application is made. No response has been received.

Liz Park also requested the operator to confirm if there is a separate document in addition to the 'Completion Report – dated 11 January 2010' that Gethyn Powell considers to be the closure plan. No response has been received.

On 16 April 2021, Liz Park received an email from the operators consultant stating that they are trying to work out a way to safely access the site to enable the works to continue. On 20 April 2021, Liz Park replied enquiring as to what 'the works' were, provided a link to the Reulatory Decisions regarding COVID-19, and provided confirmation of being able to attend a proposed site meeting. No reply was received. Liz Park sent a further email on 1

December 2021. No reply was received.

No monitoring data for 2020 or 2021 has been submitted.

The following non-compliances have been found

G1 – Monitoring emissions and the environment – CCS Cat 2
Permit Conditions - F2.2, F2.8, F3.2, F4.7, F5.3

Monitoring data is crucial to understand the impact that the site could/is having on human health and the environment. As no landfill gas monitoring, groundwater monitoring, surface water monitoring or leachate monitoring data has been submitted for 2020 and 2021, and previous monitoring is incomplete, the potential impact that Cwrt Y Plyfffin landfill is having may have continued or worsened, and may be having a greater impact. The landfill is near sensitive receptors; with the landfill having pollutant linkages to the public, surface water (moderate to high sensitivity) and groundwater (moderate sensitivity).

For full details of all the missing monitoring data, please see the CAR dated 20 November 2020.

Therefore, due to the increased potential risk from the extended period of time without monitoring, the score is now a CCS Cat 2. Please note as stated in section 3 that we are considering enforcement action for this non-compliance.

ACTION: Undertaken monitoring and submit monitoring data to NRW in line with permit conditions with immediate effect.

A1 – Specified by the permit – CCS Cat 3
Permit conditions G1 – G7

In order to demonstrate that no restoration is required, evidence that satisfies permit conditions G1 – G7 to show that the site has been fully restored is required.

Clarification is also sought regarding the installation and monitoring of new wells as mentioned in the completion report.

G1 – Confirmation with supporting evidence to demonstrate that each cell has been capped (for all cells, or evidence that the cells were not operational)

G2 – Confirmation with supporting evidence to demonstrate that each cell has a protective layer

G3 – Evidence to show the suitability of the capping material for all cells

G4 – Evidence to show where necessary, the thickened cap

G5 – Evidence to show that all cells have been capped

G6 – Evidence to show that final restoration has been completed in accordance with the working plan for the whole site.

G7 – Submit/ re-submit all permeability tests for the capping material.

Please note that as a restoration plan to use waste for restoration has never been

submitted, waste could not, and cannot, be used to restore the landfill. If you are not able to satisfy the above, then the landfill will be considered to be un-restored. A full restored landfill and set of comprehensive monitoring would be required for a surrender application.

ACTION: Provide required information regarding capping and restoration.

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.