

Compliance Assessment Report CAR_NRW0049256

Permit being assessed: BP3330LS.

For: Ty Mawr Farm Landfill, **held by:** Mr Griffith Wyn Griffiths and Mr Edward Lloyd Griffiths

At: Betws Yn Rhos, Abergele, Conwy, LL22 8AA.

Type of assessment: Report/Data Review,

Reason: Other.

On: 02/10/2025.

Parts of permit assessed: See below.

NRW Lead Officer: Sarah Walton.

Report sent to: Griffith Wyn Griffiths and Edward Lloyd Griffiths, Permit operators, on 03/10/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3E - Waste - Emissions and monitoring - Monitoring	Action only (X)	
W2C - Waste - Operations - Operating techniques	Action only (X)	

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

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

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

2. What action is required?

Criteria	Action needed	Complete by
W3E	Please ensure that the new in waste and perimeter monitoring points are clearly marked and made known to drivers/contractors to ensure the integrity of the infrastructure.	03/10/2025
W2C	As an recommendation, it is advised a few annotations are added to the drawing such as arrows for the direction of fill, along with a brief statement of how the waste will be	03/10/2025

Criteria	Action needed	Complete by
	progressively placed on the slopes using specified plant.	

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

Environmental Permitting Regulations 2016 Regulation 36 Notice

An Environmental Permitting Regulations 2016 Regulation 36 notice was served to the operator on 08/10/2024. This CAR report includes a review of compliance with this notice.

Permit condition 3.6.1 and Schedule 4:

"The operator shall, unless otherwise agreed in writing by the Agency, undertake the monitoring for the parameters, specified in the following tables in schedule 4 to this permit:

- (a) Groundwater specified in tables S4.1 and S4.6;*
- (b) Landfill gas specified in tables S4.2, S4.3;*
- (c) Surface water specified in table S4.4; and*
- (d) Particulate matter specified in table S4.5".*

STEP 1:

"Provide construction proposals which review the condition and integrity of all monitoring points as listed below and specified in schedule 4 and drawing ESID4:

- Down gradient groundwater monitoring boreholes GW2, GW2A and GW3 as shown on drawing ESID4.*
- Perimeter Landfill Gas Monitoring Boreholes BH1A, BH1B, BH2A, BH2B, BH3A, BH3B, BH4A, BH4B, BH5A, BH6A, BH7A as shown on drawing ESID4.*
- Landfill Gas Borehole reference LMP shown on drawing No ESID4 and In waste monitoring boreholes to be installed in accordance with Table S1.3(4).*
- Surface water monitoring points SW1 and SW2 as shown on drawing ESID4.*
- Groundwater monitoring boreholes GW1, GW2, GW2A and GW3 as shown on drawing ESID4.*

Construction proposals should be submitted in the form of a CQA plan, for NRW approval.

The construction proposals should be made in line with guidance LFTGN02 and LFTGN03".

The operator submitted a CQA plan on 13th January 2025. This action was completed by the notice deadline.

Natural Resources Wales reviewed this document and were satisfied that the operator could continue with repairing and replacing the lost monitoring points (See step 2 below).

STEP 2:

"Ensure all monitoring points are repaired or replaced (as identified in step 1 of this notice), in line with an approved CQA plan"..

A revised CQA plan was received by NRW on 25/02/2025. This document updated the borehole location plan with accurate GPS measurements as well as the addition of the geological cross section drawing and confirmation of the calculated drilling depths.

The consultant working on behalf of the operator confirmed that drilling commenced Monday 10th March 2025.

STEP 3:

"Submit a CQA Validation Report to NRW, following the construction of all monitoring points as noted in step 2 of this notice".

The operator submitted a CQA report on 14/05/2025.

NRW reviewed this document and had the following comments:

"Egniol CQA Report Perimeter Monitoring Boreholes Replacement Works (Ref 1269-ECL-XX-XX-RP-C-0001, May 2025) which is satisfactory. The issues identified in Section 6.0, along with Section 7.0 conclusions of the report are noted.

In relation to perimeter gas monitoring borehole BH3AR, piezometric pressure from water encountered just above the Elwy Formation Mustone would seem to be the cause of the problem".

Section 6.0.2 of the CQA report states *"After the works had been completed, the water level at gas monitoring borehole BH3AR continuously rose, with a piezometric head at above the top of the steel borehole cover resulting in groundwater filling the steel cover and spilling over. This location is therefore unsuitable for gas monitoring purposes. Following consultation between Egniol and Wyn Griffiths & Sons, a decision has been made to decommission this borehole and reinstate in a new location; NRW will be made aware when more information is available".*

On 10th July 2025, NRW received a CQA plan for the decommissioning of borehole BH3AR.

On 20th August 2025, NRW received a CQA validation report (reference: 10269-ECL-XX-XX-RP-C-0002) for the construction of the outstanding borehole BH3A and the installation of LMP1 (in waste gas monitoring borehole).

CQA Report ref 10269-ECL-XX-XX-RP-C-0002 dated August 25 was reviewed by NRW. The CQA report is satisfactory and can be accepted. The issues encountered in Section 6 of the report along with Section 7 conclusions are noted.

The outstanding boreholes BH3AR and LMP1 were installed after the notice due date of Monday 12th May 2025 and following CQA plan was received after the notice due date of 16th June 2025. Whilst this notice was recorded as having not been complied with by specified due dates, it is appreciated that the operator has since completed the necessary steps.

ACTION: Please ensure that the new in waste and perimeter monitoring points are clearly marked and made known to drivers/contractors to ensure the integrity of the infrastructure.

Filling plan

Permit Condition 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"*
Table S1.2 states *"Application The responses to questions B2.1, B2.2, B2.3, B2.4, B2.5, B2.7, B2.8, B2.9 and B2.11 of Part B of the Landfill Application Form" and "Response to schedule 4 notice dated 06 /11/06 - All"*.

On the previous CAR form, an action was placed on the operator to explain how the tipping of waste on site was being managed to achieve the profiles 'Hydrogeological Cross Section 2058.SRA.01', 'Engineering and Installation details 2058.SRA.02' and 'Restoration 2058.ESID.05' A response was requested in the form of an up-to-date filling plan based on a recent topographic survey.

A response was received from the operator on 22/06/2025, with a filling plan dated 19/06/2025.

ACTION: As an recommendation, it is advised a few annotations are added to the drawing such as arrows for the direction of fill, along with a brief statement of how the waste will be progressively placed on the slopes using specified plant.

Thank you to all parties involved, who have worked to meet the requirements of the enforcement notice.

Should you wish to discuss or query anything in this CAR form, please get in touch using the details below.

Kind Regards,

Sarah Walton
Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer
Gogledd-Orllewin / North West

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.