

Compliance Assessment Report CAR_NRW0050257

Permit being assessed: CP3299FR.

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

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

Type of assessment: Site Inspection,

Reason: Routine.

On: 03/12/2025 between 11:30 and 12:30.

Parts of permit assessed: General Site inspection and monitoring.

NRW Lead Officer: Sally Wakeford, accompanied by Sarah Walton.

Report sent to: Mr J G Powell, Operator, on 29/12/2025.

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	C2 Significant	F2.2, F2.8, F3.1, F3.2, F4.2, F4.7, F5.2, F5.3

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
W3E	Arrange access to the site with the landowner and begin monitoring of the landfill as per the permit conditions. Update NRW on the progress of gaining access and subsequent monitoring plan.	30/01/2026

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

On 03 December 2025 an announced inspection was undertaken by NRW Officers Sally Wakeford and Sarah Walton at Cwrt Y Plyffin Landfill EPR/CP3299FP. The Operator had been informed of our presence on site via phone call earlier in the week.

Site Inspection

There was a period of heavy rain prior to the inspection, and the area was very muddy.

The landfill has not been operational as a landfill for many years, according to the permit the tipping was required to cease by 28 February 2004. The area of land is currently occupied by a number of businesses undertaking non-waste operations.

During the walkover of the site, we were accompanied by the landowner. Much of the site was inaccessible due to vegetation growth. We were unable to locate any of the monitoring points, and the footpath down the side of the site was completely inaccessible with no entrance visible. This meant we were unable to access the surface water ditches at the bottom of the site.

The Operator was not on site at the time of the inspection; the Operator has previously informed NRW that they were last on site on 14 February 2020 when they vacated the site as required by the landowner.

Monitoring Requirements:**W3E – Emissions and Monitoring – Monitoring****Permit Condition F2.2, F2.8, F3.1, F3.2, F4.2, F4.7, F5.2, F5.3****Category 2 breach**

CAR form CAR_NRW0049477 was recently resent to the Operator on 29/09/2025. In this Compliance Assessment Report it was stated that there has been an extended period of time in which monitoring data has not been received, and there are significant gaps in the monitoring data, and data from 2021 and 2022 was missing.

Permit conditions F2.2 and F2.8 stipulate the required gas monitoring. F2.9 stipulates the required reporting of the gas monitoring.

Permit condition F3.1 and F3.2 stipulate the required leachate monitoring. F3.3 stipulates the required reporting of the leachate monitoring.

Permit conditions F4.2 and F4.7 stipulate the required groundwater monitoring. F4.8 stipulates the required reporting of the groundwater monitoring.

Permit conditions F5.2 and F5.3 stipulate the required surface water monitoring. F5.4 stipulates the required reporting of the surface water monitoring.

Under Regulation 15 of the Environmental Permitting (England and Wales) Regulations 2016 a landowner must grant permission for an Operator to access the land to allow them to undertake monitoring required under the permit conditions. You have been written to separately regarding this matter. The landowner of the site has also been informed of these requirements of the regulations.

It appears no actions have been taken by the Operator since CAR form CAR_NRW0049477 was originally produced to attempt to undertake the required monitoring at the landfill, and no agreement with the landowner for access has been reached. No landfill gas monitoring, groundwater monitoring, surface water monitoring or leachate monitoring has been undertaken or data submitted in 2023, 2024 or 2025.

Monitoring data is crucial to understand the impact that the site is, or could, have on human health and the environment, at present the impact the landfill is having on the wider environment is completely unknown.

This extended period of time without monitoring has meant these breaches of permit are significant and have been assessed as Category 2.

Please note, you have been issued a Formal Warning as an enforcement response on this CAR form for these continued breaches.

ACTION: Arrange access to the site with the landowner and begin monitoring of the landfill as per the permit conditions. Please update NRW on the progress of gaining access and subsequent monitoring plan.

The deadline for submitting an update to NRW on the situation on site and progress made to restart monitoring at the site is 30/01/2026.

Failure to gain access and begin monitoring may result in enforcement action in the future.

END

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource 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.