

Compliance Assessment Report CAR_NRW0051949

Permit being assessed: BP3995CY.

For: Lovatt Brothers, **held by:** Lovatt Brothers Ltd

At: Lovatt Bros, Goetre Villa, Abermule, Montgomery, Powys, SY15 6NW.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 21/05/2026.

Parts of permit assessed: Management System, Waste Acceptance, Waste Storage.

NRW Lead Officer: Malcolm Dines.

Report sent to: Mike Lovatt, Director, on 26/05/2026.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W4B - Waste - Information - Reporting	C3 Minor	4.2.2
W1A - Waste - Management - General management	C3 Minor	1.1.1(a)
W2A - Waste - Operations - Permitted activities	C3 Minor	2.1.1
W1A - Waste - Management - General management	Action only (X)	
W3G - Waste - Emissions and monitoring - Fire	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
3	12

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
W4B	Review all waste returns since 01 April 2021 and revise and re-submit any that need to have hazardous wastes included	30/08/2026

Criteria	Action needed	Complete by
W1A	Classify wastes in accordance with Technical Guidance WM3	27/05/2026
W2A	Vary the permit to allow the storage of larger quantities of hazardous wastes, especially those for recovery, OR comply with the storage limits as specified in table 2.1 of this permit	30/08/2026
W1A	Review, update and submit to Natural Resources Wales the Management System for the site and ensure that the update specifically addresses the following by 30 August 2026 <ul style="list-style-type: none"> - Hazardous Waste acceptance, treatment and storage - Waste Classification - Staff training - Waste recording and reporting 	30/08/2026
W3G	Submit a fully reviewed and revised (where necessary) section (s) of you Accident Plan/Management System that relates to Fire Prevention and Mitigation. Due to the nature of the wastes that are stored and treated at the site, the company MUST ensure that the updated document is written using the current, relevant fire prevention plan guidance which identifies and minimises the risks of fire	29/11/2026

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

This was a routine review of data by Malcolm Dines (Waste Regulation Officer) following the submission of documents by the operator as required by Compliance Report CAR_NRW0051221.

Permit Breaches

W4B - Waste Reporting - Cat 3: Permit Condition 4.2.2

You have been given this Category 3 breach of permit condition 4.2.2 as the company has failed to report the wastes accepted and removed from the site accurately. Compliance Report CAR_NRW0051221 required you to submit a copy of records for when each of the specified wastes (Asbestos; End-of-life Vehicle Batteries; End-of-Life Vehicle Fluids; Engine and gearbox Oils; Oil Filters and Interceptor contents such as: solids, sludges, oils

or oily water) were last removed from site, or a written explanation if you did not have those records.

The company submitted Hazardous Waste Consignment Notes showing that all requested waste streams had been removed from site in the previous six months, other than End-of-Life Vehicle Oil Filters, that are crushed on site, and interceptor contents.

The company provided written confirmation that the interceptor, *"has the oil removed every 3 months and is disposed of in line with oils & fluids from the ELV decontamination process."* and that the company checks & monitors the silt levels in the interceptor at the same time and stated that the last time they were emptied was five years ago.

However, none of these waste streams have ever been reported by the company of the quarterly waste returns, either for being received or removed. It is only because Hazardous Waste Transfer Notes were provided for the wastes that meant the company has received a category 3 score, rather than a Category 2 score for this breach. It is reasonable to consider that the company has been complying with the requirements of Waste Duty of Care for these waste streams.

Action: review all waste returns since 01 April 2021 and revise and re-submit any that need to have hazardous wastes included **by 30 August 2026**

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

You have been given this Category 3 breach of permit condition 1.1.1 as wastes are not being classified correctly.

The company provided a written explanation of how the interceptor contents are managed at the site stating they are, *"disposed of in line with oils & fluids from the ELV decontamination process"*.

Interceptor wastes are listed in Chapter 13 of the List of Wastes as Codes:13 05 01* to 13 05 08*. Technical Guidance WM3: Guidance on the classification and assessment of waste (1st Edition v1.2.GB) states that where hazardous wastes are produced separately, they must not be mixed. If the oil is being removed from the interceptor every three months it is expected that the relevant list of waste code will appear on multiple quarterly waste returns each year.

A review of the 2025 quarterly waste returns for the site shows that there are anomalies between wastes codes being received and removed from the site. Wastes assigned the list of waste codes 17 02 02 (Construction and Demolition Glass); 17 02 03 (Construction and Demolition Plastic) and 17 05 04 (Construction and Demolition Soil and Stones) have all been reported as being received, but none have been removed from the site in 2025. As these were accepted to the site as source segregated wastes, they should be removed from the site as such unless they have been mechanically treated so that their properties have been substantially altered.

The company has also reported that waste code 19 12 04 - waste plastic and rubber from the mechanical treatment of wastes - has been removed from the site, but it is unclear how this waste is generated

Waste code 19 12 12 (residual wastes from the mechanical treatment of wastes) has also been reported as being removed from the site. While your site used excavators and mechanical handlers to treat wastes, any waste treatment will have to substantially alter the original properties of the incoming wastes for it to be considered under Chapter 19.

Unless the properties of the wastes have been substantially altered, wastes sorted at this site will remain under the code that they were received at the site, for example, mixed municipal wastes (EWC 20 03 01) will remain as 20 03 01 and ELV wastes will remain under Chapter 16.

Some of the waste codes the company has reported as received and removing from site are "mirror entry" codes in WM3. Where waste is classified under 'mirror hazardous' or 'mirror non-hazardous' entries the company must ensure that these wastes are assessed for hazardous properties as set out in WM3. This assessment is to identify which code applies and, if necessary, complete the hazardous waste consignment note. Waste holders have a duty to determine if a "mirror entry" waste is hazardous or non-hazardous and a list of waste code cannot be assigned until steps 4 to 7 in Chapter 2 of WM3 has been completed. The company must also retain records to demonstrate that wastes have been assessed and classified correctly including any sampling results.

Action: Ensure that the company is classifying wastes in accordance with WM3 **with immediate effect**

W2A - Permitted Activities - Cat 3: Permit Condition 2.1.1

The company has received this category 3 breach of permit condition 2.1.1 as on compliance Report CAR_NRW0051221 the company was required to submit records of the amount of hazardous wastes stored on-site at the time of the compliance visit on 26 March 2026. Other than for asbestos, records of the exact amount of wastes were not provided, so I reviewed the hazardous waste consignment notes provided. These show that when the Lead-Acid Batteries were removed from site on 03 February 2026, the following quantities of wastes were on-site:

- Lead-Acid Batteries: 25.6 tonnes
- Asbestos: 6.2 tonnes
- Engine oil: approximately 5.5-6 tonnes
- Antifreeze: approximately 1-1.2 tonnes
- Household, Commercial and Industrial Batteries: 1.4 tonnes
- End-of-Life Vehicles: approximately 3.5 tonnes per day (this is an average based on the 2025 total of 1156 tonnes received at the site).

This is over 40 tonnes, exceeding the permit limit of 10 tonnes at any one time.

In response to Compliance Report CAR_NRW0051221, the company stated that the method and process to store End-of-Life Vehicles has been used for over 20 years and Natural Resources Wales have not previously raised any issues or concerns in regards to these processes.

While it is acknowledged that End-of-Life Vehicles are an anomaly regarding the weight at waste acceptance, as detailed above the average daily tonnage of End-of-Life Vehicles accepted at the site is 3.5 tonnes per day and that this waste stream is de-polluted quite

quickly so reducing the quantity of hazardous wastes on site at any one time. The cause of the permit breach is the quantity of other hazardous wastes being stored on site on 3 February 2026.

At present there is no evidence that accepting more than 10 tonnes per day of hazardous wastes has caused pollution of the environment however, permit conditions are written to be environmentally protective and because this permit breach relates to the storage of hazardous wastes and which have not been risk assessed by us, a breach of permitted activities will be treated as a more serious breach.

It is accepted that anyone now applying for a standard rules permit to undertake the activities authorised by this permit would be able to store up to 50 tonnes of hazardous wastes at any one time therefore, this breach, despite relating to hazardous wastes, has been given a category 3 breach rather than a higher categorisation.

Action: Vary the permit to allow the storage of larger quantities of hazardous wastes, especially those for recovery, OR comply with the storage limits as specified in table 2.1 of this permit **by 30 August 2026**

W1A - General Management: Management System - Action Only: Permit Condition 1.1.1(a) as the root cause of the breach of permit condition 1.1.1(a), 2.1.1 and 4.2.2 above

You have been given this Category 3 breach of permit condition 1.1.1(a) as the Root Cause of the breach of permit conditions 1.1.1(a), 2.1.1 and 4.2.2 (above) - the failure to report hazardous wastes on your waste returns and exceeding the storage limit for hazardous wastes.

This demonstrates that either staff are not complying with the Management System for the site, or that the Management System is inadequate.

Action: Review, update and submit to Natural Resources Wales the Management System for the site and ensure that the update specifically addresses the following **by 30 August 2026**

- Hazardous Waste acceptance, treatment and storage
- Waste Classification
- Staff training
- Waste recording and reporting

Other Matters

Fire Prevention and Mitigation

As required by Compliance Report CAR_NRW0051221, the sections of the Management System that relate to Fire Risk and Prevention at the site were submitted. While this permit does not have a specific permit condition requiring the company to operate in accordance with a Fire Prevention and Mitigation Plan, permit condition 1.2.1(b) requires you to review the Accident Plan for the site at a minimum of every 4 years. The Risk Assessment was last reviewed in 2023 and addresses the risk of fires from different waste streams however, the risk assessment and the fire procedure do not adequately address the risk of fire at the site.

Across the metals sector, and the Waste Industry as a whole, there are an increasing number of fires and while there is no suggestion that there is an immediate fire risk - there have been no reported fires at the site - due to this increased risk, the company must update the Accident plan for the site,

Action: Submit a fully reviewed and revised (where necessary) section (s) of you Accident Plan/Management System that relates to Fire Prevention and Mitigation. Due to the nature of the wastes that are stored and treated at the site, the company **MUST** ensure that the updated document is written using the current, relevant fire prevention plan guidance which identifies and minimises the risks of fire **by 29 November 2026**

Asbestos Storage

As required by Compliance Report CAR_NRW0051221 the asbestos storage skip is now clearly identifiable.

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 required for the permit condition assessed to avoid non-compliance. No non-compliance scored at this time
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(1) – Emissions to water
- W3A(2) – Emissions to air
- W3A(3) – Emissions to 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.

Disputing the Content of this Compliance Assessment Report Form

If you disagree with the content of this Compliance Assessment Report form, you should submit your concerns, in writing, to the regulating officer who issued it within **15 working days** of its issue. This will be treated as a **Stage 1 review**.

If you are not satisfied with the outcome of the stage 1 review, you may request a **Stage 2 appeal**. This request must be submitted **within 21 working days** of receiving the response from the stage 1 review.

Further details on our review and appeal process are available at: [Natural Resources Wales / Appeal a regulatory decision from Natural Resources Wales](#)

Concerns Not Related to the Content of this Compliance Assessment Report Form

If your concerns do not relate to the content of the Compliance Assessment Report form, you should first attempt to resolve the issue with the regulating officer or their line manager.

If the issue remains unresolved, please contact our **Customer Contact Team**:

- **Telephone:** 0300 065 3000 (Monday to Friday, 09:00–17:00)
- **Email:** enquiries@naturalresourceswales.gov.uk

They will provide details on how to escalate your concerns through our **Complaints and Commendations procedure**.

If you are dissatisfied with our response, you may contact the **Public Services Ombudsman for Wales**:

- **Telephone:** 0300 790 0203
- **Email:** 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.