

Compliance Assessment Report

Report ID:
CAR_NRW0035558

This form will report compliance with your permit as determined by an NRW officer

Site	Byass Works	Permit Ref	AB3895CN			
Operator/Permit holder	A W D Group Ltd					
Regime	Waste Operations					
Date of assessment	12/06/2019	Time in	14:00	Out	15:30	
Assessment type	Audit					
Parts of the permit assessed	FPMP and Permitted Area					
Lead officer's name	Davies, Gareth					
Accompanied by	Medcraft, Jodie					
Recipient's name/position	Alun Wyn Davies/ Director	Date issued	09/08/2019			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
A1 - Specified by permit	C3	2.4.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	C3	2.3.1
F1 - Amenity - Odour	A	
F2 - Amenity - Noise	A	
F4 - Amenity - Pests/birds and scavengers	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	3	Total compliance score (see section 5 for scoring scheme)	12
------------------------------------	----------	---	-----------

If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Present

Eifion Davies – AWD Group Ltd (AWD)

Alun Davies – AWD Group Ltd

Simon Pearson – Mid & West Wales Fire and Rescue Service (MWWFRS)

Ashley Hopkins – Mid & West Wales Fire and Rescue Service

Gareth Davies – Natural Resources Wales (NRW)

Jodie Medcraft – Natural Resources Wales

The main purpose of the inspection was to undertake a joint site meeting with the FRS to discuss the Fire Prevention and Management Plan (FPMP). A further meeting will take place as NRW and the FRS attended on the wrong date. Apologies for this error.

Fire Prevention and Management Plan

Some amendments to the original document submitted to NRW had already been put in place but due to NRW and MWWFRS attendance earlier than originally agreed, the fully revised version was not yet available.

The comments made in CAR form NRW0034552 were discussed and where necessary, additional suggestions for improvement made, namely water supply, separation distances, firewater run-off and use of bays and associated free board for storing material.

Condition 3.4.1 of your Environmental Permit states;

“ The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance”.

It is clear that improvements have been made to the original version submitted. In order to fully comply with this condition, please ensure that the recommendations discussed at this meeting and those comments included in CAR Form NRW 0034552 are included and a copy of the revised, completed version forwarded to NRW.

Site Inspection

AWD are continuing to undertake development works on site. A picking line is on site, but as yet has not been installed. This was the first site inspection since the variation to increase the permitted area was issued.

During the inspection it was noted that there was waste not being stored on a sealed drainage system, namely wood and mixed construction and demolition skips. This can be seen in the

photographs below:



Condition 2.3.1 of your environmental permit states;

“The activities shall be operated using the techniques and in the manner described in Table 2.3 below;”

Table 2.3 Operating techniques

- | |
|--|
| <ol style="list-style-type: none">1. Unless stored or treated outside as specified waste³:<ol style="list-style-type: none">a) all bulking, transfer or treatment of waste shall be carried out inside a building;b) all waste shall be stored in a building or within a secure container.c) all waste shall be stored and treated on an impermeable surface with sealed drainage system.2. Specified waste shall be stored and treated on hard standing or on an impermeable surface with sealed drainage system. |
|--|

The storage of waste, not in accordance with Table 2.3, is a breach of Condition 2.3.1 and has been scored a Category 3 breach (A non-compliance which could have a minor environmental effect) under C4 General Management - Storage, Handling, Labelling and Segregation. Please see actions below.

It was also noted that there were waste bales being stored outside of the permitted area in front of the main entrance to the site.

Condition 2.4.1 of your environmental permit states;

“The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit”

The storage of waste outside of the land edged in green on the site plan attached to the permit is a breach of Condition 2.4.1 and has been scored under A1 Permitted Activities – Specified by permit. These bales shall either be removed off site or brought within the permitted area. Please see actions below.

Written Management System

Condition 1.1.1 of the permit states that an operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risk of non-conformances. The written management system in place has not prevented a non-conformance on site. Subsequently, this is a breach of Condition 1.1.1 and has been scored a Category 3 breach (A non-compliance which could have a minor environmental effect) under C2 General Management – Management Systems. Please see action below.

Additional Information

Following an internal organisational redesign, Gareth Davies will be moving to a new role within a different part of NRW. As such, a pre-arranged visit will be organised with the new regulatory officer for the site and to discuss the FPMP following submission. If you have any questions, please contact the South West Waste Regulation Team via e-mail at:

wasteregulation.swwales@naturalresourceswales.gov.uk

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. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales.

The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency in Wales.

END

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035558**

This form will report compliance with your permit as determined by an NRW officer

Site	Byass Works	Permit Ref	AB3895CN
Operator/Permit holder	A W D Group Ltd	Date	12/06/2019

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C4	C3	Please provide a date for agreement with NRW, by which all waste required to be stored on impermeable surface with sealed drainage system will be stored on impermeable surface with sealed drainage system.	23/08/2019
C2	C3	Please provide a date for agreement with NRW, by which the written management system shall be reviewed, update and any changes implemented on site.	23/08/2019
A1	C3	Please confirm the actions that will be taken to remove the waste currently stored outside of the permitted area, for agreement with NRW.	23/08/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.