

Compliance Assessment Report CAR_NRW0036921

Permit being assessed: MB3393HW.

For: Pembrey Motor Racing Circuit, held by Gower Recycling Limited

At: Llanelli, Carmarthenshire, SA16 0HX.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 09/09/2020 between 12:00 and 13:00.

Parts of permit assessed: General site inspection

NRW Lead Officer: James Kinkead, accompanied by David Ellar.

Report sent to: Mark Jones, Site Manager on 16/09/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D1 - Incident Management - Site security	Assessed (A)	
E5 - Emissions - Waste	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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
E5	Please ensure any loose general waste that may be contaminating the material is picked (if safe to do so) and disposed of properly.	13/09/2021
G4	Q2 returns should have been submitted by 31st July 2020. Please ensure quarterly waste returns are submitted within the deadlines. See our website for quarterly submission deadlines.	31/10/2020

Action 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

A routine site inspection was carried out of the Pembrey Circuit bund site operated by Gower Recycling Ltd under permit EPR-MB3393HW. The permit was issued in 2015 as a Standard Rules SR2010 No. 7 permit.

James Kinhead and David Ellar of NRW carried out the site visit.

We were met on site by Gower Recycling representatives Mark Jones, Rob Nelson and Phil Davies (Pembrey Track).

We entered site by the gate to the south-east of the track. Gower Recycling are no longer using the small clearance to the left of this gate to store plant and material. Instead, they are now taking material straight to where it is required for bund fill. All areas where material has been deposited remain within the permitted site boundary.

Gower Recycling are currently finishing off work on the bund at the east site of the track, and an estimated 3,000 T was required to complete the current filling work. All members were reminded by NRW that based on waste returns, the site is approaching or may have already exceeded their 50,000 T limit for the current permit.

The Q2 (April - June 2020) waste returns have not been submitted. This is a requirement of your permit under section 4.2.2. **Action: Please ensure all quarterly waste returns are submitted by the required date. All submission dates can be found on our website at <https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/operator-waste-return-and-deadlines-for-returns/?lang=en>.**

Mark Jones explained that visual inspection of the incoming waste loads was carried out by Gower Recycling staff at the point of collection, and was rejected if not acceptable for use. There were small amounts of contamination in the form of plastics/general waste on the top of the freshly deposited material. **Action: Please make an effort to pick any contaminating general waste where possible, to prevent it being buried into bunds. Please continue to reject any material that may be contaminated with general waste.**

Both Gower Recycling and Pembrey Circuit discussed the need for additional bund work to be completed in the coming years, to improve infrastructure and provide more noise attenuation. NRW discussed the options available and Gower Recycling/Pembrey Circuit will assess what work needs done so that a new permit application/amendment can be completed in the future.

No operations were being carried out on site at the time of visit. The site was secure.

As the site is nearing the 50,000T limit, NRW have given Gower Recycling Ltd a regulation 61 notice. This notice asks for all duty of care paperwork for the site since 01Apr2018 until 31Aug2020. It also asks for any reports/risk assessments/documents describing the chemical testing of sources of waste as described in section 3 of the sites waste recovery plan. A physical notice was given to Mark Jones, and an email has been sent to Lisbeth who carries out the paperwork administration for the site.

A separate analysis of the paperwork provided by the Reg. 61 notice will be carried out in the near future.

NRW would like to thank Mark, Rob and Phil for taking the time to meet with us on site.

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.

What are suspended scores?

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 Industry and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 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.