

Compliance Assessment Report CAR_NRW0037003

Permit being assessed: MB3393HW.

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

At: Llanelli, Carmarthenshire, SA16 0HX.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 05/10/2020.

Parts of permit assessed: Assessment of Duty of Care and material testing documents in line with site permit and waste recovery plan.

NRW Lead Officer: James Kinkhead.

Report sent to: Mark Jones, Site Manager on 14/10/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C3 - General Management - Materials acceptance	C4 No impact	2.1.1 Permitted activities
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	2.1.2

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

Total number of non-compliances recorded	Total non-compliance score
2	4.1

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
C3	No additional waste material to be taken onto site.	14/10/2020
G4	Ensure waste returns are as accurate as possible, including the correct local authority where waste arose information. Your Q3 waste returns are due 31/10/2020.	31/10/2020
C2	Any materials accepted that are not classified as inert should be subject to chemical composition testing to assess suitability as outlined in section 3 of waste recovery plan.	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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

An EPR 2016 Regulation 61 notice was served on Gower Recycling Ltd on 09/09/2020. This notice requested copies of duty of care paperwork and any risk assessments/testing results/reports on waste material being accepted at the Pembrey Circuit site between 01/04/2018 and 31/08/2020.

Gower Recycling complied with this notice and delivered paperwork to NRW's Maes Newydd office (Llandarcy) on 28/09/2019.

This paperwork was requested and reviewed by NRW as based on Gower Recycling Ltd's most recent waste returns (Q1 2020), they were approaching or past the maximum limit of 50,000 T of material on site as described by their permit (EPR-MB3393HW - SR2010 No. 7).

Duty of Care (DoC) notices - general observations.

From our review of the DoC notes for material entering the Pembrey Circuit site, the total amount of material taken in as of 07/08/2020 was approx.*. 51,862.94 T. This is a breach of your permit **condition 2.1.1** (table 2.1) stating no more than 50,000 T shall be stored on site and has been given a C4 score under 'materials acceptance'. **Action: as you have surpassed the 50, 000T limit for material taken on site, you must now cease to take in additional waste material to the Pembrey Circuit site.**

For the most part the DoC notes provided included all of the information required according to the Waste Duty of Care Code of Practice - issued under section 34(7) of the Environmental Protection Act 1990. There were however 34 notes that did not include a waste classification code. These DoC notes accounted for 18,509.6 T of material. While descriptions were given for this waste on all notes, it is important that all waste is also assigned an appropriate waste classification code. Most of these occurrences were in 2018 and early 2019, suggesting administration has improved in recent years. **Action: all waste holders must ensure that DoC notices are completed in full with the most accurate information possible.**

All waste classification codes given on the DoC notes are acceptable under your permit conditions, and are in line with the codes stated in your waste recovery plan.

Materials testing.

Section 2.1.2 of your permit outlines that all activities on site must be completed in accordance with details provided in the approved **waste recovery plan**. In section 3 of your waste recovery plan, you stated that chemical testing must be done for any wastes that are not listed as 'inert' or where there was a suspicion of contamination. All waste codes listed

on the DoC notes fell under the inert category according to WRAP, apart from EWC code '191209 – mechanical treatment of waste – minerals (sand and stone)'. 16,421 T of 191209 was taken in from the same source - The Treatment Hub, Swansea. You included a copy of a letter dated 07/01/2020 from Neil McLeod, Director of The Treatment Hub. This letter described the material as fully compliant with the EWC code 191209, and stated that all material was 'fully tested and fit for the purpose intended'. **Ideally, a copy of the chemical composition testing of this material should have been provided and/or a risk assessment should have been made for use of this material, as outlined in section 3.6 of your waste recovery plan.** This has been given a C3 score under 'Management system and operating procedures'.

Waste Returns.

A comparison of your waste returns with the DoC notes showed both the waste codes and quantities of waste matched well with what you had described in your waste returns.

It was noted however that under 'local authority area where waste arose', Carmarthenshire is given in all waste returns - despite the DoC notes showing that waste has been delivered to the site from areas outside Carmarthenshire such as The Treatment Hub site which is registered in Swansea. Late waste return submissions have already been scored in our previous report (CAR_NRW0036921) following our site visit on 09/09/2020. **Action: Please ensure your final waste returns for Q3 (due 31/10/2020) include accurate information regarding the local authority where the waste arose.** This has been scored as 'action only' under 'Reporting and notification to NRW' on this CAR.

The priority action to take from this CAR would be to stop all acceptance of waste material onto the site immediately. Members of Gower Recycling Ltd and Pembrey Circuit expressed the wish to continue work on the spectator bund project. We will get in contact with Gower Recycling to discuss what options are available for this work. Until then, any additional waste taken on site will be seen as unauthorised disposal.

NRW would like to thank Mark, Rob and Lisbeth for their cooperation and help in providing the required information.

*DoC paperwork provided detailed the amount of materials as 'no. of loads', and not a specific weight for most of the notes. We estimated the average load size to be 18.6 T per load.

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.

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 for Wales.

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.