

Compliance Assessment Report CAR_NRW0037226

Permit being assessed: HB3433RA.

For: The Old Brickworks, held by Mark Robinson

At: Uskvale Park Estate, Pontypool, Torfaen, NP4 0HD.

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

On 27/11/2020 between 10:30 and 11:30.

Parts of permit assessed: Various

NRW Lead Officer: Chris Burge, accompanied by Alex Bowder.

Report sent to: MArk Robinson, Director on 14/12/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	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
0	0

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?

No action required.

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

Officers Alex BOWDER and Chris BURGE attended The Old Brickworks Limited at Uskvale Park Estate, Pontypool NP4 0HD at 10:30 on Friday 27th November 2020 to carry out a routine inspection of permit EPR-HB3433RA. The weather conditions were cold and dry at the time of visit. Met with business Director Mr Mark ROBINSON who accompanied Officers around the permitted area and explained operational activities.

Previous Actions

- Submit to NRW your proposed timescales for the management, processing and removal of the large stockpile. **COMPLETED**
- Excavate the large stockpile and create distinct piles to identify the oldest material deposited and the next for processing. **ON GOING**
- Submit an updated version of your EMS document that states the maximum storage times of material. Update a Site Plan showing the different work areas and material deposited. **COMPLETED**
- Submit to NRW the intended outlets for all the material currently deposited on site. **COMPLETED**
- Register a U1 exemption for the material used in construction around the site. **Not Required as material is a classed as a product**

ACTIONS

At the time of the inspection, Officers noted clear developments in the removal of the stockpiled material highlighted to be exceeding permitted storage times. It was evident that the levelled stockpile had reduced in height by approximately two metres since the last inspection. Mr Robinson stated that his intention was to process and remove the largest stockpile from 'left to right' over the course of the coming months.

Officers questioned how the vegetation growing over the stockpiled waste would be separated and disposed of as part of the process. It was stated that this would be burned off - any remnants of ash, for instance, would be added to the inert waste which can add nutritional value.



There were various piles of processed aggregate separated into different size product in the yard. No hazardous waste was witnessed on site. The material deposited to create site boundary bunding had not changed in size or composition.

You estimated to us that you will be working over the next 12 months to process and remove all material stored on site for over three years. We ask that you supply NRW with a break down of time scales and amounts for example: -

January – February 2021 - 100 tons of stockpile material to be processed and placed in designated product piles

We recommend that this is done for the entire removal period. Please send updates at the end of each two-month period to the Regulation Officer with photographs and amounts processed from the stockpile.

Action

Please submit a proposed plan detailing stockpile processing and tonnages removed to the Regulation Officer by 31st January 2021.

[\[AB1\]](#) Waste Returns

The October- December Quarter return for 2020 declares that 1,231 tonnes were accepted to site with an EWC code of 17 09 04 - mixed construction and demolition wastes. There is no weighbridge on site to accurately measure and so tonnages are estimated using vehicle sizes.

Mr ROBINSON stated that the business does not code material leaving site, as it is classed as a product and not seen as a waste. Whilst this is accepted, NRW need to be able to view the tonnages entering and leaving site to assess the progress for the removal of waste.

If you have any queries regarding this Compliance Assessment Report, please contact Regulatory Officer Chris BURGE on 0300 065 3904, or via email at chris.burge@naturalresourceswales.gov.uk

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.