

Compliance Assessment Report CAR_NRW0037563

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 03/02/2021 between 10:30 and 11:15.

Parts of permit assessed: A, B, C, D, F, G

NRW Lead Officer: Alex Bowder.

Report sent to: Mark Robinson, Site Manager on 10/02/2021.

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)	
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C3 - General Management - Materials acceptance	Assessed (A)	
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.1.1
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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
C2	Submit an updated EMS document that outlines the maximum storage times of material and contains a detailed Site Plan.	11/04/2021
C4	Submit removal timescales for product material once processed. Submit regular updates including images showing waste reduction progress across the site to ensure deadline of January 2022 is met.	11/04/2021

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

Senior Environment Officer Alex BOWDER attended The Old Brickworks Limited at Uskvale Park Estate, Pontypool NP4 0HD at 10:30 on Wednesday 3 February 2021 to carry out a routine inspection of permit **EPR-HB3433RA**. South East Operations Manager Jon GOLDSWORTHY was present to meet with Pontypool Parks estate landowner Mr Jack HANBURY to discuss the material deposits across the permitted area. Business Director Mr Mark ROBINSON accompanied parties around the site perimeter and explained the operational activities that had taken place. The weather conditions were mild and dry at the time of visit.

PREVIOUS CAR FORM ACTIONS

- Submit to NRW your proposed timescales for the management, processing and removal of stockpiles waste stored on site over three years. **PARTIALLY COMPLETED** - Processing timescales have been submitted, however please submit the potential product outlets and timescales for final removal of material from site.
- Excavate the large central stockpile and create distinct sections to identify the oldest material deposited and the next for processing. **ON GOING**
- Submit an updated EMS document that outlines the maximum storage times of material and contains a detailed Site Plan. **ON GOING** – See below for further justification.

SITE COMPLIANCE

On 29 January 2021, Mr ROBINSON provided the following timescales for processing and sorting the material that has remained on site for over three years:

TIME PERIOD	ACTION
February - March 2021	Process 200 tonne to produce crusher run/6F2
March - September 2021	Process 100 tonne per week to produce crusher run/6F2 subbase
September - November 2021	Process 600 tonne to produce crusher run/6F2
November - January 2022	Process 200 tonne to produce crusher run/6F2

In the document submitted in July 2019, it was stated that the work was going to be completed by September 2021. The recent plan has now extended the processing completion time to January 2022. Mr ROBINSON explained during the inspection, that this was the timescale that the business could reasonably and responsibly achieve given the weather restrictions during the winter and whilst bringing in (and working on) fresh material to keep business cash flow stable.

The stated January 2022 timescale is exclusively for processing the material, meaning that the product can remain on site until being sent out to customers. We require the potential customer sources and destinations for the product, along with the estimated dates for the final removal of this material.

CATEGORY 3 BREACH

(C4) Storage, handling labelling and Segregation

Permit condition 2.1.1:

"The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities")."

A breach has been scored against this condition due to the continuing non-complaint storage of waste across the site. This aims to cement the new proposed timescales for processing and removing material waste from the site.

ACTIONS

- Please submit the removal timescales for the product material once processed.
- Send regular updates with imagery showing the waste reduction progress across the site to ensure the deadline of **January 2022** is met.

Please note:

NRW endeavour to always work with operators, however if these timescales are not

strictly adhered to, we can escalate our enforcement response to formalise the times in a Statutory Notice.

SITE OBSERVATIONS

There were no drainage or infrastructure issues noted at the time of the inspection.

Products from waste

Recycling Capping 6F2 is the main product that is created from processing this waste. This is an aggregate composed of crushed concrete, brick and mortar produced as a by-product of demolition work, for instance. Sizes can range from 75mm down to dust, which can be processed into sub-base and drainage stone depending on demand.

Crusher Run (or hardcore) is a 40mm down to dust construction material that is commonly used as foundations for a range of surfaces. This is manufactured from crushed rock and stone dust. The crusher run is blended to provide a low-void content that tightly locks together.

It has been stated that processing work will be carried out in a left-to-right direction, removing 1500mm-2000mm. Mr Robinson believes there is considerable value within the material and so has promised to provide regular updates with photographs documenting progress and reductions in the waste stockpiles across the site. Please continue to submit these diligently.

BUNDING

Mr Jack HANBURY expressed concerns regarding the large volumes of material that have been deposited around the site over the past few years; particularly, the large volumes used to construct the bunds that follow the site perimeter. These bunds have been formed to act as amenity boundaries to assist with the containment measures of the yard.

The point was also raised as to why there were gaps in the bunds, and how the site distinguishes between tipped waste (awaiting processing) and the product used in construction of the mounds. Mr ROBINSON stated that he knew exactly what material was due for processing and was in control of the site layout. To address this issue, we recommend that the operator creates a Site Plan document that clearly illustrates the work areas, maximum storage times and bunding of the yard.

Torfaen County Borough Council Planning

Officers noted that land levels had increased in varying amounts throughout the site using the product material. Mr ROBINSON stated that all material used to construct the bunds was processed in-line with regulations and meets QP Protocol. This means that, once treated, the material ceases to be a waste and so can be used for this purpose from a waste regulation perspective. Mr HANBURY strongly questioned whether the bunds sizes were compliant with the granted Torfaen County Council planning permission specifications; particularly the left bund of the site where the material drops down a bank.

On 10 February 2021, NRW met with Torfaen County Council to discuss whether the material deposited around the site to create the bunds was compliant with granted

permissions. It was declared that an inspection was conducted by Planning Officers in 2019, whereby deposits were deemed satisfactory and suitable for the bund formation. Mr ROBINSON has claimed that no further material has been added to these bunds since this visit. Torfaen Council intend on conducting a site inspection in the coming months to assess recent compliance with the bunding across the site.

As stated during the inspection, NRW's remit is to assess what material is being used for the purposes of construction. It is the remit of Torfaen Council to decide whether the deposit dimensions are compliant with granted planning permission. Sampling data can be requested at any time to prove material composition and that it meets the WRAP protocol.

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

The current document that was submitted to NRW in 2020 needs further expansion to be considered an appropriate Management System for a waste operation of this nature. Further details can be found under the '*How to comply with your permit*' page on our website, located here:

[Natural Resources Wales / Guidance to help you comply with your Environmental Permit](#)

Below is a rough summary of what your EMS document should contain:

1. Environmental Impacts and Plan
 - Risk assessments identifying emissions and potential issues
 - List nearby sensitive receptors to site and contact details for neighbouring business that could potentially be affected by operation
 - Detailed Site Plan for drainage and waste storage areas (as specified above)
 - Interceptor maintenance and servicing history
 - Site Infrastructure - how and when is repair work done
2. Operations and maintenance
 - Site Plan detailing all work areas, drainage systems and permit boundaries
 - Operating times
 - Work areas and how procedures are carried out
 - Contingency plans in case of plant failure and breakdowns
 - Maximum storage heights and dimensions, how will you ensure these are complied with
 - Documented waste acceptance procedures, maximum storage times and age of deposited material
3. Accidents, Incidents and non-conformances.
 - Site Diary
 - Accident management plans in place (Emergency Action Plans)
 - Complaints procedure
 - Detailed Fire Plan and prevention methods
4. Staff training and competence

- Roles and responsibilities document
- WAMITAB expiry dates
- Staff training records

5. Contingency Plans

- Backup outlets and how the site will manage waste volumes when machinery breaks down
- List all waste types on site and backup plans for ensuring the site will comply with permit conditions.

ACTION - Submit an updated version of your EMS document that addresses the above factors.

Deadline: 11 April 2021

Permit Transfer

Another point of discussion was the controlling figure behind the waste operation. Under Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016, Mr Mark Robinson is listed as “the operator” on the environmental permit and so is the responsible individual for waste activities within the permit boundary. If this is not the case, the permit should be transferred into the control of the correct legal entity. More details on how to do this can be found here:

[Natural Resources Wales / Apply to transfer a waste permit](#)

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WASTE RETURNS

Quarter 3 was submitted on 30 October 2020. This document declared that the site accepted 1,231 tonnes of **17 09 04** (classified as mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03) with no categorised waste material leaving site.

Please continue to send the tonnages for material leaving site so that we can document the inputs and outputs.

If you have any issues with this report, please contact Senior Environment Officer Alex Bowder on 0300 065 3394 or alex.bowder@naturalresourceswales.gov.uk

Thank you.

In this document ‘Natural Resources Wales’ means the Natural Resource 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 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.