

Compliance Assessment Report CAR_NRW0037917

Permit being assessed: BB3091FA.

For: Former Morlais Colliery, held by Browns Recycling Group Limited

At: Pontardulais Road, Llangennech, Llanelli, Carmarthenshire, SA14 8YF.

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

On 15/04/2021 between 10:00 and 11:00.

Parts of permit assessed: General Site inspection

NRW Lead Officer: Sally Wakeford, accompanied by Michael Edwards.

Report sent to: Leighton Johnson, Operations Manager on 29/04/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2
C2 - General Management - Management system and operating procedures	Action only (X)	

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
A1	Move waste to inside the permit boundary	29/10/2021
G4	Submit all outstanding waste returns once access to the office and records is available	29/10/2021
C2	Provide a copy of the full Environment Management System within 6 months of this Compliance Report, or when operational, whichever is soonest	29/10/2021

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.

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 site inspection was conducted on 15 April 2021 by Sally Wakeford and Michael Edwards. Officers were met on site by Leighton Johnson.

Permit Holder:

The permit is held in the name of Browns Recycling Group Limited. All signage on site indicates the site is run by Browns Group Limited.

ACTION: Please confirm that the permit is held in the correct company name and company number.

Non-operational:

Since August 2020 the site was taken over entirely by Network Rail for the use for the ongoing incident and remediation following an incident on the train line. The site is still currently in the hands of Network Rail and Leighton stated they currently didn't have access to the site, offices or weighbridge for the waste activity. They are currently in the process of negotiating the handing back of the site.

ACTION: When waste operations are to begin you must inform NRW.

Permit boundary:

We discussed the boundary of the site, the majority of the top yard is not included in there permit boundary. On the lower area of the site the boundary of the permit does not extend to the end of the site.

Whilst on site we marked the position parallel to one of the pylons on site, the following map shows the marked NGR along with the overlaid permit boundary. The GREEN line marks the boundary of the permit.



Waste from the site was moved by Network Rail during their period of occupation. This waste is currently being stored on an area outside the permit boundary.

A1 – Permitted Activities – ACTION ONLY (X) – Permit Condition 2.2.1

You have been given an ACTION ONLY (X) as the due to the unprecedented circumstances we will not be scoring the storage of waste outside the permit boundary on this occasion.

ACTION: Please ensure this waste is moved within the permit boundary.

You must ensure you operate within the permit boundary. If you wish to increase the boundary of the site to include the entire area of land currently being utilised please contact Sally Wakeford who will provide information on how to undertake this.

**Technically Competent Manager:**

Leighton has recently completed his WAMITAB qualification.

ACTION: Please provide a copy of the certificate of the qualification when it is received.

Waste Returns:**G4 – Reporting and notification – Permit condition 4.2.2 – Category 3 score.**

You have been given a CAT 3 score of the above permit condition as no waste returns have been submitted since the permit was issued in November 2018.

Permit condition 4.2.2 states:

Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

Even if non-operational nil waste returns (showing no waste inputs or outputs) should be submitted on a quarterly basis, within one month after the end of the quarter

The quarterly periods are as follows:

January – March,

April – June,

July – September

and October – December.

To obtain a spreadsheet to be able to complete these please contact 0300 065 3000.

More information can be found here:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/waste-management/submit-your-waste-return/?lang=en>

ACTION: Submit all outstanding waste returns once access to the office and records is available, within 6 months of this Compliance Report.

The time allowed for this action to be completed should allow for the hand back of the site and access to the cabin. If there are any issues in completing this action, please contact Sally Wakeford.

Environment Management System:

C2 – Management Systems – ACTION ONLY (X) – Permit Condition 1.1.1(a)

The Resume of Environmental Management System Ref BG4 provided during application for the permit states that “The full environment management system will be presented on receipt of the approved site permit and prior to site operations commencing.” This has not been received by Natural Resources Wales. As you have no access to the cabin and information you have been given an ACTION ONLY (X)

ACTION: Provide a copy of the full Environment Management System within 6 months of this Compliance Report, or when operational, whichever is soonest.

The time allowed for this action to be completed should allow for the hand back of the site and access to the cabin. If there are any issues in completing this action, please contact Sally Wakeford.

Thank you for taking the time to accompany officers around the site.

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.