

Compliance Assessment Report CAR_NRW0038301

Permit being assessed: BP3396SL.

For: Williams Plant Hire Ltd, held by Williams Plant Hire Ltd

At: Aberbechan Wharf, Newtown, Powys, SY16 3AW.

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

On 27/04/2021 between 14:50 and 15:30.

Parts of permit assessed: Permitted Activities, Infrastructure, Fire

NRW Lead Officer: Liz Park, accompanied by Bethan Lewis.

Report sent to: Keith Williams, Operator on 20/05/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.5.1

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

Total number of non-compliances recorded	Total non-compliance score
2	8

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 all skips containing non-hazardous waste into the building with an impermeable surface and sealed drainage	30/06/2021
D2	Operate and manage activities in accordance with a Fire Prevention and Mitigation Plan	20/08/2021

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Liz Park accompanied by Bethan Lewis arrived at Williams Plant Hire Ltd to undertake an unannounced site inspection. Upon arriving at the site, Liz and Bethan met with Keith Williams. At the time of the inspection the weather was cool and dry.

On 15 September 2020 a varied and consolidated permit was issued for a non-hazardous, commercial and industrial waste transfer station with treatment, and soil, soil substitutes and inert waste storage and treatment. The permit boundary was extended. The variation also inserted the Fire condition which states that 'the operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance'. This was the first site inspection following the variation.

A site walk over was undertaken. Liz Park observed that there were no infrastructure changes relating to the area of the site that is currently being used for waste management. There were several skips of mixed and other wastes stored on unmade ground. All non-hazardous waste must be stored and treated on an impermeable surface with sealed drainage, and carried out inside a building.



Mixed skips in background



More mixed skips in background and 40 cu/yd skip half in building half on unmade ground

Liz asked Keith for the Fire Prevention and Mitigation Plan (FPMP). Keith appeared to be unsure as to what the FPMP was and what was required. He also did not appear to have full knowledge of the new management system written for the variation. Both documents were written by his consultant. Liz informed Keith that he needs to read and fully understand both documents with immediate effect, and operate and manage the site accordingly. This will be reviewed at the next compliance visit.

A1 - Permitted Activities - Permit Condition 2.1.1 - CCS Cat 3

Due to the permit boundary being extended, all skips are now stored within the permitted site. However, a number of skips containing waste are stored in the open on unmade ground. This is a breach of Permit condition 2.1.1. Permit condition 2.1.1. permits the operator to carry out the activities specified in schedule 1 table S1.1 (the "activities"). Table S1.1 for Activity Reference A1 - requires all non-hazardous waste to be stored and treated on an impermeable surface with sealed drainage, and carried out inside a building. Keith is unsure if this is actually what he actually requested via his consultant. Liz suggested he contacted his consultant regarding this.

It is noted that treatment is continuing within the building.

ACTION: All skips containing waste must be stored in accordance with permit condition 2.1.1. These skips, currently stored on in the open on unmade ground, must be moved and stored in accordance with this permit condition by 30 June 2021.

D2 - Incident Management - Accidents, emergency and incident planning - Permit Condition 3.5.1 - CCS Cat 3

The site is not managing and operating the activities in accordance with a written fire prevention plan using the current, relevant fire prevention and mitigation guidance.

Non-hazardous waste is being stored on unmade ground, and in the event of a fire, firewater would not be contained.

Following the permit variation, the required improvements concerning fire water containment and fire detection and alarm system have not been undertaken.

ACTION: Operate and manage activities in accordance with a written fire prevention plan. Undertake improvements as listed in Section 17 of the Fire prevention and Mitigation Plan v3 by 28 August 2021.

A full review of the Fire Prevention and Mitigation Plan v3 will be undertaken and details will be provided on a separate CAR.

Failure to comply with permit condition 3.5.1, may result in a Regulation 36 Notice being served.

In this document 'Natural Resources Wales' means the Natural Resources 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.