

Compliance Assessment Report CAR_NRW0038946

Permit being assessed: XP3691EG.

For: Clays Site, held by William Lewis

At: Bryn Estyn Rd, Llan -y- Pwll, Wrexham, Clwyd, LL13 9UB.

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

On 16/11/2021 between 11:30 and 12:15.

Parts of permit assessed: 'Specified by permit' and 'Storage, handling & segregation'

NRW Lead Officer: Sarah Walton, accompanied by David Powell.

Report sent to: William Lewis, Permit Holder on 19/11/2021.

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	Action only (X)	
A1 - Specified by permit	C3 Minor	2.1.1: The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 '

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
C3	The site is now very close to the maximum volumes of waste that can be deposited (152,683 tonnes). Once the limit is reached, no further waste should be accepted onto site.	17/12/2021
A1	The site is not authorised to treat waste on site (For example crushing and screening). These activities must stop immediately. Only the activities listed in Table S1.1 are authorised by the permit.	18/11/2021

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

On Tuesday 16th November 2021, Waste Regulation Officer Sarah Walton, conducted a routine inspection of the site. David Powell (Operations Manager) was also present for the inspection.

Officers met with William Lewis (Permit Holder) who then showed officers around the site.

The inspection began by observing the footgolf area which was an example of one area completed using the waste for recovery. William also showed officers where a number of trees had been planted adjacent to this area.

Upon entering the rest of the site, it was apparent there was a lot of activity taking place. There was a number of large plant machinery and multiple waste deposits across the site.



Photo showing area used to store incoming product such as sand and stone

Just after the gated site entrance, there was an area on the right which was being used for the storage and use of incoming product such as sand and stone.



Photo showing large pool of standing water

Near the centre of the site was a large pool of standing water. William explained that this was used by the site in periods of dry weather to dampen down the site. Water is syphoned into tanks and sprayed over material likely to cause dust issues.



Photos showing machinery on site (crusher and screener)

Permit Condition 2.1.1: The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 ("The activities").

Officers observed a crusher and screener which were being used to treat waste on site. The above photos show evidence of this.

Table S1.1 of the permit, details the limits of authorised site activities. The treatment of waste (i.e. Crushing and screening) is not a permitted activity and should not be taking place on site. The site's permit is for the deposit of waste to land for recovery. Waste should come into site in a state where it is ready to be used.

This is a clear breach of permit conditions. **This has been given a CCS Score 3 as this could have a minor impact on the environment (presuming all incoming wastes have been accurately coded and described).** The use of a crusher and screener could give rise to noise and dust pollution which is currently not accounted for or mitigated against in the site's Waste Recovery Plan.

Should you wish to treat waste on site, you would be required to submit an application for a permit variation. This would incur a fee and the application would go through determination so there is no guarantee of this being granted.

It is concerning that the site is in breach of a further permit condition, so soon after receiving a warning letter for the breach of annual waste acceptance limits.

This breach of permit condition will result in some form of enforcement action. This is

currently being considered and the outcome will be communicated to you in due course. In the meantime, all treatment of waste must stop with immediate effect. The activities noted in table S1.1 may continue.

Table S.1 also states 'Secure storage and use of waste must be carried out in accordance with the approved waste recovery plan'.

There was some discussion between William and Sarah regarding permit limits for waste acceptance. The site is now very close to reaching the total limit of waste that can be accepted onto site for deposit to land for recovery (152,683 tonnes). William explained he thought there was around 1,000 tonnes left that could be accepted. Once that limit is reached, the site should cease accepting waste completely. This has been noted as an action on this CAR form.



Photos showing waste storage on site

As officers walked around the rest of the site, various piles of waste were observed (untreated and treated). The pictures above show the variety of material. This included soil & stone, concrete and bricks. All waste types appeared to be compliant. There were a couple of skips on site that were being used to discard wastes picked out from the inert material. These skips are routinely collected by ASH in Wrexham.

William explained that the plan for the site was to landscape the area to complete the golf course. However, there was no evidence of any waste being deposited for recovery at the time of the visit. No advancements seem to have been made since 2019. In April of this year, NRW was told works would be complete by June 2021. However, when on site, William estimated works to be complete in the next 12 months. This uncertainty, coupled with the levels of activity on site and lack of recovery work, it is questioned whether the site is adhering to the purpose and conditions of the permit.

Officers will return to site in due course to ensure compliance with the actions required.

Thank you for your time and co-operation throughout the inspection.

Should you wish to discuss or clarify anything in this CAR form, please get in touch using the contact details below.

Kind Regards,

Sarah Walton
Waste Regulation Officer
03000 654 791

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.