

Compliance Assessment Report CAR_NRW0038970

Permit being assessed: FP3295LD.

For: Creigiau Tyres, held by Mr Stephen John O' Leary, Mr Terence Peter O' Leary & Mrs Barbara Jayne O' Leary

At: Llantwit Fardre, Pontypridd, R C T, CF38 2EE.

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

On 21/10/2021 between 11:00 and 12:30.

Parts of permit assessed: Operational area, storage

NRW Lead Officer: Laoni Tye, accompanied by Jodie Baskerville.

Report sent to: Charlotte and Steven O'Leary, TCM and site manager on 24/11/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.1 and 4.2.2
C3 - General Management - Materials acceptance	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	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
2	4.1

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
C4	See action in body of CAR	10/12/2021
G4	Submit all waste returns for 2021	31/01/2022

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

Environment officers Laoni Tye and Jodie Baskerville visited site on the 21st October 2021. The visit was organised with the Fire and Rescue service and we met with Stuart Brock for a joint inspection. This was the officers first time visiting this site. The weather was dry. The sites TCM Charlotte accompanied us with site manager Steven O'Leary and we thank you both for your time during the visit.

The FRS had visited previously and had requested actions to be taken including reducing the number of tyres on site and health and safety measures within the building. These actions had largely been completed.

There were breaches recorded on site which were discussed with the sites TCM during the visit. They are outlined below.

C3 – Storage, handling, labelling and segregation. Category 3 breach.

2 Operations

2.1 Permitted activities

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

Schedule 1 - Operations

Table S1.1 activities		
	Description of activities for waste operations	Limits of activities
Activities A15 Storage	R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced) D15: Storage pending any of the waste operations numbered D1 to D14 (excluding temporary storage pending collection, on the site where it is produced) D14: Repackaging of waste prior to the waste being submitted to any of the operations listed in paragraphs 1 to 13 of this Part of this Schedule.	External storage of tyres: No tyres stored within 25m of the north east boundary of the site or within 2m of any other boundary In stable stacks not greater than 3m x 3m x 2.6m in height. In stable stacks and each stack shall not be stored within 6m of each other. Waste types as specified in Schedule 3 Table S3.1

The permit stipulates that the tyres should be stored in stable stacks, 3 x 3 x 2.6 metres with 6 metre separation distances between stacks. This was not the case whilst we were on site and this is therefore a breach of the permit. We discussed the suitability of the permit and advised that should the conditions not be suitable, then a permit variation should be applied for. The operator agreed and requested some advice to apply for a variation which will be provided in a separate email. The storage on site was not considered a

fire risk however, with relatively small stockpiles and a high turnaround. You are therefore being scored a category 3 breach against the permit as a minor non compliance.

Action: waste to be stored in line with the permit and/or see improvement plan information below.

Site Improvement plan and future scoring

The operator agreed to get a permit variation application in to NRW and we advised that a site improvement plan could be considered in this situation.

While you carry out these steps we will continue to record your site as non-compliant on our CCS database. However, we are prepared to 'suspend' these ongoing permit breaches so that they do not count toward your annual compliance rating.

Please complete and return the Action Plan below specifying your proposed actions with appropriate completion dates. Your proposals should be clearly set out and achievable.

Once we agree with your proposals and timescales for action then we will suspend non-compliances from that point forward for a period of no more than 6 months. However, we reserve the right to cancel the suspension and count all permit non-compliances toward your compliance rating should you fail to follow the actions specified or should you cause pollution to the environment.

Action plan to resolve permit non-compliance

Permit number	Operator name	Site name

Permit condition not complied with & CAR ref. no.	Actions you propose to take Include important milestones and dates	Completion dates

I/we* confirm that I/we* will carry out the above steps and return the activity to compliance with my/our* permit by the dates specified (*delete as appropriate)

Operator's signature..... Date.....

I confirm that I agree to suspend CCS scores while the above operator carries out the specified

steps, subject to our Rules of Suspending Scores

Natural Resources Wales team leader's signature..... Date.....

G4 – Reporting. Category 4 breach.

4.2 Reporting

- 4.2.1 All reports and notifications required by the permit shall be sent to the Agency using the contact details supplied in writing by the Agency
- 4.2.2 Within 1 month of the end of each quarter, the operator shall submit to the Agency using the form as specified in schedule 5 table S5.1 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.

NRW have not received any waste returns from the operator since 2017. We discussed the operators justification for this however it is still a requirement of the permit and must be submitted to NRW. The sites TCM, Charlotte, agreed that they would submit waste returns in line with the permit going forwards and backdate returns for 2021. Incoming and outgoing waste is recorded by the site and this information is therefore available. You have been scored a category 4 breach which is a no impact breach. This could escalate however on future visits should the condition continue to be breached.

Action: Please submit the following returns to NRW by the 31st January 2022:

Not submitted to date

Q1 2021 – Jan – Feb

Q2 2021 – March – June

Q3 2021 – July – September

Due 31st January 2022

Q4 2021 – October to December

Pre-application advice for variation and transfer of permit

Please visit this page on our website for how to apply to vary your permit

[Natural Resources Wales / Apply to vary \(change\) a permit for waste operations](#)

You will need to complete application forms A, C2, C4 and F1. There are associated guidance documents with each form to assist in completing with the correct information.

In all cases NRW has guidance to help you on how to comply with your permit and guidance can be found at the link below.

<https://naturalresources.wales/permits-and-permissions/environmental-permits/guidance-to-help-you-comply-with-your-environmental-permit/?lang=en>

Charging information for making an application can be found at the link below.

<https://cdn.naturalresources.wales/media/691711/environmental-permitting-charging-scheme-2020-21.pdf>

with more general information available at :

<https://naturalresources.wales/about-us/what-we-do/how-we-regulate-you/our-charges/?lang=en>

If you need any further advice or have any questions please get in touch with your regulatory officer.

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.