

## Compliance Assessment Report CAR\_NRW0038642

**Permit being assessed:** GB3439DE.

For: Race Farm, held by Mr Andrew Morgan & Mr Peter Morgan

At: Race Farm, New Inn, Pontypool, Gwent, NP4 0TP.

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

On 18/08/2021 between 10:45 and 12:00.

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

**NRW Lead Officer:** Greg Gardner, accompanied by Alex Bowder.

**Report sent to:** Mr. Andrew Morgan, Technically Competent Manager on 05/01/2022.

### 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)      |                  |
| B2 - Infrastructure - Closure and decommissioning                         | Assessed (A)      |                  |
| B3 - Infrastructure - Site drainage engineering (clean and foul)          | Assessed (A)      |                  |
| B4 - Infrastructure - Containment of stored materials                     | Assessed (A)      |                  |
| B5 - Infrastructure - Plant and equipment                                 | Assessed (A)      |                  |
| C1 - General Management - Staff competency/training                       | Assessed (A)      |                  |
| C2 - General Management - Management system and operating procedures      | Assessed (A)      |                  |
| C3 - General Management - Materials acceptance                            | Assessed (A)      |                  |
| C4 - General Management - Storage, handling labelling and Segregation     | Assessed (A)      |                  |
| D1 - Incident Management - Site security                                  | Assessed (A)      |                  |
| D2 - Incident Management - Accidents, emergency and incident planning     | Assessed (A)      |                  |
| F1 - Amenity - Odour                                                      | Assessed (A)      |                  |
| F2 - Amenity - Noise                                                      | Assessed (A)      |                  |
| F3 - Amenity - Dust/fibres/particulates and litter                        | Assessed (A)      |                  |
| F4 - Amenity - Pests/birds and scavengers                                 | Assessed (A)      |                  |
| F5 - Amenity - Deposits on road                                           | Assessed (A)      |                  |
| G1 - Monitoring and Records, Maintenance                                  | Assessed (A)      |                  |

| Part of permitted activity assessed (criteria)                                                                 | Assessment result | Permit condition |
|----------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| and Reporting - Monitoring of emissions and environment                                                        |                   |                  |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events        | Assessed (A)      |                  |
| G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records                                   | 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 |
|------------------------------------------|----------------------------|
| 0                                        | 0                          |

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?

No action required.

## 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

***\*This CAR Form has been re-issued to the operator following an incorrectly typed sentence which could lead to misinformation and misinterpretation of the findings from the site inspection.\****

This report details the site visit made on the 18 August 2021 to Race Farm located at New Inn, Pontypool, Newport, NP4 0TP, permit number, EPR-GB3439DE.

Officers Greg GARDNER and Alex BOWDER attended Race Farm, New Inn to assess the suitability to surrender their environmental permit, EPR-GB3439DE. The inspection took place at 10:45am where NRW Officers met with Mr. Andrew MORGAN (Permit Holder) and later at 11:30am, Mr. David DAVIES (Environmental Consultant). The weather was dry, and reasonably mild which it had also been the previous day.

To remind the operator, following each assessment Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the audit. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can

breach the business against your permit conditions. This can affect your site banding and annual subsistence fees; scored on a Category 1 - 4 basis:

- 1 - Major, serious persistent and/or extensive impact on the people/property/environment
- 2 - Significant impact or effect on the environment/people/property
- 3 - Minor impact or effect on the environment/people/property
- 4 - A non-compliance which has no potential environmental effect

### **GENERAL OBSERVATIONS**

Race Farm, New Inn is near to the village of Croesyceiliog and near to the A4042 road. Mr. MORGAN is seeking a permit surrender for the whole site, under permit EPR-GB3439DE. The site, dependant on the the permit being surrendered, had no environmental concerns during the site inspection and was in good working order.

To confirm, based upon the type of permit that is held as well as the activity that is / was held at this site, Race Farm, New Inn – (Permit Number - EPR-GB3439DE) I recommend that this permit would be eligible for a low risk surrender.

The permitted site / area currently contains a row of clean and inert compost (as seen in photos 1 and 2), which is classed as a product, that will be spread on Mr. Andrew MORGAN land for repairing and re-seeding purposes. Half will be spread over the autumn months (2020) and the other half spread over the spring months (2021). The clean and inert compost had no food waste present. There was no on site plant / machinery present in the permitted area at the time of the site inspection.

The site is accessible by members of the public with no gated security fencing present. During the site inspection a dog walker was seen rambling. There was also no evidence of contamination or illegal waste activity such as fly-tipping and there were no waste(s) stored outside of the permitted boundary. Overall and based on these factors, NRW Officers feel that the risk to the environment is sufficiently low that the operator does not require an intrusive site survey or monitoring data within their surrender site condition report.



**Photo 1** - Remaining stockpile of clean and inert compost



**Photo 2** - Remaining stockpile of clean and inert compost (close up)

Further surrender advice has been issued separately. More information can be found on our website: [Natural Resources Wales / Apply to surrender a waste permit](#)

**ACTION** - To clarify to the operator, all product(s) will need to be removed from the permitted area prior to the surrendering of the permit and ensure the permitted area is returned to a satisfactory state. Once the surrendering process, if granted, is complete then the operator will receive a pro rata rebate of the original subsistence fee that is paid.

#### **WASTE RETURN SUBMISSIONS**

I have informed Mr. DAVIES, via email, that the last waste return submission for this permit was Quarter 4, 2014. As this permit is still active, waste return documents must still be submitted whilst a permit is active even if it is a null return. **All** waste return documents must be submitted for this permit for the missing / remaining quarters as the permit will not be surrendered without these submitted.

NRW Officers left site at 12:00pm the same day.

If you have any issues with this report please contact Greg Gardner on [greg.gardner@naturalresourceswales.gov.uk](mailto:greg.gardner@naturalresourceswales.gov.uk)

I look forward to working with the site in 2021.

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](mailto: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](mailto: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.