

Compliance Assessment Report CAR_NRW0039146

Permit being assessed: AB3294CP

For: Nos. 1-6 Lord Russell Close and Nos. 1-8 and 10 Harold Close, held by St Nicholas Residents Management Company Limited
At: Trellech, Monmouthshire, NP25 4UA.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number: 2200189).

On 29/12/2021, between 11:15 and 12:00.

Parts of permit assessed: Whole permit

NRW Lead Officer: Peter Jones.

Report sent to: Stuart James, Director, on 13/01/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C1 - Emissions and monitoring - Emissions to water	C3 Minor	3.1.1
WQ-D2 - Information - Reporting	C3 Minor	4.3.1

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C1	Ensure tankering occurs on a regular basis to prevent effluent storage tank from over topping.	Already completed
WQ-D2	Notify NRW of future incidents as per permit conditions.	Already completed

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

The facility was inspected on the 28th December 2021, following a report of sewage effluent over spilling

from the recently installed effluent storage tank. At the time of the inspection effluent was no longer discharging from the tank but grey water was visible pooling in the old reedbed system and there was a very strong smell of sewage effluent.

The tank has been recently installed to store sewage effluent generated by the properties on Lord Russell Close, following the failure of the sewage treatment plant to treat sewage effluent as per the permit conditions. The tank should be emptied on a regular basis to ensure there are no unauthorised emissions of sewage effluent to surface or ground water.

Over the Christmas bank holiday period, the tank over flowed and sewage effluent was discharged. The remnants of the sewage effluent were pooling in the now disused read bed. This is a breach of permit conditions:

3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1, S3.2 and S3.3.

In addition you failed to notify NRW of the incident which is a breach of condition:

4.3.1 Natural Resources Wales shall be notified without delay following the detection of:

(a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;

(b) the breach of a limit specified in the permit; or

(c) any significant adverse environmental effects.

(d) any emergency discharge that has occurred.

I spoke to Mr Chris Edge, Operations Director, Edenstone Group on the 28 December 2021, prior to my site visit. He confirmed the tank had over flowed on Christmas and Boxing Day. He suspected the tank over flowed due to ground water ingress in the sewage network. Mr Edge explained procedures had now been put in place to ensure the effluent tank would be emptied on a regular basis to ensure it did not overflow and discharge to surface or ground water.

The effluent tank has been installed as a temporary measure to store sewage effluent generated by the properties on the Lord Russel Close development, until the defunct existing sewage system is replaced. The reed bed has been removed and the hole infilled with gravel, the effluent tank is has been placed on top of the gravel.

You must now ensure the tank is emptied on a regular basis to ensure polluting matter, namely sewage effluent is not discharged to an inland freshwater or ground water.

Should any further unauthorised discharges occur you should notify Natural Resources Wales within 14 days of the incident as per the conditions set out in the permit EPR/AB3294CP. If you seek to make any changes the storage system you have installed Natural Resources Wales should be informed as soon as practicable.

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 to 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
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

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.