

Compliance Assessment Report CAR_NRW0039189

Permit being assessed: NB3634RX.
For: Caerhun Farm, held by Sion Roberts
At: Tyn -y- Groes, Conwy, Gwynedd, LL32 8UZ.

Type of assessment carried out: Site Inspection, Reason: Routine.
On 05/01/2022 between 13:10 and 13:20.
Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper, accompanied by David Wilby.
Report sent to: Sion Roberts, Operator on 21/01/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1 Schedule 1. Table S1.1
C1 - General Management - Staff competency/training	C3 Minor	1.1.1b
E3 - Emissions - Surface water	C3 Minor	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
4	16

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	Inform NRW when systems are operational.	04/02/2022
C1	Provide evidence that WAMITAB course has been registered onto and that a temporary TCM has been appointed.	04/02/2022
E3	Ensure drains are properly maintained.	04/02/2022
G4	Submit missing waste returns	28/02/2022

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.

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

NRW officers Phil Harper and David Wilby visited Caerhun Farm, Tyn-y-Groes, Conwy, LL32 8UZ on the 5th January 2022 at 13:10. The site was operational at the time of inspection.

The weather was dry but overcast.

As highlighted in CAR form CAR_NRW0038724 which was generated following a site visit which was carried out on the 10th September 2021, the following observations were made.

A1 Specified by Permit

At the time of the inspection there was no activity on site. However, the facility doors were open allowing bio-aerosols to vent through the open doors.



This is a **Category 3 permit breach** with respect to **Permit condition 2.1. schedule 1, table S1.1.**

Construction of the bio-filter has been completed in the Operators' preferred location, therefore an application to vary the permit will be required. Consisting of a normal variation, a new site-specific bio-aerosol risk assessment and new odour management plan.

The information relating to variation of permits has been highlighted in CAR form number CAR_NRW0034696 and email dated 21st February 2019 sent by Julie Hughes also email dated 9th

April 2019 sent by Environment Officer Carys Williams.

This is a **Category 3 permit breach** with respect to **Permit condition permit condition 2.1 of criteria A1 Specified by Permit.**

The bio-filter and abatement system are not operational may result in a build-up of bio-aerosols within the building. Following the site visit the operator informed NRW that the 3-phase power supply had been connected. However, an energy contract had not been purchased. Therefore, the system is not yet operational.



A **Category 3 permit breach** has been applied with respect to **Permit condition 2.1. schedule 1, table S1.1.**

These scores have been consolidated to give a single category 3 score.

C1 Staff Competency and Training.

Evidence has not been submitted to NRW regarding the enrolment of Mr Roberts onto a suitable WAMITAB course. Furthermore, no details have been provided to show that a Technically Competent Manager has been appointed to oversee the activities on the permit whilst Mr Roberts completes the course.

This is a **Category 3 permit breach** with respect to **Permit condition 1.1.1b “The operator shall manage and operate the activities using sufficient competent persons and resources”.**

E3 Surface Water

At the time of the visit a pile of compost could be seen outside the building, therefore outside the permitted area. Since the visit the operator has achieved PAS100 accreditation, therefore, provided that compost present achieves the conditions set out by the protocol it is no longer waste.

During the visit leachate was running out of the compost and into a surface drain which appeared to not to be working as intended. Leachate was then flowing over ground which was outside the permitted area. This has the potential to cause pollution and should be rectified immediately.



A **Category 3 permit breach** has been applied with respect to **Permit condition 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."

G4 Reporting and Notification to Natural Resources Wales

Waste returns have not been submitted to Natural Resources Wales for the following quarters.

Q3 July-September 2018

Q4 October- December 2018

Q1 January- March 2019

Q2 April- June 2019

Q3 July- September 2019

Q4 October-December 2019

Q1 January- March 2020

Q2 April- June 2020

Q3 July- September 2020

Q4 October- December 2020

Q1 January- March 2021

Q2 April- June 2021

Q3 July-September 2021

This is a **Category 3 permit breach** with respect to **Permit condition 4.2.2** “**Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form 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**”.

A warning letter has been embedded within this CAR form.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

03000 65 3717

philip.harper@cyfoethnaturiolcymru.gov.uk

Please note any reference within the CAR/ permit to the Environment Agency means Natural Resources Wales.

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.