

Compliance Assessment Report CAR_NRW0039175

Permit being assessed: AB3097HG.

For: Unit 1- Crugmore Farm, held by M D Recycling Limited

At: Crugmore Farm, Penparc, Cardigan, Ceredigion, SA43 1RD.

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

On 09/12/2021 between 14:30 and 16:30.

Parts of permit assessed: Waste Recovery Activity

NRW Lead Officer: Malcolm Dines, accompanied by Jeremy Goddard.

Report sent to: Marc Davies, TCM on 17/02/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	Action only (X)	
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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?

Criteria	Action needed	Complete by
A1	Submit a new, detailed design plan of the revised layout of the Waste Recovery Activity, including cross-sectional plans and an accurate volume calculation of the amount (tonnes) of material required to complete the activity.	30/04/2022
A1	Arrange for a third-party survey to be carried out by a qualified person, of all the material deposited as part of the waste recovery activity - both inside and outside the permit boundary. And submit a copy of that survey before 1st April 2022. This must be carried out before any of the illegally deposited waste is removed from outside the permit boundary.	30/04/2022
A1	Remove all waste material illegally deposited outside the permit boundary as part of the waste recovery activity	31/08/2022

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Malcolm Dines and Jeremy Goddard carried out an unannounced compliance visit and met with Marc Davies (Technically Competent Manager and Director of M D Recycling Ltd) on-site. The weather was dry and bright, there was no activity on site during the compliance visit.

At previous compliance visit it was identified that, as part of the waste recovery activity, you had deposited waste outside the permit boundary. This was subsequently identified as an enforcement matter rather than the compliance breach as it is not possible to retrospectively issue a variation for a waste recovery activity and therefore it would not be possible to vary your permit to change the permit boundary.

During the compliance visit you explained that you were now looking to expand the site into the adjacent field, but that this deposit was not part of that extension and was a mistake. You agreed that the current permit boundary follows the hedge line from the site entrance in a straight line to where it meets the boundary of the AD plant and agreed that the material deposited outside the permit boundary would have to be dealt with as an enforcement matter.

You agreed that the waste illegally deposited outside the permit boundary would be removed by 31st August 2022, as this would allow the work to be carried out when the ground conditions were the most suitable. You also agreed, because this was an enforcement matter, to Natural Resources Wales (NRW) serving a Section 59 notice under the Environment Protection Act 1990, to make this an enforceable requirement.

Prior to this compliance visit I requested that you provide details of the quantity of waste that you had deposited in the Waste Recovery Activity since the permit was issued. The figure you provided by email was 40,000 tonnes. In the Compliance Assessment Report (CAR) form dated 31st January 2020 (CAR_NRW0036130), I detailed that a review of the waste returns you had submitted for the site since the permit was issued until the end of September 2019 showed that you had reported accepting 71,354.05 tonnes in the Waste Recovery Activity and that the permit authorises the deposit of 75,704 tonnes under the Waste Recovery Activity and so you could only deposit a further 3,450 tonnes in order to complete the activity.

The report also highlighted that if more than 3,450 tonnes of material are subsequently deposited in the Waste Recovery Activity, not only will it be a breach of permit but it will be considered to be an illegal deposit of waste and that you must ensure that the Waste Recovery Activity is completed in accordance with your Waste Recovery Plan.

On CAR form CAR_NRW0034382 dated 21st December 2018, it was highlighted that the design of the second phase of the Waste Recovery Activity had changed since the Waste Recovery Plan was approved and the permit issued. At the time you were requested to provide a new design plan and cross-section as well as a volume calculation. This was to ensure that the amount of material required to complete the new design is no more than is permitted to be accepted under the Waste Recovery Activity of the permit.

At the time you stated that the site would not be able to be surveyed until the current deposits have settled, this would be in about 6-12 months time, therefore around the end of 2019. Due to the onset of the COVID pandemic NRW did follow-up this requirement however, as the amount of material deposited under the Waste Recovery Activity includes the waste deposited illegally outside the permit boundary, it is possible that when you move that illegally deposited material, if the total quantity you have deposited for the Waste Recovery Activity has not exceeded 75,704 tonnes you may be able to use it elsewhere within the Waste Recovery Activity as long as it still meets your approved Waste Recovery Plan.

In order for NRW to allow this to happen, as well as due to the discrepancy between the quantities you have reported as being deposited for the Waste Recovery Activity, you must first provide a new new design plan and cross-section as well as a volume calculation for the revised layout of the yard being constructed under the Waste Recovery Activity. You must also had a survey carried out by a qualified, third-party Quantity Surveyor, that that calculates the amount of material deposited as part of the waste recovery activity (both inside and outside the permit boundary) since the permit was issued.

If the survey shows that the amount of material deposited in the Waste Recovery Activity has not exceeded the permitted quantity of waste for that activity, NRW will allow you to use the material illegally deposited outside the permit boundary under your Waste Recovery Activity, up to the maximum permitted tonnage of 75,704 tonnes. If the survey shows that you have deposited more than the maximum permitted tonnage, this will be considered to be a breach of permit and will be addressed on a subsequent CAR form. You will also have to remove the excess quantity of material to a suitably authorised facility.

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.