

Compliance Assessment Report CAR_NRW0039603

Permit being assessed: BP3494FC.

For: Gardden Claypit 1 Midlands, held by Shanks Midlands Ltd

At: Gardden, Ruabon, Wrexham, Clwyd, LL14 6RF.

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

On 16/03/2022 between 10:00 and 11:30.

Parts of permit assessed: 'Specified by permit'

NRW Lead Officer: Sarah Walton.

Report sent to: Leon Terrace, Compliance Advisor on 30/03/2022.

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)	

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

On Wednesday 16th March, Waste Regulation Officer, Sarah Walton, conducted a routine inspection of the site. Also in attendance was Leon Terrace, Compliance Advisor and Colin Shaw, Site Manager.

The purpose of this visit was to discuss the permit variation, complete a site walkover and to ensure actions had been addressed from the previous CAR form.

Following an initial discussion with Leon and Colin, it became clear that the permit variation side of things was being dealt with by senior management. Therefore, these queries such as the proposed raising of the leachate head could not be queried.

One item that had been queried from the weekly monitoring data, was where the specified CO2 limits had arisen from. Leon explained these levels were from the Working Plan and that a copy of this section would be emailed across to me following the visit.

A site walkover was completed, walking anti-clockwise around the site. Various equipment was observed such as knock out pots, Gas probes and leachate monitoring points which appeared in good condition.



Photos to show South East Extension area

The pictures above show that the South East Extension is particularly wet and muddy at

present. Groundwater is continuing to be pumped into the adjacent lagoon. It is noted that one of the site's discharge points is adjacent to this lagoon. It did not look like water was discharging at the time of the inspection. It is recommended that checks are performed on the pipes and outlets of this lagoon to ensure water can drain from site, to prevent surface water build up in this sensitive area of the site.



Photos showing flooded lagoon to the rear of the GUP

The lagoon near the entrance of the site (behind the GUP) was flooded and affecting access to monitoring points GP3, BH2A and BH2B. BH2A has had issues recently with flooding meaning it has not been sampled on some monitoring rounds. Around 2 weeks prior to the inspection, methane was detected here at a level of 3.6%. It is possible that flooding of this area has contributed to build up of methane at this sampling point.

A discussion with Leon and Colin noted that in warmer and drier conditions (i.e spring and summer), water from this area of the site would routinely be pumped to higher points of the site to allow it to disperse. However, in the winter and colder months, no pumping of this water is performed. As it was pointed out that the discharge flow to the Afon Goch is already at its permitted limit, as a recommendation, I would consider the pumping and tankering of this water at this time of year from the lagoon, in order to help prevent flooding of this area and in turn gas migration.

Leon explained they would look into and check pipework from the lagoon to check there were no blockages to ensure that it was running as it should.

The broken fence noted in the previous site inspection on 09/08/2021 had been repaired. The waste electrical equipment had also been cleared. Thank you for ensuring these actions were addressed.

Thank you to both Leon and Colin for their assistance and co-operation throughout the inspection.

Kind Regards,

Sarah Walton
Waste Regulation Officer
03000 654 791

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.