

Compliance Assessment Report CAR_NRW0039625

Permit being assessed: FB3997TA.

For: Bethel Construction Ltd, held by Bethel Construction Limited

At: Bethel Road, Llansamlet, Swansea, Mid Glam, SA7 9QP.

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

On 16/03/2022 between 11:30 and 12:00.

Parts of permit assessed: A, G

NRW Lead Officer: David Morgan.

Report sent to: Geoffrey Clement, Director on 29/03/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C2 Significant	2.1.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	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
2	31.1

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	Revise Waste Recovery Plan to reflect operations on site	02/09/2022
G4	Operator must provide missing waste returns data. If waste has not been deposited/removed from site, a 'nil' return must be submitted.	02/09/2022

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

A routine site inspection was undertaken on Wednesday 16th March 2022. The operator of the site and holder of the permit, 'Bethel Construction Ltd', was not present on site.

Environmental Permit & Waste Recovery Plan

The Environmental Permit for this activity (Ref: EPR/FB3997TA) was issued on 28th August 2013. The Environmental Permit is specifically for the use of waste for reclamation, restoration or improvement of land.

When the permit application was initially made, it was accompanied by a Waste Recovery Plan, which proposed that the operation would take place in accordance with the Environmental Permit conditions. At the time of the application, it was envisaged that inert waste (soil, bricks, stone etc.) would be used to raise land levels in order to complete a housing development.

This activity has not been completed. Waste materials have been deposited on site, but works to raise levels of the land have not been undertaken as stated in the Waste Recovery Plan.

At the time of the inspection on 16th March 2022, significant volumes of waste remained on site and have been deposited on the bank of a watercourse that runs through the site. It is understood that it was planned for this watercourse to be culverted. This work has not been completed.

Waste that has been deposited on the bank of the watercourse could potentially cause a silt pollution to the watercourse during periods of heavy rain.

A non-compliance has been recorded against condition 2.1.2 of the Environmental Permit (Category 2 - Significant) (Ref:A1)

The activity on site has not been operated in accordance with the Waste Recovery Plan. You must undertake activities in accordance with a Waste Recovery Plan. Please revise the Waste Recovery Plan and provide an update of operations currently being undertaken on site. I have requested that this is completed by **Friday 2nd September 2022**.

RECOMMENDATION: Undertake an assessment of the watercourse running through the site and take steps, if necessary, to prevent pollution of the watercourse. This should be completed as soon as is practically possible.

Records and Information

Our records indicate that Waste Returns information has not been submitted for the period of 2018 - 2022. You must submit waste returns information for the site. If waste has not been deposited/removed from site in this period then you must enter a 'nil' waste return. Please complete this action by **Friday 2nd September 2022**.

A non-compliance has been recorded against condition 4.2.2 of the Environmental Permit (Category 4 - No Impact) (Ref:G4)

Having reviewed the company's registration on Companies House, it appears that the company's registered address has changed and Natural Resources Wales has not been notified.

The registered address on the Environmental Permit is stated as: 6 St. John's Court, Upper Forest Way, Enterprise Park, Swansea, SA6 8QQ. The company's registered address on the Companies House database is listed as: 9 Luke's Court, Winch Wen Industrial Estate, Swansea, SA1 7ER.

You must apply to vary your Environmental Permit to reflect the change of registered address.

Summary

On 16th March 2022, it was deemed by Natural Resources Wales that activities on site are not being operated in accordance with the Waste Recovery Plan which was completed as part of the initial permit application. Furthermore, inert wastes are deposited on the bank of a watercourse and could cause a silt pollution during periods of heavy rainfall.

It is recommended that an assessment of the site, especially the bank of the watercourse be undertaken as soon as possible to ensure a pollution is not being caused.

The Waste Recovery Plan for the site should be updated to reflect current operations and future plans for the site.

Please provide updated waste returns information for the site. Also, please submit details of the current Technical Competent Manager for the site.

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1 st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.