

Compliance Assessment Report CAR_NRW0041224

Permit being assessed: BX8289IW.

For: Soft Drinks Site– Cardiff, held by Princes Ltd

At: Portmanmoor Road, East Moors, Cardiff, South Wales, CF24 5HB.

Type of assessment carried out: Report/Data Review, Reason: Routine.
On 31/12/2022.

Parts of permit assessed: Monitoring Returns

NRW Lead Officer: Geraint Harris, accompanied by Andi Kemp.

Report sent to: John O'Malley, EHS Manager on 17/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C2 - General Management - Management system and operating procedures	Action only (X)	
E4 - Emissions - Sewer	C4 No impact	permit condition 4.2.3.
E4 - Emissions - Sewer	C4 No impact	permit condition 4.2.3.
E1 - Emissions - Air	C4 No impact	permit condition 3.5.6
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	permit condition 4.2.2
C2 - General Management - Management system and operating procedures	C3 Minor	Permit condition 1.1.1

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

Total number of non-compliances recorded	Total non-compliance score
5	4.4

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
G1	Please provide the missing reports by 31st March 2023.	31/03/2023
C2	undertake a review of their management of change procedures and develop a procedure so that compliance with the permit can be maintained through periods of operational	28/04/2023

Criteria	Action needed	Complete by
	upset. Due 28th April 2023.	
C2	There are a significant number of overdue actions remaining in CAR_NRW0040459. Please respond to them by the 28th of April 2023.	28/04/2023
E4	Please provide a completed S1 form for Q3 2022	31/03/2023
E4	Please provide a completed S1 Form for Q4 2022.	31/03/2023
E1	Please provide the monitoring results for the new boiler in form Air 1.	31/03/2023
G4	please provide responses to all conditions stated in permit condition 4.2.2 (a-c)	31/03/2023
C2	Update your management system so that report deadlines are recorded and complied with.	31/03/2023

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.

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

Princes Ltd
EPR-BX8289IW

Princes Ltd were issued with a new environmental permit on the 10th of August 2022. This newly varied permit encompasses two pertinent changes:

- Changes requested by the operator via a variation application (site expansion)
- Changes required by the Industrial Emissions Directive following a statutory review of permits in the Food, Drink and Milk Industries sector following the publication of the revised Best Available Techniques (BAT) Reference Document (BRef) for the Food, Drink and Milk Industries.

The changes requested by the operator include:

- Additional production lines which increase the production capacity from 26,400 litres per hour to 121,600 litres per hour (or 3,094 tonnes per day).
- Addition of a new 4.02 MWth input natural gas fuelled boiler as a new medium combustion plant (emission point A2).
- Addition of future emission limits and monitoring requirements from 01/01/2030 for the existing medium combustion plant (point A1).
- Change to the installation boundary to include additional land as part of the site's boundary extension.
- Change in the location point of discharge to sewer (point S1).
- Changes to emission limits and annual limits to sewer for mercury and cadmium.
- Addition of point source emissions to air of steam from the filler lines listed as emission points A3 to A9.
- Addition point source emissions to air for hydrogen peroxide from packaging sterilisation to be listed as points A10 to A16.

Following this permit variation, NRW are satisfied that the operator will be compliant with the published BAT conclusions which will apply from 4 December 2023.

Changes To Permit Requirements

Following the publication of this newly varied permit there have been several changes with regards to permit related submissions. Please review your new permit and update your EMS to reflect these changes.

One of the main changes is that Princes are required to submit a quarterly report on the monitoring of discharges to sewer. The new permit, in table S4.1, (emissions to sewer parameters as required by condition 3.5.1, every three months), requires emissions to sewer be reported quarterly using form Sewer1 / 10/08/2022.

3.5.1 The operator shall, unless otherwise agreed in writing by Natural Resources Wales, undertake the monitoring specified in the following tables in schedule 3 to this permit:

- (a) point source emissions specified in tables S3.1, S3.2 and S3.3.

Please ensure that the above monitoring is send to NRW no later than the 28th of April, July, October and January each year.

New Non-Compliances

On the 12th Of May 2022 Princes asked NRW for all the submission dates required from permit V003. The list below was sent in an email response to Princes. Princes responded on the 13th of May 2022 with a document called 'CAR NRW Assessment Report for Permit BX82899IW'. The following text has been extracted from this document "The SHE Assured system has a Task management function which triggers actions based against deadlines. We will use this function to prepare us in advance of the required submissions and ensure compliance. We will also use the SHE Assured System to manage the information and report the submissions". In addition to the above, Princes ltd provided a document called 'CAR NRW Annual reporting' on the 13th of May 2022. This was provided to show evidence that princes' EMS has been updated to include the submission dates required by their permit.

- 2.4.1.2 Waste minimisation audit and water efficiency audit – Review every 4 years due in 2025
- 2.7.1 Energy Efficiency - Report - Annually deadline 31st January each year
- 2.7.2 Energy management system - Annual update deadline 31st January each year
- 2.8.1 AMP - Report update – Send NRW the results of your AMP review every 2 years due in 2022.
- 2.11.2 Site closure plan Full review - Every 4 years I am awaiting an update of your plan following completion of the site expansion works, then every 4 years a review needs to be done to ensure the plan is still relevant.
- 4.1.2 Annual report Emissions and monitoring - Annually deadline 31st January each year
- 4.1.3 Annual report Performance – Annually deadline 31st January each year
- 4.1.4 Annual report Fugitive emissions – Annually deadline 31st March each year.
- 4.1.5 Annual report EMS update/changes – Annually deadline 31st January each year

As mentioned previously in this CAR form, Princes received a varied permit in August 2022. This has resulted in a reduction of the number of submissions required by princes every year. However, there is still a requirement to submit quarterly and annual monitoring returns and an annual performance report. Princes were due to submit the following reports:

- Quarterly report (Q3) in October covering the months of July to September (Form S1)
- Annual report in January (Form S1)
- Air emissions report (Form A1) 4 months after permit issue
- Annual performance report (Forms Energy1, Water-usage1 and performance1) in January

None of the above reports were received when required and are still overdue. As a consequence, a number of non-compliance scores are being issued.

- The first non-compliance is a **Category 4 non-compliance** for failure to submit the Q3 S1 Form (Emissions to sewer) on time (October deadline). This is being scored against permit condition 4.2.3. which requires Princes to submit reports of their monitoring and assessments within 28 days of the end of the reporting period.
- The second non-compliance is being issued for failure to submit the Q4 S1 Form on time (January deadline). This form should include all of the monitoring requirements from Table S3.2 in Princes Permit. This is also a **Category 4 non-compliance**.
- The third non-compliance is being issued for failure to comply with permit condition 3.5.6 which requires Princes to carry out the first monitoring measurements within four months of the issue date of the permit or the date when the MCP is first put into operation, whichever is later. The monitoring return (Form A1) is now overdue. This is also a **Category 4 non-compliance**.
- The fourth non-compliance is for failure to comply with permit condition 4.2.2. Princes are required to submit responses to 4.2.2(a -c) by the 31st of January each year. No response was received this year. This is also a **Category 4 non-compliance**.
- The final non-compliance is being issued against Princes management system. Princes should operate a management system that reflects the requirements of their environmental permit. This management system should be used by competent persons and resources and records demonstrating compliance with condition 1.1.1 must be maintained. Having spoken with representatives from Princes at NRW offices on the 16th of February 2023 it is apparent that there is a deficiency with the management of change procedures associated with the management system. The departure of the EHS coordinator in the later part of 2022 meant that the management system didn't get updated with the requirements of the new permit and that the reporting deadlines were missed. NRW expects the permit to be complied with at all times including periods of change. A management of change procedure should be put into place so that any gaps in compliance are identified and filled immediately. This wasn't the case and so a **category 3 noncompliance** is being issued against Princes management system, permit condition 1.1.1.1.

Action 1: Please provide the missing information by 31st March 2023.

Permit Discussion 16th February 2023

As a consequence of repeated failures to comply with their permit conditions, Princes were invited to attend NRW's Rivers House offices on Friday the 16th of February 2023. The purpose of the invite was to discuss the ongoing noncompliance's and NRW's expectations of permitted sites. The meeting was held in NRW's interview room, however, at this point it was decided that no official recordings were required. In attendance was NRW's Senior Environment Officer Geraint Harris, NRW's Lead Specialist of Industry Regulation Andi Kemp and Princes' EHS Coordinator and EHS Manager.

It was explained that the reason for the meeting was the continued failure by Princes to meet the requirements of their permit and failure by Princes to respond to any correspondence from NRW. Following this an overview of NRW's enforcement and sanctions powers was explained. It was then explained that if this pattern of noncompliance's continues NRW will take the next appropriate and proportional enforcement

steps to try to achieve compliance. Following this Princes explained that they have been experiencing a number of staffing issues where members in key roles are no longer employed by Princes. It was then explained to Princes that NRW expects permitted sites to have adequate management of change procedures within their management system. These management of change procedures should provide plans for how Princes will remain compliant with their permit during periods of operational upset, including staffing issues. Consequently, it appears this is an area that requires significant improvement if Princes want to avoid any future noncompliance's. This was then followed by a run through of Princes permit where Senior Officer Geraint Harris talked through the permit in detail. All the key reporting requirements and their subsequent forms were discussed in detail with Princes. No further questions were made by Princes, and it was understood that they are now fully aware of what is required of them. The discussion concluded with Princes promising to provide the overdue information as soon as possible and a promise to improve compliance going forward. A reminder was made to Princes that NRW will have to take the next enforcement steps if compliance doesn't improve.

Action2: Princess undertake a review of their management of change procedures and develop a procedure so that compliance with the permit can be maintained through periods of operational upset. Due 28th April 2023.

Responses To Outdated Actions

The two actions below were originally given in CAR_NRW0039399 and then repeated in CAR_NRW0039838.

Action 1: *please provide a response to the following question "Please explain why the decision to begin operating this equipment was taken without informing NRW". Due 31st March 2022.*

Action 2: *Please provide a response to the following question "Please demonstrate that the air quality was acceptable during the period where the temporary boiler was used and that it screened out as insignificant at H1 assessment stage." Due 31st March 2022.*

Responses

Action1:

In response to action 1 Princes Ltd provided a report, on the 13th of May 2022, called 'CAR NRW Assessment Report for Permit BX82899IW'. Within this report it states, "Commissioning of installed equipment by the Project Team led into ramp up to production parallel to submission, but the two streams became separated and out of sync". After a discussion at the site, it is understood that control of certain areas of operations was divided including some areas being under CDM regulations. As a consequence, communications regarding pertinent aspects of the environmental permit were overlooked and consequently the site operated prior to permit variation. NRW had some concerns regarding Princes management of change procedures, and these are addressed in CAR form CAR_NRW0040459. Two category three noncompliance scores have already been issued as a result of this incident (CAR_NRW0039399). It has been decided that no additional scoring for this incident will be issued. This action is now considered closed.

Action2:

In response to Action 2, Environmental Compliance Limited ("ECL") were commissioned by Princes Limited to undertake a retrospective air emissions risk assessment for the temporary boiler that was on-site at Princes Cardiff facility during their site alteration works. This was undertaken to understand the predicted impact of the temporary boiler's emissions when assessed against the air quality standards ("AQS") for NO_x and CO. The results presented in the H1 calculation sheet show that the carbon monoxide process contribution screens out at the first stage of screening (i.e., the PC is less than 10% of the short-term environmental standard). Where stage two screening was required for the potentially significant long-term NO₂ PCs, it has been

demonstrated the long-term predicted environmental concentration ("PEC") is less than 70% of the long-term environmental standard and therefore no further assessments are required for long-term NO₂. However, since the short-term NO₂ PC was greater than 20% of the short-term environmental standard minus twice the long-term background concentration, detailed modelling was required.

Air dispersion modelling was undertaken using ADMS 5.2 where all pollutants were modelled.

The results show all pollutants screen out as not significant (i.e., the long-term (annual) NO₂ PC is less than 1% of its AQS and the remaining short-term PCs are less than 10% of their AQS). Furthermore, the predicted NO_x PCs on SE1, Severn Estuary, are less than 1% and 10% of the long-term and short-term NO_x CLs, respectively. No further assessment is therefore required. Therefore it has been demonstrated that, during the period in which the temporary boiler was in use, the predicted impacts can be considered not significant for emissions of NO_x, NO₂ and CO and therefore would not have a detrimental impact on human health or the environment. This report has been accepted and Action 2 is considered complete.

The following Actions were given in CAR Form CAR_NRW0039399

Action 3: Please provided a more detailed explanation as to why there has been such an increase in the waste to product ratio, Due 31st March.

After visiting the site, it is clear that the increase in waste is as a result of waste generated by the construction work being undertaken at the site. Princes Ltd state that Waste is recorded through Welsh Water and forward waste management and is recycled with 0% to landfill. Action 3 complete.

Action 4: Please provided a more detailed explanation as to why there has been such a decrease in water efficiency in 2021. Due 31st March

In response Princes Ltd state "This is due to the increased volume from 26,400 litres to 70,400 litres per hour adding to the decrease in water efficiency and the waste. In order to fully commission all lines it has been necessary to run CIP's and water trials repeatedly to "Prove" all aspects of the lines, and comply with our HACCP requirements. The decrease in efficiency comes from this increased usage of clean water". This response has been accepted, now that commissioning has been completed water usage should reduce significantly. Action 4 complete.

Action 5: Please provided a more detailed explanation as to why there has been such a decrease in energy efficiency in 2021. Due 31st March.

In response Princes Ltd state "Where new equipment has been installed these were chosen based on energy efficiency to improve site performance. Commissioning and ramp up will not show the equipment in typical running conditions, but energy monitoring is also being installed to help fine tune site processes and minimise energy usage. This is in compliance with the Princes Group 2030 Green goals environmental targets". This response has been accepted. Action 5 complete.

Action 6 complete, please read CAR_NRW0039838

Action7: please submit the information required from permit condition 4.1.5 by March 31st 2022. (CAR_NRW0039838, Action2: Submit responses to permit conditions 4.1.5 and 4.1.4. Due 30th May 2022).

Princes were required to submit a summary report by the 31st of January 2022 as mentioned in permit condition 4.1.5. They were given a Category 4 non-compliance in CAR Form CAR_NRW0039399, for failure to submit a response to permit condition 4.1.5. Furthermore, a category 3 non-compliance was issued, against

permit condition 1.3.1, for failure to implement a management system that was able to achieve compliance with the limits and conditions of their permit. Princes were reminded of this in CAR_NRW0039399 and given a deadline of the 31st of March 2022. This deadline passed with no response provided by the operator. An additional non-compliance, score CCS4 x 1 was issued for continued failure to respond to permit condition 4.1.5. Princes were also required to submit a report on the review of fugitive emissions from the site for 2021 by the 31st of March 2022. This report was not submitted on time and so a non-compliance score CCS4 x 1, for failure to comply with permit condition 4.1.4 for 2021, was issued. A non-compliance was also issued against the management system for failure to comply with permit condition 4.1.4 and 4.1.5 and for failure to respond to a significant number of actions within the previous CAR Form.

Permit condition 4.1.4:

Upon repeated requests for the information NRW finally received a fugitive emissions report on the 31st of August 2022. The report has been accepted and no further noncompliance scores are being issued.

Permit condition 4.1.5:

NRW received a response to permit condition 4.1.5 as part of a package of supporting documents for an EMS audit conducted throughout 2022. The response was received on the 9th of September 2022.

This report shows energy use, water use and effluent generation all slightly reducing in December 2021 as a result of the commissioning of the new site infrastructure being complete. The report also states that there were no fugitive emissions for 2021. Finally, Princes Ltd have listed a number of opportunities for improvement and a number of objectives and targets within the document. The document has been reviewed in its entirety and has been accepted. Action 7 is complete.

Overdue actions CAR Form CAR_NRW0040459

There are a significant number of overdue actions remaining in CAR_NRW0040459. Please respond to them by the 28th of April 2023.

End.

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.