

Compliance Assessment Report CAR_NRW0040839

Permit being assessed: WQD009196

For: THE BLACK COCK INN, held by MITCHELLS & BUTLERS PLC

At: WAUNWAELOD WAY, CAERPHILLY, ., CARDIFF, CF83 1NF.

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

On 16/12/2022, between 13:00 and 13:50.

Parts of permit assessed: All Permit

NRW Lead Officer: Gavin Summerhill, accompanied by: Gavin Dodd.

Report sent to: James Lovegrove, Company Director, on 28/04/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
WQ-C2 - Emissions and monitoring - Emissions to land	C3 Minor	3.1.2 - The limits given in schedule 3 shall not be exceeded.
WQ-B3 - Operations - Operating techniques	C3 Minor	4.3.1 The Environment Agency shall be notified without delay following the detection of: (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution; (b) the breach of a limit specified in the permit;

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

2. What action is required?

Criteria	Action needed	Complete by
WQ-C2	Investigate reason for failure and implement improvements.	09/06/2023
WQ-B3	Investigate reason for failure and implement improvements.	09/06/2023

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.

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

On Friday the 16th December 2022 Myself and Gavin Dodd visited The Black Cock Inn, Caerphilly to undertake a site inspection with reference to Permit Number WQD009196. We arrived on site at 13.00. The weather conditions were cold and frosty with light snow on the ground. Our site inspection commenced at 13.10.

Observations

- On first visual inspection we noticed that the padlocks on all three chambers were not locked. See photo below.



- We checked the location of the discharge point and sample point as stated on the permit. I can confirm the discharge point and sample point is correct. Grid Reference ST 14398 84727. See photo below.



- **First Chamber Inspection** - We lifted the cover on the first chamber and a visual inspection identified a lot of solids within the chamber. See photo below.



- **Second Chamber Inspection** - We lifted the cover on the second chamber and a visual inspection identified solids carry over within the chamber. See photo below.



- **Third Chamber Inspection** - We lifted the cover on the third chamber and a visual inspection identified that solids carry over was still present within the chamber. See photo below.



- **Sample point Inspection** - We lifted the cover on the sample point chamber and a visual inspection identified that solids carry over was also present within sample point chamber. See photo below.



During our observations several breaches were identified.

Breaches

First Breach

- 3.1.2 The limits given in schedule 3 shall not be exceeded.

Justification

A sample was taken on the 13/02/2023 as part of routine monitoring. Sample results confirm that the BOD -5 Day ATU was 36.8 milligrams per litre. The maximum Parameter limit is 20.0 milligrams per litre. This is a breach of 16.8 milligrams per litre. The Solids, Suspended at 105 C was 54.0 milligrams per litre. The maximum Parameter limit is 30.0 milligrams per litre. This is a breach of 24.0 milligrams per litre.

Please see sample results below.

Permit no.	Station name	Sampling no.	Sampling date	Sampling time	Parameter name	Value	Unit	Parameter limit type	Parameter limit
WQD009196	THE BLACK COCK INN	230017306	13/02/2023	11:18:00	BOD : 5 Day ATU	36.8	milligram per litre	Max	20
WQD009196	THE BLACK COCK INN	230017306	13/02/2023	11:18:00	Solids, Suspended at 105 C	54	milligram per litre	Max	30

Second Breach

- 4.3.1 The Environment Agency shall be notified without delay following the detection of:

(a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;

(b) the breach of a limit specified in the permit;

Justification

On inspection of the Package Treatment Plant it was evident that there was solids carry over and the system was not functioning as designed resulting in a failure of permitted allowance. See photos above from observations.

Actions

- Inspect Package Treatment Plant.
- Produce an investigative report highlighting the reason for failures.
- Bring Package Treatment Plant into compliance with Permit Conditions.

These actions are required by the 9th June 2023.

Report End
Gavin Summerhill

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 to 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
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of water quality action criteria (used in section 1 and 2):**WQ A: Management**

- WQ-A1 General management

WQ B: Operations

- WQ-B1 Permitted activities
- WQ-B2 The site
- WQ-B3 Operating techniques
- WQ-B4 Improvement programme
- WQ-B5 Pre-operational conditions

WQ C: Emissions and monitoring

- WQ-C1 Emissions to water
- WQ-C2 Emissions to land
- WQ-C3 Emissions of substances not controlled by emission limits
- WQ-C4 Installation of monitoring boreholes

WQ D: Information

- WQ-D1 Records
- WQ-D2 Reporting
- WQ-D3 Notifications

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.