

Compliance Assessment Report CAR_NRW0041902

Permit being assessed: AB3095ZY.

For: Roath Dock, held by Associated British Ports

At: Old Clipper Road, Cardiff Docks, Cardiff, CF10 4LY.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2303267).

On 05/05/2023 between 14:00 and 14:20.

Parts of permit assessed: C2

NRW Lead Officer: Elysia Lovelock.

Report sent to: Thomas Butler , TCM on 26/06/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C2 Significant	3.4.1 & 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
1	31

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
C2	The presence of damaged bales, exposing RDF waste has the potential to exacerbate or contribute to any pest issues if the bales are stored in a poor condition over a period of time. The sites procedural documents state the bales are regularly inspected to prevent such issues in accordance with permit conditions 1.1.1 and 3.4.1. Following the visit to site by Natural Resources Wales on 5th May 2023, the broken bales containing RDF waste were subsequently removed by the Operator on the 7th / 8th May 2023. Further the action already undertaken by the Operator outlined above, please provide a date by which a revised/reviewed Pest Management Plan can be submitted to Natural Resources Wales for review, within 7 workings days of receipt of this Report, by Wednesday 5th July 2023. When updating the plan, please ensure the plans measures	05/07/2023

Criteria	Action needed	Complete by
	ensure that the operator can satisfactorily manage the situation to regain compliance with the permit, in accordance with permit condition 3.4.1. Please refer to the guidance document previously provided. Please also note, Natural Resources Wales would need to review any revised Pest Management Plan to be submitted by the Operator, prior to agreement for use on site.	

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

I, Senior Industry and Waste Regulation Officer Elysia Lovelock visited the permitted site at Roath Dock Cardiff on Old Clipper Road, Cardiff, CF10 4LX on Friday 5th May 2023 unannounced at approximately 2pm, in response to incident reports received by Natural Resources Wales, on 4th and 5th May 2023, references 2303223 and 2303267 refer, concerning flies.

The Associated British Ports hold an environmental permit EPR/AB3095ZY, which is a Tier 3 bespoke permit for a non-hazardous waste transfer facility, with Natural Resources Wales, which authorises the permit holder to store and bulk up non-hazardous waste only, including Refuse Derived Fuel (RDF) and wood wastes.

The purpose of the visit was to investigate and establish the situation on site in respect of the reported incidents and as a regulated site, assess compliance with the sites permit conditions pertaining to the management of material accepted, waste stored on site and pest control. During the visit, the weather remained overcast with intermittent showers.

On entering the site, accessing the site under our powers of entry, under Section 108, Environment Act 1995, I noted there were a number of bales, as shown below, containing baled refuse waste stored on the berth, bound or wrapped in what appeared to be a type of blue plastic sheeting. From a distance, I noted there appeared to be some variation in the colour of the sheeting, some being either a pale or darker blue. As I walked closer, some appeared to be wrapped more thickly than others.



On closer inspection, in order to establish the condition of the bales, some of the plastic sheeting on a number of the bales appeared to have been damaged/pierced, causing holes exposing the refuse waste within the bales. The waste emitted the expected odour, consistent with refuse waste. Appearing to attract flies as there were a significant number of flies which seemed to have accumulated in these areas, swarming in the holes and around the bales, causing a significant effect on-site, as well as a detrimental effect on the surrounding areas.





Some of the bales appear to have been temporarily repaired using black duct tape. There appeared to be a fly management measure in place on site, with a small number of the green fly bags, as shown below, hanging around the site. However, due to the number of flies, this did not appear to be effective in mitigating or managing the flies.



Following the visit, Waste Regulation Team Leader Gareth Davies contacted the Operator's Technically Competent Manager Mr Thomas Butler, who advised that the increase in flies will have been exacerbated by 500 bales being left over from the previous shipment, remaining on site for approximately 10 weeks, as opposed to the planned 5 weeks.

I note the sites EMS Operational Procedures version 1.2 February 2016 states under 3.1 Waste Storage Procedure, '3. Material will be stored within their designated areas on the dockside for no more than 4 weeks from the date of a ship being due up to a maximum of 3 months.' This also conforms with the storage requirements under the Fire Guidance.

The Operator's Technically Competent Manager has advised Natural Resources Wales that since the visit on the 5th May 2023, the berth was cleared of RDF bales and cleaned of any residual waste material on 7th / 8th May 2023 and provided photographs confirming this on 11th May 2023, as shown below. We wish to thank the Operator for their timely response.



The Operator's Technically Competent Manager was also asked to provide an updated Pest Management Plan. Mr Butler advised the Operator would undertake this following receipt of this Compliance Assessment Report.

Permit condition 3.4.1 states:

The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.

The sites Pest Management Plan is contained within the 'Waste Monitoring and Inspection procedure' document, EMS-MIP1 Version 1, last amended on 03/06/2020, under 5.0 Monitoring and Inspection – Pest Control. This document was provided by the Operator at

the request of Regulatory Officer Magda Leonowicz, following a visit on 10th June 2022 responding to a reported incident concerning flies, reference 2204023, CAR_NRW0040090 refers.

Point 3.3 of the document states: 'Daily visual inspections of the site will be undertaken at the same time as checking the waste material stockpiles. Any issues identified in relation to site integrity e.g. traffic routes, surfacing, drainage, security, vandalism, debris / litter, pest control etc. will be recorded on a non conformance report and reported to the relevant person and appropriate control measures implemented to bring the site and surrounding areas back into compliance.

Point 3.4 states: 'On a weekly basis, a formal inspection will be undertaken by the 'Technically Competent Manager'. The findings will be recorded in the TCM report and will detail:

- Site Details and person undertaking the inspection
- Any Visits / Inspections / Reports from Regulatory authorities (NRW, HSE, FRS, Police, LA, etc)
- General Site Management
- Fire Guidance Requirements
- Site Maintenance
- Environmental Considerations
- Operational Records / Documentation
- Action Plan required to bring site and permit back into compliance

Specifically under 5.0 monitoring and inspection – Pest Control, point 5.3 states: 'Daily visual inspections of the site standards will be undertaken to coincide with other inspections. Any issues identified will be recorded on a non conformance report and reported to the relevant person. Where necessary a specialist contractor will be contacted to deal with the pest / vermin infestation.

Point 5.4 states: 'The technically competent manager (TCM) will formally inspect the site and surrounding areas and record findings of any pest / vermin infestation identified on the TCM report. The report will include the action required to be taken to bring the site and permit back into compliance.

Point 5.5 states: 'ABP have access to specialist pest / vermin control contractors who will provide advice, guidance and / or where necessary undertake actions to deal with any infestation'.

Under point 4.0 Inspecting / Repairing RDF Wrapping, 4.1 states, 'RDF will be delivered to site in fully wrapped bale form that prevents water ingress, odour release and access by pests and / or vermin.'

I note under 4.3, it states that 'RDF bales will be inspected on delivery and routinely for the duration they are on site to ensure the bale wrapping is intact.' Going on to state, under 4.5, 'In instances where the RDF bale wrapping is found to have failed during a site inspection

the following corrective action will be undertaken:

- If there are tears or holes in the wrapping but the wrapping is still capable of retaining the contents of the bale then a repair will be undertaken using tape an appropriate covering (e.g. plastic film, plastic sheeting etc.)
- If the wrapping has failed and will not retain the contents of the bale, the affected bale/s will be removed to the quarantine area and re-wrapped at the customer / supplier expense.

With 4.6 stating, 'In the above instances, a non conformance report is completed detailing the issues identified and the actions taken as a result.'

Whilst we appreciate that the Operators timely response in clearing the bales from site and cleaning the berth on 7th / 8th May 2023, when notified by Natural Resources Wales following my visit on Friday 5th May 2023, given our findings on site, it does not appear that the above appropriate measures, including, but not limited to, those specified above, have been taken to prevent or where that is not practicable, to minimise the presence of pests on this occasion.

Also, in respect of the procedures outlined under point '4.0 Inspecting / Repairing RDF Wrapping', of the Operators Environmental Management System, it appears the activities have not been managed as per the sites procedures.

Condition 1.1.1 states:

The operator shall manage and operate the activities:

- a. in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and

In accordance with the Fly Management guidance, an operator is obliged to prevent pests or use all appropriate measures to prevent pests that amount to pollution from their activities. Operators may need to update their Pest Management Plan with further measures to ensure they continue to meet condition 3.4.1.

BREACHE:

As a result of the above, a breach has been recorded under **C2 General Management – Management system and operating procedures**, and scored as a **Category 2 - Significant non-compliance**, with the potential to have a significant impact or effect on the environment, people and/or property, for failure to use all appropriate measures to prevent or where this is not practicable, to minimise the presence of pests that amount to pollution from the permitted activities, to ensure they could continue to meet condition 3.4.1.

And for failure to comply with the sites waste storage procedures outlined above, under point 4.0 Inspecting / Repairing RDF Wrapping, as required under condition 1.1.1. I note, no action has been specified in this report in respect of removal of the waste, as it was removed by the operator on 7th / 8th May 2023.

ACTION REQUIRED: Given the site's procedures quoted above, please undertake the

following:

1. To ensure the Operator can continue to meet condition 3.4.1 and 1.1.1, please provide a date and/or timeframe by which an updated Pest Management Plan can be submitted to Natural Resources Wales for review. Please note, Natural Resources Wales would need to review any revised Pest Management Plan to be submitted by the Operator, prior to agreement for use on site.

ACTION DUE: Please provide a date and/or timeframe for which a revised Pest Management Plan can be submitted to Natural Resources Wales, within 7 working days of receipt of this Compliance Assessment Report by **Wednesday 5th July 2023**.

ADVICE AND GUIDANCE: Please refer to the current Fly Management Guidance adopted by Natural Resources Wales, provided via email on 11th May 2023.

The site visit concluded at 1440 hours. We wish to thank the Operator for their efforts to date and continued efforts going forward. Should the Operator encounter any issues going forward, we would encourage you as the Operator and holder of an environmental permit, to ensure this is reported to Natural Resources Wales.

For a summary of the actions required, please refer to **Section 2. What action is required?** If you require any assistance or wish to discuss this report or the requirements outlined in this report, please contact Senior Industry and Waste regulation Officer Elysia Lovelock, in the first instance.

Please note, in addition to this report, you will receive a hard copy of the Code B, LPR08 Notice of powers and rights (pollution control) that was completed for the visit, which will be sent to your correspondence address for your records. The Code B explains our powers of entry and your rights.

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.