

## Compliance Assessment Report CAR\_NRW0043135

**Permit being assessed:** CB3491FL.

**For:** AST Plastic Containers UK LLP, **held by:** AST Plastic Containers UK LLP

**At:** Unit 1, Abbey Road, Redwither Business Park, Wrexham, Wrexham, LL13 9RF.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 14/12/2023 between 13:30 and 14:35.

**Parts of permit assessed:** 1.1.1.

**NRW Lead Officer:** Ian Thomas2, accompanied by Amy Henderson.

**Report sent to:** Gavin Shepherd, Site Manager, on 12/04/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan.
A1 - Specified by permit	Action only (X)	
C2 - General Management - Management system and operating procedures	C3 Minor	Permit 3.5.1. FPMP 5.1 Fire breaks required under the permit conditions missing. Permit 4.1.2 The operator shall keep on site all records, plans and the management system required to maintained by this permit.
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2: Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
		the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

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

Total non-compliances recorded	Total non-compliance score
3	8.1

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	Site access and security to be reviewed.	31/03/2024
A1	Notice board missing from site	31/03/2024
C2	Fire breaks to be installed. All relevant documents to be available and produced upon request	31/03/2024
G4	Waste Returns for the missing Quarters must be submitted	29/02/2024

Compliance 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

On Thursday the 14<sup>th</sup> of December 2023 Natural Resources Wales officers attended site.

This was a routine site inspection for permit ref EPR/CB3491FL which was carried out by Waste Regulation Officer Ian Thomas and Waste Officer Amy Henderson.

On arrival at site, Officers met with Gavin Shepherd, site manager, who accompanied us throughout the visit.

Inspection of the outside area of the site showed several places where plastic containers

are being stored. The containers and IBC's stored can be seen to be stacked quite high.



Containers stored outside, some loose and not secured.



IBC's multiple stacked.



This storage area is outside of the permit boundary, and is accessible by the public, there is no outer fencing, only some trees and planted areas with tarmac paths into the site, this is not substantial enough to keep members of the public from walking around the site. It is understood that the site is manned 24hrs and there are cameras covering the main site. The IBC's are stored on the yard very close to the public footpath and road, this is outside of the permit boundary and could cause injury if people walk through the area. **Permit condition 2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan. Compliance criteria A1 - Scored as C3**

Whilst walking the site officers failed to locate any noticeboard displaying the required information regarding the site, contact details and the permit number. This is referenced in section 2.5.1 of the EMS. **Recorded as an action only.**

It was also noted that an outside wash plant has been constructed on a section of the yard, this is not operational and is not a part of the permit. Any use of this facility would require a variation to the permit and information explaining its use and what would be washed.

The first site inspection was carried out on the 21<sup>st</sup> of June 2022, at this time aspects of the permit including submitting waste returns, permit variations, public register details etc were explained. Waste returns for the site must be completed within one month of each quarter. Checks prior to the visit showed that no waste returns had been completed since the permit was issued. **Permit condition 4.2.2: Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter. Compliance criteria G4 - Scored as C4.**

All operations are taking place within the building, as specified in the permit. The building contains areas for both recycling and manufacture of new containers. A newer process

within the wash plant is cleaning perfume containers.

The permit was granted with a condition that fire walls would be installed within the waste storage areas 1, 2, 3 and 4. These walls have not been installed. It was requested in the previous CAR form that, "A report confirming these have been installed and to the correct specification must be submitted to Natural Resources Wales for written approval". When we returned to the office with Mr Gavin Shepherd he stated that Mr Robert Shepherd is the technically competent manager for the site and attended site 3 or 4 days per week. Officers requested to see the required documents and paperwork relating to the permitted site. Mr Shepherd explained a colleague looked after this paperwork, but he was unable to locate any of the documents including, the Environmental Management System (EMS), the site diary, the site permit and the Fire Prevention and Mitigation Plan (FPMP).

**Permit Condition 3.5.1. FPMP 5.1 Fire breaks required under the permit conditions missing. Permit 4.1.2 The operator shall keep on site all records, plans and the management system required to maintained by this permit. These breaches have been consolidated under Compliance Criteria C2 – Scored as C3.**

Thank you for your time during the inspection. Should you have any queries regarding this CAR form please contact [ian.thomas2@cyfoethnaturiolcymru.gov.uk](mailto:ian.thomas2@cyfoethnaturiolcymru.gov.uk)

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.

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

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 Waste compliance criteria (used in section 1 and 2):**

**1. Management**

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

**2. Operations**

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

**3. Emission and Monitoring**

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

**4. Information**

- W4A – Records
- W4B – Reporting
- W4C – Notification

**Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto: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](mailto: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.