

Compliance Assessment Report CAR_NRW0044410

Permit being assessed: AB3095ZY.

For: Roath Dock, **held by:** Associated British Ports

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

Type of assessment: Report/Data Review,

Reason: Other.

On: 05/05/2023.

Parts of permit assessed: Refer to CAR_NRW0041902.

NRW Lead Officer: Elysia Lovelock.

Report sent to: Thomas Butler , Operations SMS Manager, on 23/05/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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
W1A	This Compliance Assessment Report is our enforcement response to the Category 2 non-compliance identified on Friday 5th May 2023, as detailed in CAR_NRW0041902.	Already completed

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.

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

This compliance assessment report has been produced to detail our enforcement response to the Category 2 breach/non-compliance observed on Friday 5th May 2023, recorded on CAR_NRW0041902, issued on 26th June 2023.

In response to reports to Natural Resources Wales concerning nuisance in relation to pests, a site inspection was conducted on the 5th May 2023 to assess compliance against the permit, as outlined within CAR_NRW0041902.

In line with our enforcement and sanctions policy, having considered our enforcement response, we are issuing you, the operator, with a Warning letter on this occasion for the Category 2 non-compliance with permit conditions 1.1.1 and 3.4.1 witnessed on the 5th May 2023.

A further Compliance Assessment Report will follow this Report detailing a review of the Operator's revised Pest Management Plan provided on 27th June 2023, 'Waste Monitoring and Inspection Procedure v4 draft', for the permitted facility EPR- AB3095ZY at Old Clipper Road, Cardiff Docks, Cardiff, CF10 4LY.

A warning letter has been served alongside this Compliance Assessment Report, which is as detailed below.

Warning Letter

Further to Natural Resources Wales's EPR compliance visit to the Associated British Ports permitted facility EPR- AB3095ZY at Old Clipper Road, Cardiff Docks, Cardiff, CF10 4LY on 5th May 2023. I now write to update you. NRW have identified the following offence:

Offence

It is an offence to contravene The Environmental Permitting (England and Wales) Regulations 2010.

Contrary to Regulation 38 (2) It is an offence for a person to fail to comply with or to contravene an environmental permit condition.

The above offence relates to the category 2 non-compliance breach identified with permit conditions 1.1.1 and 3.4.1 in relation to the operator's Pest Management Plan and pest issue substantiated by Natural Resources Wales on 5th May 2023 and outlined in Compliance Assessment Report CAR_NRW0041902 issued 26th June 2023.

On this occasion we are issuing you a **warning letter** as a response to the above offence. However, our decision could change if any further relevant information comes to light, including, but not restricted to, information that:

- you have committed earlier offences

- the environmental impacts of these offences are greater than we presently understand them
- the offences are continuing or have been repeated
- you have committed other offences of which we are presently unaware.

We will take this offence into account if we consider that you are involved in any future offending.

This warning does not:

- prevent any other prosecuting authority taking action against you/the Company; or
- affect our right to issue enforcement, clear-up or remediation notices, or seek recovery of costs or damages according to law.

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 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.