

Compliance Assessment Report CAR_NRW0046698

Permit being assessed: FP3031CW.

For: Pentre Agrochemicals Plant EPR/FP3031CW, **held by:** FMC Agro Limited

At: Headland Agrochemicals Limited Rectors Lane , Deeside, Flintshire, CH5 2DH.

Type of assessment: Site Inspection,

Reason: Routine.

On: 18/03/2025 between 10:00 and 11:30.

Parts of permit assessed: See Below .

NRW Lead Officer: Carter Shone, accompanied by Kathryn Bradshaw.

Report sent to: EHS Manager , EHS Manager , on 25/03/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	C3 Minor (Suspended)	1.1.1
IR2A - Installations - Operations - Permitted activities	Assessed (A)	
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
1	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
IR1A	Submit a permit variation to NRW to include the new nitric acid tank.	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

Natural Resources Wales (NRW) senior industry and waste regulation officers Carter Shone and Kathryn Bradshaw visited FMC Agro Limited on the 18th March 2025. This was a pre-arranged site inspection.

At the time of the inspection the site was operational.

Weather conditions were mild but clear with a strong breeze .

(IR1A) General Management

In October 2024 FMC Agro Ltd requested to operate the replacement 60% nitric acid tank (maximum capacity 42 tonnes) at the Rectors Lane site before an environmental permit variation had been determined.

NRW took several factors into consideration when looking into this matter:

- A report submitted on the 22/08/2024, as evidence of the safety improvements and reduction in environmental risk the new tank introduces and the standards to which it was constructed to.
- The operator submitted both a permit variation application to NRW and a Reg 10, COMAH Modification Safety Report to the COMAH Competent Authority, jointly the Health and Safety Executive & Natural Resources Wales.
- NRW have confirmed that an environmental permit variation decision could take between 6 – 12 months. The operator stated that, in this timeframe, the existing nitric acid tank will reach its end of life. The operator also stated that “we will not be able to manufacture a range of products that are critical to our business and as such, this will have a profound financial impact on this site”.

It was agreed with the operator that there was no mechanism to legally operate processes prior to attaining a permit, therefore should they choose to use the tank prior to permit determination this would result in a Compliance Assessment Report being issued with a non-compliance category 3 management score. The operator will also take on any risk associated with operating the new tank. The new tank installation shall be treated as part of the existing permit, with all conditions applying to it, and we would have the ability to score and take enforcement action should this be required.

The operator has now completed the commissioning of the new tank and it was evidenced on this site inspection that it is now operational. This has resulted in the following suspended score:

Score (Suspended): (IR1A) Monitoring. Permit Condition 1.1.1, Score C3.

Action (Completed): Submit a permit variation to NRW to include the new nitric acid tank.

If the variation to include the new nitric acid tank is not accepted by NRW the score will be applied.

(IR2A) Permitted activities

NRW officers were given a full tour of the installation. Both the storage and production areas appeared clean and organised. With areas for different storage and products clearly marked out.

Officers were shown the replacement nitric acid tank and bund which both appear in very good condition. Officers were then talked through in detail, procedures for filling the tank, emptying the bung and systems for environmental safety. These were extremely thorough.

(IR3B) Emissions of substances not controlled by emission limits

The operator has completed actions to seal the south containment paving.

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 Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – 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.