

## Compliance Assessment Report CAR\_NRW0044792

**Permit being assessed:** BX8289IW.

**For:** Soft Drinks Site– Cardiff, **held by:** Princes Ltd

**At:** Portmanmoor Road, East Moors, Cardiff, South Wales, CF24 5HB.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 11/07/2024 between 14:00 and 16:00.

**Parts of permit assessed:** Reporting.

**NRW Lead Officer:** Brigid Armstead, accompanied by Geraint Harris.

**Report sent to:** John O'Malley, H&S Manager, on 22/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR4B - Installations - Information - Reporting	C3 Minor	4.2.2(a)
IR4B - Installations - Information - Reporting	C4 No impact	4.2.2(c)
IR4B - Installations - Information - Reporting	C4 No impact	4.2.2(c)
IR4B - Installations - Information - Reporting	C4 No impact	4.2.2(c)
IR4B - Installations - Information - Reporting	C4 No impact	4.2.2(b)
IR4B - Installations - Information - Reporting	C3 Minor	4.2.3
IR1A - Installations - Management - General Management	C3 Minor	1.1.1(b)

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

Total non-compliances recorded	Total non-compliance score
7	12.4

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
IR4B	Action: Please ensure that all reports required under Condition 4.2.2 are submitted by 31 July 2024.	31/07/2024

Criteria	Action needed	Complete by
IR4B	Action: Please ensure that the E1 report as required under Condition 4.2.2 is submitted by 31 July 2024.	31/07/2024
IR4B	Action: Please ensure that the R1 report as required under Condition 4.2.2 are submitted by 31 July 2024.	31/07/2024
IR4B	Action: Please ensure that the WU1 report required under Condition 4.2.2 is submitted by 31 July 2024.	31/07/2024
IR4B	Action: Please ensure that the PI report required under Condition 4.2.2 is submitted by 31 July 2024.	31/07/2024
IR4B	Please ensure that all reports required under Condition 4.2.3 are submitted by 31 July 2024.	31/07/2024
IR1A	Action: Ensure that the site is operated with sufficient competent persons to fulfil the requirements of the Permit.	31/07/2024

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.

**At this time, we do not intend to take any further action.**

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

NRW Officers BA and GH visited the Princes Cardiff Soft Drink site on 11<sup>th</sup> July 2024 to meet with the H & S Manager and EHS Coordinator for this site.

The visit was scheduled for NRW Officers to meet the sites new EHS Coordinator and to discuss the late submission of reports and the recent drainage report received by Princes for the North Yard.

NRW were told that the lateness of reports was due to the EHS Coordinator position being vacant for a number of months prior to July 2024. The operators EMS was audited

NRW have previously agreed to the reporting required under condition 4.2.2(a) being submitted by 30<sup>th</sup> April each year. This was agreed in CAR\_NRW0041865.

The following reports are currently outstanding:

- Review of the results of the monitoring and assessment as per Condition 4.2.2(a)
- E1 for 2023 as per Condition 4.2.2(c)
- R1 for 2023 as per Condition 4.2.2(c)
- WU1 for 2023 as per Condition 4.2.2(c)
- PI1 for 2023 as per Condition 4.2.2(b)
- S1 for Q1 as per Condition 4.2.3
- PRTR Results as per S60 Notice issued 23<sup>rd</sup> March 2016

**Action:** Please ensure that all reports required under Condition 4.2.2 are submitted by 31 July 2024.

**Action:** Please ensure that all reports required under Condition 4.2.3 are submitted by 31 July 2024.

**Action:** Please ensure that PRTR data is submitted by 26<sup>th</sup> July 2024

It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition.

#### **IR4B – Reporting**

*A category 4 non-compliance is given due to failure by the operator to submit a review of the results of the monitoring and assessments by the specified date. This is a reporting failure and a breach under condition 4.2.2(a).*

*A category 4 non-compliance is given due to failure by the operator to submit a report on annual energy usage by the specified date. This is a reporting failure and a breach under condition 4.2.2(c).*

*A category 4 non-compliance is given due to failure by the operator to submit a report on annual waste disposal and/or recovery by the specified date. This is a reporting failure and a breach under condition 4.2.2(c).*

*A category 4 non-compliance is given due to failure by the operator to submit a report on annual water usage by the specified date. This is a reporting failure and a breach under condition 4.2.2(c).*

*A category 4 non-compliance is given due to failure by the operator to submit a report on annual production by the specified date. This is a reporting failure and a breach under condition 4.2.2(b).*

*A category 3 non-compliance is given due to failure by the operator to submit a report on annual emissions to sewer by the specified date. This is a reporting failure and a breach under condition 4.2.3.*

The Annual review for 2022 as required under C4.2.2(a) was received late and a root cause identified as being the lack of a management of change procedure. As Princes were in the process of generating work instructions. As work instructions are now available and have not been used, a category 3 non-compliance has been given against the general management.

#### **IR1A – General Management**

*A category 3 non-compliance is given due to failure by the operator to manage and operate the activities using sufficient competent persons and resources. This is a general management failure and a breach under condition 1.1.1(b).*

**Action:** Ensure that the site is operated with sufficient competent persons to fulfil the requirements of the Permit.

Princes are advised that non compliances effect the installations compliance banding, which is used to determine the subsistence charge.

The non-compliance scores are as follows:

C1 Major – 60 points

C2 Significant – 31 points

C3 Minor – 4 points

C4 No environmental impact – 0.1 points

<b>Compliance Banding</b>	<b>CCS Score</b>	<b>Compliance</b>	<b>Subsistence charge (as a percentage of</b>
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<b>Thresholds</b>	<b>Banding</b>	<b>the baseline)</b>
<b>0 Points</b>	<b>A</b>	<b>95%</b>
<b>0 - 10 Points</b>	<b>B</b>	<b>100%</b>
<b>10.1 - 30 Points</b>	<b>C</b>	<b>110%</b>
<b>30.1 - 60 Points</b>	<b>D</b>	<b>125%</b>
<b>60.1 - 149.9 Points</b>	<b>E</b>	<b>150%</b>
<b>&gt;150 Points</b>	<b>F</b>	<b>300%</b>

Further non compliance with the above mentioned Permit conditions may result in enforcement notices being issued under Section 36 of the Environmental Permitting Regulations 2016, which would further affect the subsistence charges.

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](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.