

Compliance Assessment Report

Report ID:
CAR_NRW0036185

This form will report compliance with your permit as determined by an NRW officer

Site	Lower Park Farm Co-operative AD Plant	Permit Ref	AB3393FL		
Operator/Permit holder	Mr Richard Tomlinson, Mrs Sadie Tomlinson, Mr George Tomlinson and Mr William Tomlinson				
Regime	Waste Operations				
Date of assessment	15/01/2020	Time in	N/A	Out	N/A
Assessment type	Site Inspection				
Parts of the permit assessed	Staff competency/training; Reporting and notification; Management system and operating procedures				
Lead officer's name	White, Steven				
Accompanied by					
Recipient's name/position	Richard Tomlinson/ Director	Date issued	15/01/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
C1 - General Management - Staff competency/training	X	
C2 - General Management - Management system and operating procedures	X	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4	4.2.2

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	0.1
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

This was a desk-top inspection carried out by Senior Environment Officer Steven White to check the waste returns, EMS and Technical Competence for the site. Officer did not attend the site for the inspection.

On checking the database for the site it was found that no waste returns (including null returns) have been submitted to NRW for Lower Park Farm. Section 4.2.2 of the site permit states that "Within one month of the end of each quarter, the operator shall submit to NRW using the form made available for the purpose, the information specified in the form relating to the site and the waste accepted and removed from it during the previous quarter."

The last waste returns submitted to NRW were for Q2 2017, even if there are null returns (i.e. no waste was accepted or removed from site) these still are required to be submitted to NRW. This has subsequently been scored as a CCS 4 breach of the relevant permit condition. Details on how and when to submit waste returns can be found on NRW's website by typing in 'waste returns' into the main search bar.

Action: All waste returns for the missing quarters (Q3 2017 onwards) must be submitted to NRW by 5 weeks from the date of this CAR form; that is by 19/02/2020

There is currently no Environment Management System (EMS) written for the site, it is part of the permit (Condition 1.1.1 a) that the site is operated 'in accordance with a written management system' (EMS). The previous CAR form (for inspection on 14/08/17) stated that Richard is in the process of drafting one up; guidance and examples of EMS and for other AD plants had been sent to give an idea of what is entailed in an EMS. To date no EMS has been submitted to NRW; you must ensure that an EMS for the site is sent to NRW by the date specified below. If no EMS is submitted by this date then a CCS breach will be scored against the relevant permit condition.

Action: An EMS for the site must be submitted to NRW by 5 weeks from the date of this CAR form; that is by 19/02/2020

Technical Competence for the site was checked, Richard Tomlinson is on the WAMITAB system as having a certificate of Technical Competence but it doesn't state what for and its expiry date. Can you forward me the most recent WAMITAB certificate you have for our database by the same date as the other actions specified in this CAR form (19/02/2020). If the certificate has expired you must ensure that it is updated at the earliest opportunity, or a suitably competent third-party could be employed to act as the Technically Competent Manager (TCM) for the site in the interim.

Thank you for your time, please find my contact details below.

Regards

Steven White

Senior Environment Officer (Waste Regulation Team)

Email: steven.white@naturalresourceswales.gov.uk

Post: Natural Resources Wales, Chester Road, Buckley, Flintshire, CH7 3AJ

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

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Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G4	C4	All missing returns must be submitted to NRW	19/02/2020
C1	X	Up-to-date certificate of technical competence to be forwarded to NRW	19/02/2020
C2	X	A site EMS must be submitted to NRW by 5 weeks from the date of this CAR form; that is by 19/02/2020	19/02/2020

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.