

Compliance Assessment Report

Report ID:
CAR_NRW0036108

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

Site	Parry and Evans Ltd	Permit Ref	CB3593HF		
Operator/Permit holder	Parry And Evans Limited				
Regime	Waste Operations				
Date of assessment	19/12/2019	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	Permit Condition 2.4.1, Table S1.3 & Permit Condition 3.5.1				
Lead officer's name	Challender, Paul				
Accompanied by					
Recipient's name/position	David Evans/Nick Owen/ Director/TCM	Date issued	23/12/2019		

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
C2 - General Management - Management system and operating procedures	C4	Permit Condition 2.4.1, Table S1.3 & Permit Condition 3.5.1

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

In light of your submission of version 1.9 of your Fire Prevention and Mitigation Plan to Natural Resources Wales the recently issued Compliance Assessment Report form has been amended and reissued. Please see below:

A review of the current Fire Prevention and Mitigation Plan (FPMP), Version 1.9, date 08/08/19, Doc. Ref: 2768-1537-G has been conducted. The update between version 1.8 and version 1.9 implements an amendment to section 1.4.2 to reflect a change in the member of staff occupying the position of Technically Competent Manager - all other sections remain the same.

The FPMP has been deemed unsuitable for the operation of the Waste Operations permit CB3593HF at Unit 103, Zone 1, Deeside Industrial Park, Flintshire, CH5 2LR as it does not fulfil the requirements of Permit Condition 2.4.1, Table S1.3 or Permit Condition 3.5.1. As such a CCS Score (C4) has been recorded against the Compliance Criterion (C2) Management system and operating procedures and a revision of the document is required by the deadline stated *Section 4 - Action(s)* of this Compliance Assessment Report form.

This current Fire Prevention and Mitigation Plan has been written to outline fire hazards on site and a number of accompanying measures which will be implemented to ensure every action is taken to prevent fire, contain fire on site if it does occur and ensure quick suppression and detection in accordance with the Environment Agency's Technical Guidance Note TGN7.01.

The operator needs to take heed however, that this waste operation is undertaken within Wales and under the authorisation of a Natural Resources Wales waste operations tier 3 bespoke permit. This permit was subject to a variation which, was issued on the 6th October 2017. This variation inserted permit conditions that required the operator to manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance. The current, relevant fire prevention plan guidance is Guidance Note 16, Fire Prevention & Mitigation Plan Guidance – Waste Management, Version 2 and can be found at the following link <https://cdn.naturalresources.wales/media/684379/guidance-note-16-fire-prevention-mitigation-plan-english.pdf?mode=pad>

The FPMP guidance document describes what *must* and what *should* be included within an operator's FPMP. *Must* conditions are considered mandatory unless it can be justified what alternative measures are in place that meet or exceed the guidance standard. *Should* measures are to be followed, unless alternatives are proposed or explain why they don't apply.

As it has been written to address TGN7.01, the FPMP Version 1.8 does not fulfil all of the *must* requirements or detail suitable alternative measures which, meet or exceed the guidance standard. The FPMP not being written to adhere to Guidance Note 16 is a non-compliance with a *must* requirement in itself.

Another pertinent example of this deviation from the required Guidance standard is that there is limited information regarding stack size and separation distances for combustible wastes stored in the external yard as required by Section 8 of Guidance Note 16. Stack size or separation distance information in the submitted FPMP for the external yard is limited to tonnages and reference to a 10 metre stand off from the building; this is not sufficient. Other deviations from *must* conditions are also evident.

You are required to review your FPMP with regard to the current, relevant fire prevention plan guidance is Guidance Note 16, Fire Prevention & Mitigation Plan Guidance – Waste Management and submit the revised version to Natural Resources Wales.

Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.

If you would like to discuss anything further as regards to your FPMP, or require further guidance, then please contact the North East Wales Waste Regulation Team at the following email address WasteReg.NE@cyfoethnaturiolcymru.gov.uk.

Kind Regards,

Paul Challender - Tackling Waste Crime Officer (North East Wales Waste Regulation Team)

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			
C2	C4	Review, amend and operate by an FPMP that implements the contents of Guidance Note 16 Fire Prevention & Mitigation Plan Guidance – Waste Management	28/02/2020

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.