

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

Site	Mobile Plant Permit	Permit Ref	HB3436AG		
Operator/Permit holder	Richard Rogers				
Regime	Waste Operations				
Date of assessment	26/05/2019	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	1.1.1(a), 2.1.5, 2.2.1(a), 2.2.1(b), 2.2.1(c), 4.1.1(d)				
Lead officer's name	Henderson, Amy				
Accompanied by	Williams, Carys				
Recipient's name/position	Richard Rogers/ Permit Holder	Date issued	13/03/2020		

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
A1 - Specified by permit	C3	Permit condition 2.1.5
C2 - General Management - Management system and operating procedures	C3	Permit condition 1.1.1(a) EMS011(2), EMS011(6) & EMS011(7)
C3 - General Management - Materials acceptance	C3	Permit condition 2.2.1 (a), 2.2.1(b) & 2.2.1 (c)
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C3	Permit condition 4.1.1(d)

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	4	Total compliance score (see section 5 for scoring scheme)	16
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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

The purpose of this Compliance Assessment Report is to detail the results of a waste transfer note audit completed for deployment reference **PAN-03622** for **Llyn Rhys Farm, Bryneglwys Road, Llandegla, Wrexham, LL11 3AF**, associated to permit reference **HB3436AG**.

The audit was completed by Amy Henderson and Carys Williams for data provided by Richard Rogers for spreading records between **22nd December 2018 and 26th May 2019**. Waste transfer notes and spreading records were cross referenced with waste transfer notes from waste producers **Westlands Horticulture Ltd** and **Argent Energy (UK) Ltd**. It is important to note that waste transfer notes were provided by Westlands Horticulture Ltd and Argent Energy (UK) Ltd for dates either side of 22nd December 2018 and 26th May 2018. A separate deployment is in place at Llyn Rhys Farm (**PAN-002412**), clarification will be required as to where and under which deployment the additional loads were spread. Further information is requested in the attached notice.

The following non-compliances were noted as a result of the audit:

Management - General Management

CCS C2 – Management Systems - Permit condition 1.1.1. – Category 3

Condition 1.1.1 requires that:

“The operator shall manage and operate the activities:

- a. in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;”***

This condition has been scored as spreading activities have not been operated and managed in compliance with the written Environmental Management Plan, in that:

- Spreading has been carried out not in compliance with the approved deployment.

Section 11(2) of the EMS states that "only waste types stated on the agreed deployment form will be accepted at the site"

Section 11(6) of the EMS states that "any non-conforming waste discovered as part of the waste inspection on discharge, or elsewhere as part of the waste movement or spreading operation, will be placed in a container and segregated from other wastes.

Section 11(7) - Non permitted waste materials will be removed from site as soon as possible.

Action: Spreading activities must be managed and operated in compliance with the written management system and associated deployment and environmental permit – action immediately.

Operations – Permitted Activities

CCS A1 – Specified by Permit - Permit condition 2.1.5. – Category 3

Condition 2.1.5 requires that

“The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by Natural Resources Wales.”

This condition has been scored as the following waste types are not listed on deployment **PAN-03622** and were accepted and spread at Llyn Rhys Farm:

16 10 02 – Argent Energy (UK) Ltd

19 12 12 – Argent Energy (UK) Ltd

02 02 01 – Westlands Horticulture Ltd

02 03 01 – Westlands Horticulture Ltd

12 01 02 – Westlands Horticulture Ltd

At no point during the duration of the deployment did Natural Resources Wales agree in writing that these waste types could be spread at Llyn Rhys Farm.

Action: Spreading activities shall only be carried out in accordance with the agreed deployment, unless otherwise agreed in writing. Wastes not listed in the deployment cannot be accepted – action immediately.

Operations – Waste Acceptance

CCS C3 – Waste Acceptance - Permit condition 2.2.1. – Category 3

Condition 2.2.1 requires that

“Waste shall only be accepted if:

a. it is of a type listed in tables 2.2A and/ or 2.2B of these standard rules;

This condition has been scored as there has been acceptance of the following waste types not listed in Table 2.2A and Table 2.2B:

12 01 02 – Westlands Horticulture Ltd

19 12 12 – Argent Energy (UK) Ltd – Listed as gypsum only.

Action: Waste acceptance must be in compliance with tables 2.2A and/or 2.2B of the standard rules – action immediately.

a. it conforms to the description in the documentation supplied by the producer and holder;

The spreading records submitted to Natural Resources Wales do not conform with the description in the documentation supplied by the producer and holder. The spreading records only include 2 waste codes; however, 5 different waste codes were accepted based on the transfer notes. The transfer notes also differ from those produced by the producer and those produced by the waste carrier/deployment holder.

Action: Waste acceptance must conform to the description in the documentation supplied by the producer and holder – action immediately.

a. it conforms to the agreed deployment form.”

As per condition 2.1.5. there has been acceptance of waste types other than those agreed on the deployment form. The permit holder has also accepted waste type **02 01 01** from **Table 2.2A**, waste types listed in Table 2.2A are not applicable for the location of this deployment.

Action: Waste acceptance must conform to the agreed deployment – action immediately.

Information – Records

CCS G2 – Records of activity/site diary/journal/events - Permit condition 4.1.1. – Category 3

Condition 4.1.1 requires that:

“All records required to be made by these standard rules shall:

- a. if amended, be amended in such a way that the original and any subsequent amendments remain legible or are capable of retrieval; and”*

This condition has been scored as there are numerous examples of over writing of waste codes on the transfer notes provided by the permit holder, the amendments do not remain legible and there is no record of why, when or who amended these codes.

Action: Records must remain legible when subsequent amendments are made – action immediately.
Please take note of the actions listed, we are considering enforcement action and will be in contact regarding this in the new year.

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.

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Operator/Permit holder	Richard Rogers	Date	26/05/2019

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
A1	C3	Spreading activities shall only be carried out in accordance with the agreed deployment, unless otherwise agreed in writing by Natural Resources Wales	18/12/2019
C3	C3	Waste acceptance must be in compliance with tables 2.2A and/or 2.2B of the standard rules. Waste acceptance must conform to the description in the documentation supplied by the producer and holder. Waste acceptance must conform to the agreed deployment	18/12/2019
G2	C3	Records must remain legible when subsequent amendments are made	18/12/2019
C2	C3	Spreading activities must be managed and operated in compliance with the written management system and associated deployment and environmental permit	18/12/2019

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.