

Compliance Assessment Report

Report ID:
CAR_NRW0036519

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

Site	Vaughan Mr K & Son M R S	Permit Ref	PP3795CG			
Operator/Permit holder	Vaughan, Mr K & Son					
Regime	Waste Operations					
Date of assessment	14/01/2020	Time in	10:25	Out	11:00	
Assessment type	Site Inspection					
Parts of the permit assessed	General Management, Permitted activities, Infrastructure					
Lead officer's name	Park, Liz					
Accompanied by						
Recipient's name/position	Lee Vaughan/ Site Manager	Date issued	08/04/2020			

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Liz Park undertook an unannounced site inspection on 14/01/2020. Mr Kenny Vaughan gave Liz Park unaccompanied access to the yard. Neither Stephen or Lee Vaughan were on site. At the time of the inspection the weather was cold with a fine rain.

Waste storage and infrastructure

There continues to be progress in removing waste from unmade ground onto the impermeable surface. This must continue. However, it is noted that waste has built up again beside the water course. This needs to be removed.



Photo of scrap on unmade ground

Discharge from the interceptor

There continues to be no authorisation in place for the discharge from the impermeable surface via the interceptor. This will be reviewed with the permit variation (see below). Liz Park checked the watercourse and there was no sign of any oil or other contaminants. Please ensure that a daily visual check of the brook is undertaken and recorded.

Battery boxes

The battery boxes must have lids to stop the ingress of water. Any water within a battery box can become contaminated with battery acid and will need to be disposed of as a Hazardous waste liquid.



Photo of uncovered battery box

Undepolluted vehicles

It was again observed that there were ELVs on site that had not been fully depolluted as the shock absorbers remain intact. These were stored on the impermeable surface. These ELVs are considered Hazardous Waste and can only be moved on a Hazardous Waste Consignment Notes. They need to be sent to an authorised ELV facility to be fully depolluted before being recycled. Duty of care paperwork including waste transfer notes and hazardous waste consignment notes will be reviewed at the next compliance visit.



Photo of in situ undrained shock absorber

Technically Competent Manager

The current Technically Competent Manager (TCM) of the site is listed as Stephen Vaughan. Stephen Vaughan was deemed competent by NRW (Environment Agency at the time). Stephen Vaughan was then required to maintain his competency by having a valid continuing competency certificate. On the previous CAR dated 12/12/2017 the continuing competence certificate for Stephen Vaughan was requested. This was not received. Therefore it is considered that at present the site does not have a technically competent person.

Should Lee Vaughan wish to be considered the TCM he will need to undertake the relevant WAMITAB qualification.

Permit holder/ operator

To be considered an operator of a permitted site, the operator needs to be in day to day control of the site. The current permit

holders are Kenny Vaughan and Son (Stephen Vaughan). If they are not involved in the day to day running of the site, then they are not considered the operators and cannot hold the permit. Please see RGN1 for further information. This needs to be discussed.

<https://naturalresourceswales.gov.uk/permits-and-permissions/environmental-permits/regulatory-guidance-notes-rgns/?lang=en>

Meeting to discuss the future of the site

It is suggested that a meeting with Kenny Vaughan, Stephen Vaughan and Lee Vaughan is arranged to discuss the operation of the site including operator and a permit variation to modern conditions. This will be arranged when the current situation due to COVID-19 is resolved.

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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Operator/Permit holder	Vaughan, Mr K & Son	Date	14/01/2020

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			

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.