

Compliance Assessment Report

Report ID:
CAR_NRW0036812

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

Site	Newport Data Centre	Permit Ref	BB3599CW		
Operator/Permit holder	Next Generation Data Ltd				
Regime	Installations				
Date of assessment	22/07/2020	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	A1				
Lead officer's name	James, Ian				
Accompanied by	Richards, Gareth (Rivers House)				
Recipient's name/position	Phil Smith/ Construction Director	Date issued	24/07/2020		

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

CAR form for NGD

Request for an extension to the required by date of IC1.

Background;

Permit EPR-BB3599CW was issued on 22nd April 2020 and covers a Section 1.1 Part A (1) (a) activity under the Environmental Permitting Regulations 2016 for the burning of any fuel in an appliance with a rated thermal input of 50 or more megawatts. The permit issued with Improvement Conditions that need to be satisfied by certain dates. One of these, IC1, requires the operator to, 'Construct an acoustic barrier around GF19 as detailed in Generator testing Assessment, Revision 4.0.' And is to be completed by, '22/07/2020 or unless otherwise agreed in writing with NRW'.

Current status (as of 22nd July 2020);

On 13th July 2020 Natural Resources Wales were contacted by the operator who wrote, "Given the current issues around COVID 19 affecting our supply chain, can we please seek an extension on the delivery; IC1 – The GF19 Acoustic Barrier?"

This request was forwarded to the regulating team and subsequent discussions were had to determine whether an extension could be granted.

Several emails were exchanged where NRW sought information relating to;

1. Evidence that all reasonable efforts had been made to satisfy the condition.
2. The operator's proposal to conclude the works including a realistic timeframe.
3. Any other mitigation measures to be put in place to support the request to extend the due date.

During a meeting on 21st July 2020 between NRW (IJ and GR) and NGD (PS and GK) the following points were discussed;

Evidence to show that all reasonable efforts to complete the installation by the required date had been made.

Reassurances that no testing of the cells, GF19 and GF14, would take place before the permanent barrier solution would be installed. The barrier is highlighted in modelling as making reductions of up to 3dB (GF14) and 3-8dB (GF19) at 3 Noise Sensitive Receptors.

Satisfying IC1 requires a permanent solution.

The operator suggested a new date of 23rd October 2020. NRW made clear that this should be a realistic date and should not be considered as moveable.

NRW consider the evidence of supply and installation issues due to COVID19 to be acceptable. It's not unreasonable to conclude, given the widely known and acknowledged restrictions on manufacturing and installation activities caused by the pandemic, that this has proved very difficult.

Although not a requirement of NRW the evidence that a temporary solution is being sourced and planned to be installed is welcome in as much as this would be potentially useful in mitigating noise from use of the generators in the event of a main supply failure.

Confirmation from the operator that no testing of the affected generators would take place before IC1 is satisfied by a permanent solution is key to the extension request.

Outcome;

NRW agree to an extension of the required by date of IC1 to 23rd October 2020.

As agreed during the meeting on the 21st July 2020;

IC1 should be satisfied by a permanent solution.

No testing of GF14 or GF19 should be carried out until the successful completion of IC1.

EPR Compliance Assessment Report

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Operator/Permit holder	Next Generation Data Ltd	Date	22/07/2020

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.