

Compliance Assessment Report

Report ID:
CAR_NRW0035071

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

Site	The Windmill Site	Permit Ref	JP3894FM		
Operator/Permit holder	Thornccliffe Building Supplies Ltd				
Regime	Installations				
Date of assessment	21/02/2019	Time in	10:00	Out	12:00
Assessment type	Audit				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by	Challender, Paul				
Recipient's name/position	Jim Morgan/ Skips Operations Manager	Date issued	08/05/2019		

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
A1 - Specified by permit	X	
C4 - General Management - Storage, handling labelling and Segregation	A	

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

Thorncliffe future developments and permitting.

The current permit issued to Thorncliffe authorises the operator to run a waste operation comprising of a waste transfer station for the treatment and storage of non-hazardous waste and inert waste. The permitted treatment methods consist of manual and mechanical sorting. The permit also authorises the operator to run a waste installation comprising of the acceptance and treatment of wastes to produce RDF as a schedule 1 listed activity. The maximum quantity for waste to be accepted is 200,000 tonnes per year for the site as a whole.

The permit should have 2 subsistence charges associated with it, one for the installation and one for the waste operation. **PLEASE NOTE:** It appears that the operator has never been charged subsistence fees for the installation part of the permit and moving forwards this will need addressing.

You did advise that the nature of the activities at Abergele have never fallen under the realm of section 5.4 (installation). This is now strengthened by the fact that you explained today that the waste activities at Abergele have been scaled back considerably, examples include the fact that the RDF production line is now not operational and the picking line has now been moved to Ewloe. You advised that moving forwards Abergele will act more as a bulking up station rather than a treatment facility for general waste. In summary Conwy and Denbighshire waste will be bulked up on site to be forwarded direct to Parc Adfer, and Thorcliffes own commercial waste collection will be stored on site and forwarded to Ewloe for further processing. This processing will primarily comprise of shredding and, ferrous and non-ferrous metal extraction.

You therefore advised that you wish to vary the site back into waste operation.

You also advised that as part of future development you are planning to increase the permitted boundary to include an adjacent parcel of land. This additional parcel of land will be used for the storage and treatment of inert waste. You queried on how to vary the existing permitted area to include this new parcel of land.

Having liaised further with our permitting department following the visit, due to the complexity of the proposed changes, two applications may be required to be submitted. For further information on how best approach this and to gain information on the correct application forms to complete, together with costs please contact our permitting team, details of which are provided in the covering email.

As discussed in the meeting, below are some points for the operator to consider when compiling the permit application:

- Attached is a copy of an installation OPRA on our file from 2015, this needs to be reviewed by the operator prior to submission as this might change subsistence charges and application charges etc
- If two applications are required to be submitted, it is likely a waste operation OPRA profile will need to be completed.
- The current permit is for 200,000 tpa across both the installation and the waste facility at the moment. This needs to be reviewed to reflect the correct tonnages per annum for the waste operation.
- Within the permit application you should clearly specify what activities will be carried out and what waste will be accepted at the new area and assess the associated risks.
- Your application should also include updated plans, for example it was discussed that the fire prevention management plan will need updating to reflect recent changes in waste management on site, recent comments from NWFRS and to reflect the new parcel of land. Consideration should also be given to an odour management plan, How to Comply with your environmental permit document lists Waste Transfer Stations as an activity that must have one. It is likely that we would include an Improvement Condition for the operator to do this, if one is not already present.

- Site Condition Report for new area. The application must provide a SCR for the new area. The new area is on a historic landfill. We strongly recommend that applicant considers the intended use of this land going forward against its history. You should provide this information in your risk assessment in terms of looking at what you want to do on that land i.e. could heavy plant etc. disturb the historic mass, release pockets of gas etc. You must get baseline intrusive data for the new area (if safe to do so) for the SCR. Note that even if you don't do a baseline, you are required to appropriately describe land at permit issue by other means, if not, you may be liable for anything come surrender of that land.

- As you have legally been operating as a IED installation during this time you should have been mindful of gathering information on impacts to land and groundwater. Within the permit application you must include demonstration that the installation activity has never been carried out and there has not been any adverse impact on the land where the activity was taking place . You may wish to refer to H5 guidance.

Other matters to consider –

- Consideration should be given to any sensitive features on or around the site.
- Assessment of risk and any mitigation to be included in application.
- Applicant to check whether new area is within screening distance of SSSI or SAC, SPA, RAMSAR.
- Standard checks for all types of receptors (human, environmental etc.)
- Drainage details to be included for the new area.
- Current CG044260 discharge consent. As discussed if this is a discharge is part of the waste operations on site then it would be prudent to include and request that this is consolidated into the relevant schedule within the permit during the application.

As standard, you must also provide non-technical summary with the application to explain the changes in plain English, site plan including the new area, Site specific risk assessment covering the “new risks” and EMS summary covering how you will address new activities/increase to existing activities.

Action 1 : Operator to provide NRW with confirmation and timescales for submittal of permit variation in regards to the above no later than **10th June 2019**.

Waste Treatment BREF.

Reference was made during the visit to the Waste Treatment Best Available Techniques reference documents (Waste treatment BREF). Existing Installations have to comply with BAT Conclusions (BATC) within 4 years of publication. This 4 year timescale only applies to existing sites. You advised that due to the changes to the waste treatment activities you undertake at the installation and the fact you are proposing to vary the permit into an installation permit the BREF will not be applicable. However please note technical guidance notes such as 5.06 do still apply.

NRW served a regulation 61(1) notice on the operator requesting information to enable Natural Resources Wales to review your permit, following the publication of the revised Best Available Techniques (BAT) Reference Document (BRef) for Waste Treatment. The deadline for responses is September 30th. This notice was served as you have been permitted as an installation but is not relevant to waste operations. If you were to submit a permit application to vary back into waste operation prior this date it is likely that you would not need to fully respond to this notice.

Inert.

Substantial improvements have been made to reducing the stockpiles of inert material on site. This has now been reduced to levels to comply with permit conditions and associated environmental management systems. Thank you for addressing these issues.



Future impacts on Waste operations at Ewloe.

A brief summary of what the implications of these changes at Abergele will have on on Ewloe 's waste operations were discussed. It was suggested by the operator that there will potentially be an increase in tonnages accepted at Ewloe, which could exceed the current permitted thresholds, therefore permit variation was discussed. If you require additional information in regard to varying this permit please contact your current regulatory officer Paul Challender (who was present in the meeting today).

You also confirmed that minimal waste treatment will be occurring to the waste accepted at Ewloe, (mainly shredding and metals extraction). You also confirmed that you will be keeping within the realm of your current permitted waste activities and that you believe section 5.4 of EPR 2016 will not be applicable to Ewloe and therefore this site will not become an installation.

EPR Compliance Assessment Report

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Site	The Windmill Site	Permit Ref	JP3894FM
Operator/Permit holder	Thornccliffe Building Supplies Ltd	Date	21/02/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	X	Permit Variation discussions held on site. Operator to respond formally to NRW with timescales in regards to permit variations.	10/06/2019

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.