

## Compliance Assessment Report CAR\_NRW0037810

**Permit being assessed:** BB3697ZN.

For: New Horizon Plastics Co Ltd, held by New Horizon Plastics Co Ltd

At: Gelicity House Unit 27, Castle Park Industrial Estate, Flint, Flintshire, CH6 5XA.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 16/03/2021 between 14:30 and 15:45.

Parts of permit assessed: 1.1.1, 2.2, 3.2

**NRW Lead Officer:** Amy Henderson, accompanied by Elis Nuttall.

**Report sent to:** Philip Thomas/Tony Liu, Company Directors on 13/05/2021.

### 1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	Permit conditions 1.1.1 & 2.2
F1 - Amenity - Odour	Assessed (A)	
B3 - Infrastructure - Site drainage engineering (clean and foul)	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

### 2. What action is required?

Criteria	Action needed	Complete by
A1	Shredding activity to take place within a building as stated in sites EMS submitted at application and as incorporated within the sites permit. All activities taking place under the permit, including storage to be carried out within the permitted area.	18/05/2021

Action criteria codes are listed in the 'Important information' section below.

### 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

**You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

#### 4. Details of our assessment

This was an unannounced site inspection of permit EPR-BB3697ZN carried out by Waste Regulation Officers Amy Henderson and Elis Nuttall. The weather at the time of the visit was dry and breezy at times.

On arrival at site we were met by Company Directors Phillip Thomas and Tony Liu, who accompanied us throughout the visit. The site was operational at the time of the visit, with waste being loaded into the shredder to commence the treatment process.

Following recent complaints raised regarding plastic blowing from the site, the site was in the process of installing netting along the perimeter fence line adjacent to the coastal path in the hope to address this issue. Netting has also been installed adjacent to the shredder. It was stated a backpack Vacuum has also been ordered and the site has stated they plan to use this along the fence line daily. Consultation with our permitting team following the visit confirmed that the permit was granted on the basis this shredding activity was carried out within a building and is part of the site Environment Management System. This treatment activity taking place outside of the building has therefore been given a non-compliance score for a breach of the permit and is discussed further below.



Photograph showing the location of the shredder, outside of the building.

At the time of the visit little waste was being stored on the permitted site, as shown in photograph below.

During the visit we also visited the area across the road, where exemptions have been registered by New Horizon Plastics Ltd. It was stated by the Directors that this area was being used as storage for the permitted site. The majority of the waste for the permitted site was being stored at this site, therefore outside of the permitted area. This has therefore been given a non-compliance score for a breach of the permit and is discussed further below.



Left: Photo of permitted site with minimal waste being stored there. Right: Waste being stored for the permitted site, outside of the permitted area.

### **Permit breaches**

#### **Compliance Criteria A1: Specified by permit**

**Permit condition 1.1.1 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.**

On our visit it was seen that the shredding activity was taking place outside of the building, not in accordance with the site plan/treatment process diagram submitted at application, which was incorporated within the permit as per the introductory note. Your environmental permit was determined on the basis that this activity was carried out within a building. Your Environment Management System states;

#### **3.5 Waste treatment (Plastic Processing)**

**3.5.1 The layout of the waste treatment process is shown on Drawing No. CAS/2570/03.**

This is therefore not in compliance with condition 1.1 of your permit and has been given a category 3 non-compliance score.

The shredder being outside the building would increase the environmental risk of the site and would therefore need to be fully determined during a permit variation application, should the site wish to continue to treat the waste outside of the building.

**Action:** Operations on site to be carried out in compliance with the permit and EMS (as incorporated). Shredding activity to take place within the building as specified in Drawing No. CAS/2570/03. Permit variation to be submitted should the operator wish to change activities on site.

A Site Warning has been issued in relation to this breach.

#### **Permit condition 2.2 The site**

**2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.**

As waste being accepted under the permitted site is being stored outside of the permitted

area, this has been scored as a permit breach and a Category 3 non-compliance score has been issued.

**Action:** Ensure all activities carried out under the permit, including storage, do not extend beyond the permitted area.

**As the above breaches both fall under Compliance Criteria A1: Specified by Permit, these have been consolidated into an overall Category 3 breach as per Natural Resources Wales policies and procedures.**

There has been a delay in the issuing of this CAR form due to advice from Natural Resources Wales Legal Team being sought.

Should you have any questions regarding this CAR form please contact  
[Amy.Henderson@cyfoethnaturiolcymru.gov.uk](mailto:Amy.Henderson@cyfoethnaturiolcymru.gov.uk)

Kind Regards

**Amy Henderson**

Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

Cyfoeth Naturiol Cymru / Natural Resources Wales

*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.*

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

**What are suspended scores?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

**Full list of Industry and Waste action criteria (used in section 1 and 2):****A: Permitted activities**

- A1 Specified by permit

**B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

**C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

**D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

**E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

**F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

**G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

**H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency



## Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

## Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. 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 our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

## Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

## What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

## Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.