

Compliance Assessment Report CAR_NRW0037862

Permit being assessed: BX8289IW.

For: Princes - Cardiff EPR/BX8289IW, held by Princes Ltd

At: Unit 68 Princes Soft Drinks Division - Cardiff Portmanmoor Road Ind. Estate , Cardiff, South Wales, CF24 5HB.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 14/04/2021 - 15/04/2021.

Parts of permit assessed: Reporting

NRW Lead Officer: Geraint Harris.

Report sent to: Victoria Gilbert, Technical Manager on 09/06/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.1.5
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G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.1.5
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.1.4
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	2.11.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	2.8.1
C2 - General Management - Management system and operating procedures	C3 Minor	1.3

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

Total number of non-compliances recorded	Total non-compliance score
7	4.6

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
G4	Supply a report satisfying condition 4.1.5 encompassing the information required in permit conditions 2.4.1.2 and 2.7.2 for the year 2020	14/05/2021
G4	Supply a report satisfying condition 4.1.5 encompassing the information required in permit conditions 2.4.1.2 and 2.7.2 for the year 2019	14/05/2021
G4	Supply a report satisfying condition 4.1.5 encompassing the information required in permit conditions 2.4.1.2 and 2.7.2 for the year 2018	14/05/2021
G4	Supply a report satisfying condition 4.1.4 Fugitive emissions report for 2020	14/05/2021
G4	Please supply evidence that your site closure plan has been reviewed and is still relevant.	14/05/2021
G4	Provide evidence that this was reviewed back in 2018 when you were required to submit as part of your 2 yearly requirement.	14/05/2021
C2	Please ensure that you incorporate the dates of when reports and notifications to NRW are required into your management systems to avoid late or absent submissions.	14/05/2021

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.

At this time, we do not intend to take any further action.

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

Dear Victoria Gilbert and John O'malley,

Looking through past correspondence between your site and NRW there is a significant pattern of missed deadlines. You were previously asked to submit evidence of complying with these permit conditions.

In the past, permit conditions 2.4.1.2 and 2.7.2 were incorporated within your response to permit condition 4.1.5. Permit condition 4.1.5 requests that where an operator has a formal environmental management system which encompasses annual improvement targets the operator shall, not later than 31 January in each year, provide a summary report of the previous year's progress against such targets. Such a report used to be sent annually, however, it appears that the last submission was received 2018 for the year 2017 despite numerous requests from NRW since then. We now require 2018, 2019, 2020.

Non-compliance: A category 4 non-compliance is issued to the operator for failure to submit the required information on time. Since there are three years of missing information 3 x category 4 scores will be applied. This is recorded as a failure to comply with permit condition 4.1.5. **It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission**

limit. Non-compliance score CCS4 x 3.

Permit condition 4.1.4 report Fugitive emissions – requires the operator to review fugitive emissions, having regard to the application of best available techniques, on an annual basis, or such other periods as shall be agreed in writing by the Agency, and a summary report on this review shall be sent to the Agency detailing such releases and the measures taken to reduce them within 3 months of the end of such period. All submitted reports have to be sent to NRW by the 31st March each year. Princes Food have complied with this several times but have failed to submit reports for 2020.

Non-compliance: *A category 4 non-compliance is issued to the operator for failure to submit the required information on time. This is recorded as a failure to comply with permit condition 4.1.4. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS4 x 1.*

I have spoken with other officers with regards to permit condition 4.1.7 SPMP and the EA, centrally in August 2008, gave operators the option to incorporate this into their Management systems. upon visiting your site I will request to see that the site protection and monitoring plan has been incorporated into your EMS and that you are reviewing it on a frequent basis.

Permit condition 2.11.2, Site closure plan, requires you to carry out a full review of the site closure plan at least every 4 years. You were requested to provide evidence that this was conducted by 31st March and none was received.

Non-compliance: *A category 4 non-compliance is issued to the operator for failure to submit the required information on time. This is recorded as a failure to comply with permit condition 2.11.2. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS4.*

NRW have received an environmental risk assessment on the 4th February 2021 as part of Prince's variation application. NRW consider permit condition 2.8.1 to be satisfied for 2020. However, prior to this the last accident management plan was received in 2016. Therefore, we are still awaiting the report for 2018.

Non-compliance: *A category 4 non-compliance is issued to the operator for failure to submit the required information on time. This is recorded as a failure to comply with permit condition 2.8.1. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS4.*

As a permit holder you must comply with the conditions within your permit. NRW must be able to witness compliance and our Public Register must either reflect this compliance or alternatively show an enforcement response if compliance cannot be demonstrated. Given that such a substantial amount of reports have been missed following numerous reminders I will be undertaking enforcement proceedings against your site. Such proceedings include the awarding of 6 x CCS4 scores and more importantly a Category 3 non-compliance issued to the operator for failure to submit the required information on time. This is recorded as a failure to comply with permit condition 1.3 Overarching Management Condition. Under this condition you are required to implement and maintain a management system, organisational structure and allocate resources that are sufficient to achieve compliance with the limits and conditions of this permit. It is here where you have failed to live up to your duties as a permit holder. If your management system was functioning as required such information would not have been missed.

Non-compliance: *A category 3 non-compliance is issued to the operator for failure to submit the required information on time. This is recorded as a failure to comply with permit condition 1.3. It is an offence under Regulation 38(2) of the Environmental Permitting Regulations (consolidated 2016) to breach a permit condition or emission limit. Non-compliance score CCS3.*

Action 1:

Please submit the missing reports/reviews by the **15th May 2021**. Failure to comply with this action will result in further enforcement proceedings.

End.

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 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

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.