

Compliance Assessment Report

Report ID:
CAR_NRW0033185

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

Site	Llansantffraid Mill	Permit Ref	WP3938SH			
Operator/Permit holder	Wynnstay Group PLC					
Regime	Installations					
Date of assessment	05/04/2018	Time in	10:00	Out	12:00	
Assessment type	Audit					
Parts of the permit assessed	1.3.1					
Lead officer's name	McClymont, James					
Accompanied by	Oakes, Ian					
Recipient's name/position	Sally Davies / QC Compliance Manager / Emvr Jones / Feed Director	Date issued	16/04/2018			

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
C2 - General Management - Management system and operating procedures	X	

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

Permit condition 1.3.1 requires that the Operator shall 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.

This audit was undertaken to discuss with the Operator the improvements to the Environmental Management System (EMS) required by NRW.

In CAR_NRW0031742, it was noted that whilst improvements have been made to the EMS procedures, it was considered that the EMS was not robust or site specific enough to secure compliance with Permit condition 1.3.1. It was recommended in CAR_NRW0031742, that the EMS be re-designed and that the Operator consider using an environmental consultant to deliver this.

During this audit it was determined that the Operator instructed the environmental consultancy RSK ADAS to undertake a gap analysis of the current EMS, in October 2017. The general recommendations have been received by the Operator, which were in line with NRW's previous comments. An update as to their progress was sent to NRW by the Operator on 10/04/2018, outlined below:

- Remove duplication in Environmental Assurance Procedures (EAPs) and in SOPs (ongoing);
- Restructure EAPs and SOPs to include list of records and outputs generated by procedure (ongoing);
- Include flow diagrams in each procedure to indicate steps and responsibilities for each step (ongoing);
- Move some information from EAPs into Environmental Manual (ongoing);
- Replace EAP03 structure and responsibilities with new EAP3 compliance obligations (done);
- Simplify EAP04 Operational controls and allocate recording forms to appropriate SOPs (mainly done);
- Combine EAP06 monitoring & measuring with EAP14 reporting procedures (ongoing);
- Incorporate existing summary of reviews/plans not currently referenced in EMS into compliance matrix with traffic light system (done);
- Create new SOP "monitoring" (ongoing) and
- Update EMS structure diagram to reflect changes (ongoing).

The actions to be taken by the Operator, as outlined above, are welcomed by NRW.

It was also recommended by NRW that the Operator look into the Groundwork Green Dragon Environmental Standard for their EMS. The Operator has agreed to investigate working with Groundwork to identify remaining omissions from the EMS, and the possibility of achieving Green Dragon accreditation.

Action 1: Please update NRW with your progress regarding the RSK gap analysis recommendations, and the Green Dragon Environmental Standard, by 31/07/2018.

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EPR Compliance Assessment Report

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Operator/Permit holder	Wynnstay Group PLC	Date	05/04/2018

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			
C2	X	See comments section	31/07/2018

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.