

Compliance Assessment Report CAR_NRW0039135

Permit number	HP3737UE	Operator name	Severn Power Limited
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Site name	Severn Power Station
Site address	West Nash Road, Nash, Newport, Gwent, NP18 2BZ
Assessment type	Report/Data Review

Date of assessment	01 December 2021	Time in	N/A	Time out	N/A
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NRW Lead officer	Guy Baskerville	Accompanied by	N/A
Report sent to – Name and position	Craig Scott Asset Manager	Date	06 January 2022

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

Part of permitted activity assessed	Assessment result	Permit condition
G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment.	Assessed or assessed in part (A).	3.1.3

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

Total number of non-compliances recorded	Total non-compliance score
0	0

2. What action is required?

Criteria	Action needed	Complete by
N/A	N/A	N/A

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 prosecutions and/or suspension or revocation of your permit.

4. Details of our assessment

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' (hereafter "NRW") acknowledgement of the operator's intention to undertake a systematic appraisal of the risk of contamination of groundwater and soil in lieu of periodic monitoring.

On 19 November 2021, the operator submitted the following document via email:

- SEVERN POWER STATION - ENVIRONMENTAL RISK ASSESSMENT [project no.1620012327]. Revision 2

The risk assessment seeks to demonstrate that the risk of groundwater or soil contamination caused by the operation is low and that periodic monitoring of groundwater or soil is not required where a systematic appraisal of the risk is undertaken.

Condition 3.1.3 of the Environmental Permit states:

Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

NRW Regulatory Guidance Series (RGN) 9 v4 states:

If you are operating an installation and you believe we should not require periodic monitoring of groundwater and soil as a condition in your permit you should justify this as part of your environmental risk assessment in terms of a systematic appraisal of the risk of contamination¹. We will expect you to review this justification during the life of the permit.

¹ Article 16(2) of the Industrial Emissions Directive (IED). This states:

The frequency of the periodic monitoring referred to in Article 14(1)(e) shall be determined by the competent authority in a permit for each individual installation or in general binding rules.

Without prejudice to the first subparagraph, periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

The NRW co-authored report 'UK Cross-Cutting Interpretation Guidance and Permitting Advice on the Best Available Techniques (BAT) Conclusions published under the Industrial Emissions Directive (IED) – May 2020' further clarifies:

79. Article 16(2) of the IED specifies minimum monitoring frequencies for groundwater and soil. The expectation is that the CA will set monitoring conditions for relevant parameters in groundwater and soil at the installation at the monitoring frequency specified in Article 16(2) or more frequently. However, Article 16(2) also states that if the operator can demonstrate that in practice the risk of contamination is negligible, then the CA can decide that such monitoring is not required or that it can be carried out less frequently.

NRW acknowledges the operator's intention not to undertake the periodic monitoring of groundwater or soil required by condition 3.1.1 of the environmental permit.

The risk assessment must be reviewed and a copy provided to NRW in the event of:

- 5 years having elapsed since the date of issue of this Compliance Assessment Report.
- Any loss of containment from any storage vessel described in section 2.2 of the risk assessment, including loss of containment from any ancillary pipework associated with those storage vessels.
- Any other incident or accident which may cause groundwater or soil contamination.

- Any change to operational procedures, bulk storage arrangements or below ground infrastructure.
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Finally, we remind the operator that it remains incumbent on them to demonstrate that there has been no deterioration to groundwater or soil when the permit is surrendered and the liability for any contamination during the permitted operations remains with the operator.

[END]

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 in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

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

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.