

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

Site	Llay Feed Mill	Permit Ref	AP3337HF		
Operator/Permit holder	2 Agriculture Ltd				
Regime	Installations				
Date of assessment	31/12/2018	Time in	N/A	Out	N/A
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	All below				
Lead officer's name	Ellis, Rhys				
Accompanied by					
Recipient's name/position	Bruno Fonseca/ HSE coordinator	Date issued	08/02/2019		

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	C3	2.4.1
C1 - General Management - Staff competency/training	C3	1.1.1
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3	4.2.2 , 3.5.4

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	3	Total compliance score (see section 5 for scoring scheme)	12
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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

G1 – Monitoring of emission and the environment

Information required under permit condition 4.2.2 of the permit has not been received. The operator also failed to submit and carry out annual monitoring required by the permit in 2018 (mainly emission to air). As a result, a breach of permit condition is noted under 4.2.2 of the permit. A **CCS Score of 3** has been applied on this occasion.

Action 1.

Operator to provide details of what actions are going to be taken to comply with the above no later than 28th February 2019.

Permit condition 3.5.4 stipulates that permanent means of access shall be provided to enable sampling/monitoring to be carried out in relation to emission points specified in schedule 3. The operator has advised that emissions testing has not been carried out on some of the points because there was no safe access. As a result, this permit condition is breached and a **CCS Score of 3** has been applied on this occasion but consolidated with the above.

You have subsequently advised during a telephone conversation on the 7th February 2019 that you are building a platform and a walk way to give access to the area to carry out the test safely which should be completed by end of March.

Action 2

Operator to update NRW when this work is complete. Relevant monitoring locations must comply with the relevant permit requirements and relevant monitoring standard/ method including table S3.1 of the permit. NRW advise that you also refer to the monitoring guidance relating to air in the below link (example include M1 guidance)

<https://www.gov.uk/government/collections/monitoring-emissions-to-air-land-and-water-mcerts>

C1 - Staff competency and training.

C2 – Management system.

Condition 1.1.1 of the permit references the requirement to manage and operate the activities in accordance with a written management system and using sufficient persons and resources. Relevant staff are currently not fully aware of the permit requirements which have led to breaches of permit, these include monitoring and reporting requirements, monitoring infrastructure and improvement conditions .

A **CCS score of 3** has been applied on this occasion.

Action 3.

Operator to confirm what actions will be taken to increase staff awareness on relevant permit requirements and operating procedures for monitoring and reporting and also general permit requirements. Please update NRW no later than 15th March 2019.

Action 4.

Relevant section of the Environmental Management System relating to Monitoring, notification and reporting should also be reviewed and updated and submitted to NRW no later than 15th March 2019.

A1 – Permitted Activity.

Condition 2.4.1 references the fact that the operator shall complete the improvements specified in schedule 1 table 1 Table S1.3 by the date specified in that table unless otherwise agreed by natural Resources Wales. NRW have not received responses to the

improvement conditions. A **CCS breach of 3** is noted.

Please provide an update on progress in relation to the above together with details of when NRW should receive the required information no later than 15th March 2019.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0034600**

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Operator/Permit holder	2 Agriculture Ltd	Date	31/12/2018

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.

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	C3	See actions in CAR form	28/02/2019
C1	C3	Refer to actions in CAR from	15/03/2019
G1	C3	See actions in CAR from	28/02/2019

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.