

Compliance Assessment Report

Report ID:
CAR_NRW0032442

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

Site	Kinmel Park Depot	Permit Ref	AP3791EH			
Operator/Permit holder	Denbighshire County Council					
Regime	Waste Operations					
Date of assessment	06/11/2017	Time in	09:46	Out	10:30	
Assessment type	Site Inspection					
Parts of the permit assessed	All					
Lead officer's name	Challender, Paul					
Accompanied by						
Recipient's name/position	Mr Jim Esplpey/ Waste and Transport Manager	Date issued	14/11/2017			

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	C3	Permit Condition 3.4.1

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	1	Total compliance score (see section 5 for scoring scheme)	4
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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

This was a routine unannounced site inspection by the new regulating officer for the site Environment Officer (EO) Paul Challender. Weather conditions were dry, overcast and mild. Throughout the I was accompanied at all times by Mr Jim Espley of Denbighshire County Council.

A walk around the permitted area of the site took place. Within the two bays used for the storage of collected kerbside material no issues were noted. All waste material was contained within the two bays. The new higher fence is still in place and in a good state of repair, no litter was noted upon the fence. The fence line was undergoing a litter pick by a site operative with only a minimum of waste material needing to be recovered.

Elsewhere within the central area of the site where the three bays are located general housekeeping was of a good standard with all materials fully contained within their respective bays. Other council operations that take place at the site were in good order and did not appear to be contravening the permit conditions.

No issues relating to noise, dust, odour, litter, pests or mud on the highway outside the site were noted throughout the inspection.

Mr Espley explained the planned changes due to take place at the permitted site in the near future. Due to a forthcoming change of kerbside collection fleet; it is currently proposed to change the location of the transfer building and commence construction in such a way to accommodate separate collections of waste streams. Thank you for this appraisal and please keep Natural Resources Wales (NRW) appraised of these alterations as they develop.

On the 27th July 2017 as the holder of a standard rules permit Denbighshire County Council was sent a letter to the council's principal office address advising you of the recent changes to Standard Rule sets. These changes included the insertion of fire conditions to the Standard Rule set (SR2008 No1) for which the council holds a permit. The inserted fire conditions are as follows:

3.4 Fire

3.4.1 The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

The letter and it's contents were discussed with Mr Espley as a Fire Prevention and Mitigation Plan (FPMP) has not been generated to date. Mr Espley was made aware that this was a breach of the new permit condition and he stated that he would arrange for the writing of the FPMP as per the discussed timeframe - see below.

The following breaches to the permit have been recorded:

(C2) Management system and operating procedures. Permit Condition 3.4.1. CCS Score 3.

Permit Condition 3.4.1 was recently inserted into many Standard Rules permits. This permit condition required the operator to have a FPMP in place by 1st November 2017. The operator has received a letter about this change to the rule set which advised of the required date for implementation of the FPMP. As of the 14/11/17 an FPMP has not been finalised and submitted to NRW via the regulating officer. You are required to finalise, implement and submit to NRW an FPMP by 13/12/17.

Thank you for your time during this inspection.

Paul Challender - Environment Officer

EPR Compliance Assessment Report

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Operator/Permit holder	Denbighshire County Council	Date	06/11/2017

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			
C2	C3	Write, operate by and submit to Natural Resources Wales a suitable Fire Prevention and Mitigation Plan.	13/12/2017

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.