

Compliance Assessment Report

Report ID:
CAR_NRW0026916

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

Site	Bank Farm	Permit Ref	JP3697EU		
Operator/Permit holder	D J Huxley (Farms) Limited				
Regime	Waste Operations				
Date of assessment	09/01/2017	Time in	11:50	Out	12:55
Assessment type	Site Inspection				
Parts of the permit assessed	As below				
Lead officer's name	Thomas, Rhys				
Accompanied by	Briscoe, Ross				
Recipient's name/position	Robin Huxley/ Site Manager	Date issued	17/02/2017		

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
A1 - Infrastructure - Specified by permit	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B4 - Infrastructure - Containment of stored materials	A	
B5 - Infrastructure - Plant and equipment	A	
C2 - Infrastructure - Management system and operating procedures	C3	1.1.1
C3 - Infrastructure - Materials acceptance	A	
C4 - Infrastructure - Storage, handling labelling and Segregation	A	
D1 - Infrastructure - Site security	A	
F1 - Infrastructure - Odour	A	
F3 - Infrastructure - Dust/fibres/particulates and litter	A	
G2 - Infrastructure - Records of activity, site diary/journal/events	A	

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

Site inspection carried out by Rhys Thomas and Ross Briscoe. Accompanied on site by Robin Huxley.

The following non-compliance with permit conditions has been noted:

C2 - General Management - Management Systems. Permit condition 1.1.1. CCS Score C3.

It was established that compost material has been taken from site and stockpiled on fields that do not benefit from a registered deployment. This is contrary to the procedures set out in the site Management System (1g & 4.2.1), which state that finished compost will be transported to registered field sites. Procedures identified within the Management System are in place to minimise risk of pollution from the activities. In this case, waste material has been removed from site to locations that do not benefit from the appropriate authorisations and therefore have not been assessed by Natural Resources Wales and do not have the necessary regulatory controls in place. A CCS Score of C3 has been applied.

Action: Ensure that procedures within the Management Systems are followed at all times and that all staff are suitably aware of these procedures. Waste materials should only be moved to sites that are suitably authorised to accept it.

General observations:

The composting building was inspected. At the time of inspection compost was being removed from within the building to be taken to a deployment site for landspreading. There were three windrows within the building, with compost being removed from the final stage windrow.

The waste material appeared to be compliant with the site's waste acceptance criteria. The composting building was tidy and good housekeeping practices demonstrated.

No odour was detected away from the compost building and the yard directly outside the building was tidy and free from any litter or tracked material.

Some documentation, including the site diary was viewed in the office. Compost removed from site is recorded on tonnage sheets for deployment sites. Tonnage sheets for recently removed material were not available in the site office at the time of inspection as these were still in use on site. Waste transfer notes for materials received and removed from site were viewed. Waste transfer notes must contain a statement confirming that you have fulfilled your duty to apply the waste hierarchy as required by Regulation 12 of the Waste (England and Wales) Regulations 2011. Please refer to the Duty of Care Code of Practice for further information: <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>

A discussion took place relating to bioaerosol monitoring. As was agreed following the last site inspection, the monitoring requirement can be reduced from quarterly to bi-annually, providing a full year worth of monitoring results are submitted to Natural Resources Wales, and that the risks assessed from these results are deemed acceptable. It is understood that monitoring has been taking place. Please submit any bioaerosol monitoring reports to Natural Resources Wales as detailed in Schedule 4 of the permit.

If you would like to discuss anything mentioned in this report please contact Rhys Thomas on 03000 65 3765, rhys.thomas@cyfoethnaturiolcymru.gov.uk

EPR Compliance Assessment Report

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Site	Bank Farm	Permit Ref	JP3697EU
Operator/Permit holder	D J Huxley (Farms) Limited	Date	09/01/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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	Ensure that Management System procedures are followed at all times and that staff are aware of these procedures.	24/02/2017

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.