Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0035191

This form will report compliance with your permit as determined by an NRW officer					
Site	Vauxplus	Permit Ref	ZP3395FC		
Operator/Permit holder	Barry Coppen & Heather Evans				
Regime	Waste Operations				
Date of assessment	04/06/2019	Time in	13:15	Out	13:30
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	Staff competency				
Lead officer's name	Lee, Jonathan				
Accompanied by	Warwick-Brown, David				
Recipient's name/position	Barry Coppen/ Permit Holder	Date issued	05/06/2019		

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
C1 - General Management - Staff competency/training	C3	2.3.1

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

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

Officers Jonathan LEE and David WARWICK-BROWN in attendance of The Old Foundary, Ponthir complete a routine compliance inspection of the environmental permit EPR-ZP3395FC held by Barry Coppen and Heather Evans. The weather was overcast at the time of the inspection. Officers met with 'Vauxbits' staff Steve Bishop and Wesley Bruton on site. No presence was made by the permit holder(s).

Compliance Breaches

The following permit breaches were identified during the inspection.

C1 Staff competency and training – Category 3 breach – Permit Condition 2.3.1

Permit condition 2.3.1 states that 'any changes in the technically competent management of the site, the name of any incoming person and evidence that such a person has the required technical competence, shall be submitted to the Agency in writing within 5 working days of the change in management.'

Staff members Steve Bishop and Wesley Bruton have been undergoing training to complete a WAMITAB qualification to become the Technically Competent Managers of the site. However, it was stated by Mr Steve Bishop during the visit that there had been difficulties in completing the final modules of the WAMITAB course, and that the course had not been completed.

This matter has been ongoing since June 2017, as referenced in the Compliance Assessment Report 'CAR_NRW0031824' issued by officer Anthony BRUTEN on the 29th June 2017.

There are currently no suitably qualified persons managing the site and it activities, and there has not been for a considerable length of time. Therefore, a Category 3 breach of permit condition 2.3.1 has been scored.

Action – TCM's to complete relevant qualifications to ensure that a person has the required technical competence to manage the site and its activities.

A **FINAL** deadline of the 30th August 2019 has been set for this action to be completed. Please provide copies of any certificates to NRW when course is completed.

If there are any further delays in obtaining the appropriate technical competency certification, NRW may take further appropriate enforcement action to resolve this non-compliance.

Permit Transfer

It is understood that there is still intention to transfer the permit from the current holders, Barry Coppen and Heather Evans, to the new site operators, Steve Bishop and Wesley Bruton.

The relevant application forms will need to be completed and submitted to the NRW permitting department. NRW will also need to see evidence that the new intended holders have the required technical competency when a permit transfer application is submitted.

The current cost for an application to transfer this permit is £974.

Should this permit transfer application not proceed, NRW will need to see evidence that the current permit holders remain in control of the permit and its activities.

Summary

If you have any queries regarding this Compliance Assessment Report please contact regulatory officer Jonathan Lee on 0300 065 3908, or via email at jonathan.lee@naturalresourceswales.gov.uk

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0035191**

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Site	Vauxplus	Permit Ref	ZP3395FC
Operator/Permit holder	Barry Coppen & Heather Evans	Date	04/06/2019

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C1	C3	Complete relevant qualifications to ensure that a person has the required technical competence to manage the site and its activities.	30/08/2019

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.