

Compliance Assessment Report

Report ID:
CAR_NRW0035550

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

Site	Horan Clipper Road Site	Permit Ref	TB3690HP		
Operator/Permit holder	Horan Construction Limited				
Regime	Waste Operations				
Date of assessment	06/08/2019	Time in	14:30	Out	15:15
Assessment type	Site Inspection				
Parts of the permit assessed	All				
Lead officer's name	Bowder, Alex				
Accompanied by					
Recipient's name/position	Adrian Drysdale / Site Manager	Date issued	08/08/2019		

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	A	
B1 - Infrastructure - Engineering for prevention and control of emissions	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	A	
B4 - Infrastructure - Containment of stored materials	A	
C1 - General Management - Staff competency/training	A	
C2 - General Management - Management system and operating procedures	A	
C3 - General Management - Materials acceptance	A	
C4 - General Management - Storage, handling labelling and Segregation	A	
F1 - Amenity - Odour	A	
F3 - Amenity - Dust/fibres/particulates and litter	A	
F5 - Amenity - Deposits on road	A	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	A	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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	0	Total compliance score (see section 5 for scoring scheme)	0
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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

Officer Alex BOWDER attended Horan Construction Limited off clipper Road, CF10 4LX at 14:30 on Tuesday 6th August 2019 to carry out an introductory inspection of permit **EPR-TB3690HP**. The weather conditions were mild and dry at the time of the visit. Met with business representative Adrian Drysdale who showed the Officer around the permitted area and explained the operational procedures on site.

To remind the company following each visit Natural Resources Wales will produce a Compliance Assessment Report (CAR) detailing our comments from the inspection. If we substantiate reasonably foreseeable risks or actual impact to the environment, we can breach the business against your permit conditions which can affect your site banding and annual subsistence fees; this is scored on a Category 1 - 4 basis:

- 1** - Major, serious persistent and/or extensive impact on the environment/people/property
- 2** – Significant impact on effect on the environment/people/property
- 3** – Minor impact or effect on the environment/people/property
- 4** – A non-compliance which has no potential environmental effect

PREVIOUS CAR FORM ISSUES

- Technically Competent person, valid qualification
- Assess site infrastructure
- Non-permitted waste types accepted on site

GENERAL OBSERVATIONS

Horan Construction Limited operate a Tier 2 Bespoke environment permit based on the Standard Rule set SR2010 No12 – treatment of waste to produce soil, soil substitutes and aggregate (issued on 27/10/15). The maximum quantity for waste to be accepted on site shall not exceed 75,000 tonnes annually.

The site is predominantly used to store and treat waste to create aggregates for use in various construction activities. ABP Ports are the landowner of the yard and impose a tariff on the business to control waste volumes on site. Most of the waste that comes into the site is from the business' construction works.

Wastes on site are treated to WRAP standards and tests are run on each batch to ensure they meets the criteria for use as a non-waste. Testing of the material is carried out by Apex, who collect samples of the waste once so many tonnes have been processed, and take away the material to test its suitability for reuse under correct Categories.

There were Caerphilly Skip Hire containers on site for depositing waste that have been picked out of material brought to site, that are not included in the waste codes of the permit; for example, plastics and wood. The business stores this waste at this location under a Non-Waste Framework Directive (NWFDD) exemptions – 3, temporary storage of waste at a place controlled by the producer. This exemption allows you to temporarily store waste you have produced when working away from your normal business premises.

TECHNICALLY COMPETENT MANAGER (TCM)

Adrian Drysdale is the designated TCM for the site, who possesses an Environmental Permitting Operators certificate (EPOC) qualification that expires on 31/01/2020 - continuing competency will be required here. There is also another member of staff, Owen George, who possesses an EPOC - expiry 15/11/2020.

ENVIRONMENT MANAGEMENT SYSTEM (EMS)

A copy of the business' Management System and daily diary is kept in the office unit on site. The business has submitted an electronic copy its IMS document (2016) to NRW, which will be looked at in more depth on the next inspection.

INFRASTRUCTURE AND DRAINAGE

There is a concrete pool at the back of the yard that collects surface water from the site. The pool acts as a silt trap before it travels through a pipe to an interceptor off site. This is maintained on an adhoc basis – no issues noted at the time of inspection.

The surface of the yard consists of areas of concrete and compacted hard standing. The treatment activities are done on concrete flooring.



Picture 1 - showing surface water pool at the rear of the yard

WASTE RETURN DOCUMENTS

The site submitted its Quarter 4 spreadsheet for 2018 on 15/04/2019. 635 tonnes were accepted to site, mainly hardcore material which has been coded as **17 01 07**. 124 tonnes have been removed, coded as **17 05 04** soil and stones.

The business' Quarter 2 Waste Return document was submitted on 08/07/2019. It has been declared that 446 tonnes have been accepted to site. No tonnages have been removed yet. TCM details are now required to be populated on the Waste Return documents – this has been actioned.

Wastes are being correctly coded under a 17 code which constitutes construction and demolition wastes (including excavated soil from contaminated sites)

- **17 01** - construction and demolition wastes, concrete, bricks, tiles and ceramics
- **17 03** - bituminous mixtures, coal tar and tarred products

- **17 05** - soil (including excavated soil from contaminated sites), stones and dredging spoil

No unauthorised waste types were witnessed on site.

I look forward to working with the site in future.

If you have any issues with this report please contact Alex Bowder on 0300 065 3394 or

alex.bowder@naturalresourceswales.gov.uk

Thank you.

In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012

EPR Compliance Assessment Report

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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			

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.