

Compliance Assessment Report

Report ID:
CAR_NRW0035744

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

Site	Land Off Heol Y Glyn	Permit Ref	GB3493HZ		
Operator/Permit holder	Cuddy Demolition And Dismantling Limited				
Regime	Waste Operations				
Date of assessment	28/08/2019	Time in	11:28	Out	11:38
Assessment type	Site Inspection				
Parts of the permit assessed	A1, C2, C3, D1, F5				
Lead officer's name	Davies, Eleanor				
Accompanied by	Wakeford, Sally				
Recipient's name/position	Zoe Donovan for Alistair Wardell, Grant Thornton UK LLP/ Administrator	Date issued	01/10/2019		

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	
C2 - General Management - Management system and operating procedures	C3	1.1.1
C3 - General Management - Materials acceptance	C3	2.1.1 and table 2.1 and table 2.3
D1 - Incident Management - Site security	C3	2.1.1 table 2.1
F5 - Amenity - Deposits on road	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	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

Waste regulation officers Eleanor Davies and Sally Wakeford attended site on the 28/08/19.

The purpose of this inspection was to assess compliance with the environmental permit held by Cuddy Demolition and Dismantling (CDDL). There was no representative of CDDL on site during the inspection.

CDDL is currently in administration. Administration started on 23 July 2018. This report will be emailed to Zoe Donovan on behalf of Alistair Wardell of Grant Thornton UK LLP who are acting as administrators for Cuddy Demolition and Dismantling LTD.

A copy of this report has been sent to John Cuddy.

At the time of inspection it was evident that the site was not operational and no waste was being accepted onto site. From the condition of the waste piles it was evident that no waste had been brought on to site for quite some time.

A1 - Specified by permit



A walk around site was undertaken and photographs were taken. Apart from a small pile of likely fly tipped materials (discussed below) the wastes that were on site appeared to be compliant with those allowed under the conditions of the permit.

D1 - Site Security

At the time of inspection the gates were unlocked and open and there was no fence / barrier connected to the gate.





The site is no longer secure as required by condition 2.1.1 and table 2.1 of the permit which requires the "secure storage and use of wastes listed". Secure storage is defined in the permit as "where waste cannot escape and members of the public do not have access to it." **CCS Score C3.**

ACTION: Please ensure that the gates are locked and a fence / barrier installed to prevent unauthorised access to site by 31st October 2019.

C3 - Materials acceptance

To the left of the security gate there is a pile of mixed waste that appears to have been deposited on site relatively recently. As can be seen from the photo above this waste contains C&D type waste mixed with general wastes such as metals and plastics.



This waste type is not compliant with the list of wastes acceptable on site as listed in the permit in table 2.3. **CCS Score C3.**

While I appreciate that this material may have been fly tipped, as discussed above there is not adequate security on site to prevent this from occurring.

ACTION: Please ensure that any non-compliant wastes are removed from site and the site secured to ensure no further fly tipping occurs by 31st October 2019.

F5 - Deposits on road



In the previous compliance assessment report dated 13/12/16 (Reference CAR_NRW0026785) a non-compliance with the emissions management plan for site was identified and scored. The action put forward was that a tarmac turning circle should be installed on site to prevent the tracking of soil and mud off site. While this action has been broadly complied with care must be taken to ensure that the integrity of the tarmac turning circle is maintained.

C2 - Management Systems

This is a root cause score for the non-compliances as identified above. As per condition 1.1.1 the operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risk of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints: and
- (b) using sufficient competent persons and resources.

The EMS should cover site security and materials acceptance. The fact that the site is not secure and there are non-compliant materials on site indicates that the EMS is not being appropriately implemented on site. While I appreciate that the site is not currently operational it still needs to remain secure and be manned appropriately by competent a competent person - e.g. regular checks carried out on site to ensure ongoing compliance with the permit conditions. **CCS Score C3.**

ACTION: Please ensure that the EMS is appropriately implemented across site and that compliance with the permit is monitored by appropriately competed persons.

Please contact Eleanor Davies on 03000 653225 to provide an update of the permit and the status of Cuddy Development and Dismantling.

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

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

END

EPR Compliance Assessment Report

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Operator/Permit holder	Cuddy Demolition And Dismantling Limited	Date	28/08/2019

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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	Please ensure that the EMS is up to date and applied across site to ensure that things such as site security and materials acceptance are not allowed to lapse.	31/10/2019
C3	C3	Ensure site is secure and non-complaint wastes removed from site	31/10/2019
D1	C3	Please ensure that the site is adequately secured to prevent the entry of members of the public etc.	31/10/2019

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.