



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

Site	Nick Brookes Demolition & Waste Disposal			Permit Ref	EAWML 50066 EPR/EP3798CS		
Operator/ Permit holder	Brookes Nick						
Date	27/05/2021			Time in	10:30	Out	12:00
What parts of the permit were assessed	Specified activities, Infrastructure, Management, Incident preventions, Amenity						
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge	
Recipient's name/position	[REDACTED], Transport Operations Manager						
Officer's name	Tammy Finlayson, Chris Woodcock			Date issued	08/06/2021		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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			Condition(s) breached
a) Permitted activities	1. Specified by permit	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	NA	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	A	
	2. Management system & operating procedures	C3	1.1.1(a);
	3. Materials acceptance	A	
	4. Storage handling, labelling, segregation	A	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	A	
	3. Dust/fibres/particulates & litter	A	
	4. Pests, birds & scavengers	A	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	N	
h) Resource efficiency	1. Efficient use of raw materials	NA	
	2. Energy	NA	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),

A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored

MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).

Number of breaches recorded	1	Total compliance score (see section 5 for scoring scheme)	4
If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

N.B. This CAR form has been amended, as the breaches originally applied referenced an out of date EMS (version 8.1, 16th March 2015). Any breach which has been scored against the 16th March 2015 (version 8.1) EMS has been removed.

Please note the current EMS for the site is 27th August 2020 (version 9). The current DMP for the site is 1st October 2020 (version 2.2).

The inspecting officer made an announced visit and was met by the Transport Operations Manager [REDACTED]. Warrant shown to the Transport Operations Manager.

At the time of inspection the weather was sunny with no breeze.

The Transport Operations Manager gave a tour of the site.

At the time of inspection the site was busy with vehicle movements.

At the time of the inspection the de-mister was in operation.

At the time of inspection the waste inside the transfer shed was high (see picture 1) and spilling out of the transfer shed. The Transport Operations Manager advised this was due to a breakdown with the trommel, which he had notified the inspecting officer of previously.

See picture (below) – Waste outside transfer station



The inspecting officer asked the Transport Operations Manager what the site's contingency plan if there is a breakdown that would impact the waste in the transfer building. The Transport Operations Manager advised the right side of the transfer station would be used.

The inspecting officer asked if the transfer station was full of waste (both on the left and the right) what would the contingency plan would be. The Transport Operations Manager did not know, as there has been no onward site set up to receive the waste.

The inspecting officer advised the contingency plan needs to be improved and a secondary permitted facility sort in case the site is unable to accept/process the waste due to a breakdown for example.

The inspecting officer asked how long the waste at the back of the transfer station has been there, the Transport Operations Manager advised two months.

The inspecting officer advised that is unacceptable and is likely to give rise to odours when the waste is dug into. Also this clearly shows a first in first out process is not being followed.

At the time of inspection there was waste outside the right side of the transfer shed.

At the time of inspection the concrete in the front yard was in good repair and the drains were not blocked.

At the time of inspection there was a large trommel fines stockpile, which gave off a slight odour, the odour smelt like decaying waste and the inspecting officer rated the odour as 2 out of 6. The inspecting officer asked where the trommel fines has come from and the Transport Operations Manager advised from the trommelling process on site.

The inspecting officer asked if the trommel fines had been tested. The Transport Operations Manager advised the trommel fines do get tested. The Transport Operations Manager advised the trommel fines had been on site for two months.

The inspecting officer advised trommel fines are a mirror-hazard waste code and are required to be tested, so the correct EWC is applied and explained the EA's Trommel Campaign. The inspecting officer advised they would organise a separate site inspection to carry out a trommel fines audit.

At the time of inspection there was a soil like stockpile (see picture 2), which had an unknown dark leachate coming from it. The inspecting officer asked where the soil like material has come from and what its intend use. The Transport Operations Manager advised the soil like material has come from the processing on site and will probably be send out for agriculture use once fully processed.

See picture (below) - Unknown dark leachate coming from the soil like stockpile



Unknown dark leachate

The inspecting officer advised the soil like material is required to be tested due to the unknown leachate, to demonstrate it is suitable for the intended use.

At the time of inspection the concrete adjacent to the construction and demolition stockpile was in disrepair (see picture 3), which caused water pooling. The Transport Operations Manager advised this was caused by wear and tear from vehicle movement.

See picture (below) - Concrete in disrepair and water pooling



At the time of inspection there was no 'trash pile' bay and the filter press bay had been reduced from three to one. In these bays instead were 6F2 type material. The Transport Operations Manager advised the 6F2 is tested.

At the time of inspection there was also a stockpile of 6F5.

The filter press stockpile was slightly higher than the bay. At the time of inspection no leachate was seen coming from the stockpile. Ensure the stockpile is below the bay. Should waste escape the site boundary this will be a breach of permit.

At the time of inspection the asbestos container was locked.

At the time of inspection the wood stockpile was high and the wood was over-spilling the bay (see picture 4).

See picture (below) – Wood over-spilling the bay



At the time of inspection there was a large stockpile of baled plastics and baled cardboard. The inspecting officer inspected both waste streams and advised some of the bales of cardboard were contaminated.

The inspecting officer asked the Transport Operations Manager why there a lot of baled plastic and cardboard on site and how long have the bailed waste been on site. The Transport Operations Manager advised the site is waiting for a buyer and the cardboard and plastic and was not sure how long they had been on site.

The inspecting officer asked what happens to the cardboard eventually if not sold. The Transport Operations Manager advised the cardboard is shredded.

The inspecting officer checked the non-permitted area and there was no waste stored on site at the time of inspection. However, there was evidence of burning. The Transport Operations Manager advised no burning has been undertaken by the company.

At the time of inspection there was a compost like stockpile on site. The inspecting officer asked what waste is being composted and the Transport Operations Manager advised green waste. The inspecting officer asked the Transport Operations Manager how long the stockpile of compost like material has been stored on site and if the compost was accredited. The Transport Operation Manager was unsure how long the compost like material had been on site and is not accredited.

The concrete near to the gypsum bay was in disrepair (see picture 5).

It was agreed that all the concrete repairs would be completed by 28th June 2021.

See picture (below) – Concrete in disrepair



At the time of inspection the stockpile of wooden pallets was high, but under 4m.

At the time of inspection the gypsum stockpile was within the bay, but was being crushed by an excavator. The inspecting officer asked why the gypsum was being crushed. The Transport Operations Manager advised it was going to landfill.

The inspecting officer asked where the Exempt activities are and the Transport Operations Manager did not know.

The inspecting officer advised permit and Exempted activities cannot be mixed on site, i.e. Exempt activities should be kept completely separate from permit activities. Otherwise, the Exempt activity will render the permit void. Therefore, any activity on site other than any activity under the Exemption will be classed as illegal.

The TCM for the site is Nick Brookes.

The site has a CBD licence, CBDU143374. Expires 14/01/2023.

Paperwork was not checked at the time of inspection. The inspecting officer has requested the following copies are sent:

- A couple of the most recent duty of care notes
- A couple of the most recent consignment notes
- Recent paperwork for trommel fines leaving site
- Recent paperwork for gypsum leaving site
- Recent paperwork for compost leaving site

Photographs were taken on site and a Code B (no.18620) was served and given to the Transport Operations Manager. The Code B was explained with reference to the summary of powers and rights on the back of the Code B.

Breaches

At the time of inspection breaches were identified on site.

(C2) Management - Management Systems & Operating Procedures

Permit condition 1.1.1 states, *"The operator shall manage and operate the activities:*

in accordance with a written management system that identifies and minimises risks 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"

EMS condition 3.5.4 (27th August 2020 version 9) states, *"Any wastes liable to give rise to contaminated run off/leachate are to be stored on an impermeable concrete surface"*

At the time of inspection the concrete has fallen into disrepair in a couple of area areas.

This is a breach of the environmental permit condition and has been given a Category 3 score of the Compliance Classification Scheme (CCS).

ACTION: Ensure all concrete which has fallen into disrepair is repaired by 28th June 2021 by 10am.

DMP condition 4.4.1 (1st October 2020 version 2.2) states, *"The waste storage locations are situated within bays and in dedicated stockpiles"*

At the time of inspection the wood stockpile was overs-pilling the bay.

This is a breach of the environmental permit condition and has been given a Category 3 score of the Compliance Classification Scheme (CCS).

ACTION: Ensure the conditions of the environmental permit and management systems are adhered to at all times.

EMS condition 4.5.1 (27th August 2020 version 9) states, *"The mixed waste will be contained within the transfer station.... A systematic approach will be taken to ensure the oldest waste is removed from the stockpile inside the transfer building.*

At the time of inspection the mixed waste was outside the transfer station and at the time of inspection the mixed waste at the back of the transfer station has been on site for two months.

This is a breach of the environmental permit condition and has been given a Category 3 score of the Compliance Classification Scheme (CCS).

ACTION: Ensure the conditions of the environmental permit and management systems are adhered to at all times.

Root Cause

The root cause is non-compliance with the conditions of the management system.

This is a breach of the environmental permit condition and EMS and has been given a Category 3 score of the Compliance Classification Scheme (CCS), as there is minimal impact on the environment and has been scored under (C2) Management - Management Systems & Operating Procedures.

ACTION: Ensure than conditions of the management systems are adhered to at all times. Effective immediately.

Please note, environmental permit condition 1.1.1(a) has been further breached, as EMS (27th August 2020 version 9) does not stipulate waste type, waste storage times or quantities, thus not demonstrating how the site identifies and minimises risks of pollution, including those arising from operations.

For further advice and guidance on development a management system please refer to <https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>

Subsistence Fees

The breaches identified during the inspection has put the site into compliance **Band B**. This will this will have no impact on next years subsistence fees.

However, future breaches could put the site into compliance Band C, this would increase next years subsistence fees by 10%.

Section 3- Enforcement Response

Only one of the boxes below should be ticked

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.

**Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

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.

X

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.

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

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
C2	C3	Ensure the conditions of the permit and management systems are adhered to at all times. Effective immediately. Ensure waste outside the transfer building is removed. Ensure all waste are stored in bays. Ensure the repairs to the concrete identified within this CAR form is carried out.	28/06/2021

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 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.
- A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

See our Enforcement and Civil Sanctions guidance for further information

A breach of permit condition **MSA, **MSB** & **TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

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 which 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.

MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR

MSA requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

MSB requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

TCM requires the submission of technical competence information.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency 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 (e.g. 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency 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 Environment Agency 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 28 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?

You must notify your local officer within 28 days of receipt if, you wish to challenge any part of this compliance assessment report. If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official [complaints](#) and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the [customer contact](#) team or send an email to enquiries@environment-agency.gov.uk. If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#), phone their helpline on 0345 015 4033.