



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

Site	Nick Brookes Demolition & Waste Disposal			Permit Ref	50066		
Operator/ Permit holder	Nick Brookes			EP3798CS			
Date	14/09/2023			Time in	10:15	Out	12:15
What parts of the permit were assessed	Specified activities, Infrastructure, Management, Amenity						
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge	
Recipient's name/position	Nick Brookes/Director						
Officer's name	Jemimah Smith, Sharon Holliday, Caroline Tress			Date issued		30/10/2023	

### 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	C3	2.2.1;
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	A	
	4. Containment of stored materials	A	
	5. Plant and equipment	A	
c) General management	1. Staff competency/ training	N	
	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	N	
	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	N	
	2. Energy	N	

**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	2	Total compliance score (see section 5 for scoring scheme)	8
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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.

### Introduction

Officers conducted an unannounced site inspection and showed their warrants to the site manager who showed them around. The weather at the time of the inspection was wet and mild.

### Observations

The permitted site is made up of two areas on either side of Green Lane. On the north site plasterboard, wood shavings, green waste and shredded material were being stored.

A pile of waste was located behind the green waste which had weeds growing out of it (see photograph 1). The site manager informed officers that this was shredded green waste which was heavily contaminated with plastic and glass.

Mixed waste is tipped within the transfer building where non-conforming and larger items are removed by a mechanical grab. At the time of the inspection the trommel was not in order due to a power outage. However, the site manager informed officers that the remainder of mixed waste goes through a trommel screen which generates trommel fines. The trommel fines are stored at the rear of the building, in the open yard, where the wash plant is located. The remaining fraction travels through a picking line where recyclables such as metals, plastic and wood are removed. The remaining output is a light fraction which is sent to an energy from waste facility for incineration.

Inert material such as construction and demolition waste is tipped in the rear open yard. This is mixed with the trommel fines, produced from the mixed waste, and put through the wash plant. The operator produces aggregates including sand grit and varying sized stones. Filter cake is also produced by the wash plant. At the time of the inspection the pile of trommel fines were steaming suggesting there was biodegradable material input (see photograph 2).

Photographs were taken onsite and a notice of powers and rights 010657 was issued to the director.

No amenity issues were identified at the time of the inspection.

### Non-compliances

#### Trommel fines treatment

Section A1: Permitted activities, specified by permit.

**You have been scored a Category 3 breach** of permit condition 2.1.1 because it poses a minor risk to the environment. The aggregates which are derived from the waste including trommel fines have the potential to leach contamination, from the mixed waste trommel fines input, at the site where the aggregates are used.

**The permit condition states:**

'The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 A2 (the "activities")' which states 'Treatment of wastes listed in table S2.2 consisting only of washing, sorting, screening, separation, crushing and blending of waste for recovery as a soil, soil substitute or aggregate'

**The condition has been breached because** trommel fines from the treatment of mixed waste – 19 12 12 are being processed through the soil processing facility which is not a waste type included in table S2.2 therefore not permitted to be treated through the wash plant.

**Action: Stop processing trommel fines through the wash plant by 12am on 6/12/2023.**

The output from the wash plant including grit sand and stones leaves site as product. For this to occur it has to meet the requirements of the WRAP quality protocol, end of waste criteria for the production of aggregates from inert waste: LIT\_8709\_c60600.pdf (publishing.service.gov.uk). Appendix C lists the waste types considered inert and therefore qualify as wastes which can meet end of life criteria. Appendix C does not allow for mixed waste which the trommel fines you are processing through the wash plant are derived from. Therefore, none of the aggregates produced from the wash plant with trommel fines as an input meet end of waste criteria meaning you cannot move them offsite as product.

### **Trommel fines storage**

Section C2: General Management – Management procedures and operating system

**You have been scored a category 3 breach** of permit condition 1.1.1 (a) because it poses a minor risk to the environment from contaminated leachate entering the surface water drainage system causing pollution.

#### **The permit condition states:**

'The operator shall manage and operate the activities: (a) 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'.

**The condition is being breached because** you are not following condition 2.10.2 within your environment management system v10.0. Condition 2.10.2 states 'All wastes accepted at the site which have potential to pollute will be stored and treated on an impermeable surface with contained drainage system.' Trommel fines are currently being stored at the rear of the site which according to condition 2.10.1d 'The washing plant section of the site drains to surface water or a soakaway via a Class 1 by-pass interceptor.' As the trommel fines are derived from mixed waste there are potential hazardous properties present and any leachate which runs off the trommel fines will enter the surface water drainage system and cause pollution to the environment, a class one interceptor only intercepts oils (hydrocarbons).

**Action: Move all trommel fines into bays which benefit from an impermeable surface and a contained drainage system to mitigate potential pollution to the environment, by 12am on 6/12/2023.**

See photograph 2 showing the location of trommel fines at the time of the inspection.

### **Storage of mixed waste**

Section C2: General Management – Management procedures and operating system

**You have been scored a category 3 breach** of permit condition 1.1.1 (a) because it poses a minor risk to the environment from windblown litter leaving the site.

**The permit condition states:**

'The operator shall manage and operate the activities: (a) 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'

The condition is being breached because you are not following condition 5.8.2 of your environmental management system v10.0 which states 'light waste is to be stored within the transfer building helps to contain and light wastes likely to be blown offsite during high winds'. At the time of the inspection light mixed waste was being stored outside of the main transfer building.

**Action: Move all light waste into a building by 19/9/2023.**

This was completed and a has since been rectified and a photograph of the moved light mixed waste was sent to the officer on 19/9/2023.

See photograph 3 showing the location of the light fraction at the time of the inspection.

**Hazardous Liquid storage**

Section C2: General Management – Management procedures and operating system

**You have been scored a category 3 breach** of permit condition 1.1.1 (a) because it poses a minor risk to the environment from potential leaks of hazardous fluids not being contained.

The permit condition states:

'The operator shall manage and operate the activities: (a) 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'

**The condition has been breached because** you are not following condition 2.8.1 of your environmental management system v10.0 which states 'The containers used for the storage of hazardous fluids will be surrounded by a bund capable of containing a minimum of 110% of the volume of fuel stored in the tank'. At the time of the inspection multiple IBCs containing hazardous fluids including hydraulic oil, ad blue and fuel were being stored without secondary containment.

**Action: Move the containers containing hazardous fluids to an area of secondary containment by 12am on 06/12/2023.**

See photograph 4 and 5 of hazardous fluids without adequate secondary containment.

**Concreted ground**

Section C2: General Management – Management procedures and operating system

**You have been scored a category 3 breach** of permit condition 1.1.1 (a) because it poses a minor risk to the environment from contaminated mixed waste runoff entering the ground.

The permit condition states:

'The operator shall manage and operate the activities: (a) 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'

**This condition has been breached because** you are not following condition 2.10.1 a which states 'The external yard areas used for the storage and processing of mixed, non-hazardous household, commercial and industrial wastes and areas used to store hazardous wastes are surfaced with concrete' as there were gaps in the concrete near where the light mixed waste fraction was stored.

**Action:** Fix the concrete so all ground is fully concreted and sealed by 12am on 06/12/2023.

See photograph 6 which shows the condition of the ground.

### **Root Cause**

The root cause for the breach of permit conditions 2.1.1 Schedule 1 table S1.1 A2 and 1.1.1 has been identified as a failure to follow your management system and your management system being inadequate:

Section C2: General Management – Management procedures and operating system

**You have been scored a category 3 breach** of permit condition 1.1.1 (a) because it poses a minor risk to the environment as explained in the breaches above.

The permit condition states:

'The operator shall manage and operate the activities: (a) 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'

**You have been breached for this permit condition because** your Environmental Management System is inadequate because it does not accurately reflect the processes onsite which are permitted and it does not fully meet the criteria stated within the guidance:

<https://www.gov.uk/government/publications/assessing-and-scoring-environmental-permit-compliance>.

**Action: Update your Environment Management System to reflect permitted activities and meet the criteria specified within this guidance:** [Develop a management system: environmental permits - GOV.UK \(www.gov.uk\)](#). Email the completed document to [jemimah.smith@environment-agency.gov.uk](mailto:jemimah.smith@environment-agency.gov.uk) by 5/1/2024 for review.

Below are suggestion of changes to the management system which should be made to comply with the guidance. Please note these are only examples of observations made by officers and are by no means an exhaustive list of details to be added into your EMS for it to be effective. The suggestions have been sectioned into categories following the guidance.

Infrastructure plans:

- Your EMS refers to drawings which may contain the infrastructure plans however these have not been included in the copy the Environment Agency holds, v10.0. These must include plans of your site, drawn to scale and include all components listed within the guidance below, for example vulnerable locations, drainage, water gas and electricity supplies.

Site operations:

- 3.1.3 this is a repeat of 3.1.2 d.
- Detail where the quarantine area is located and how quarantined items are stored, must include gas cylinders.

- Explain the permitted waste treatment processes which takes place onsite.
- The EMS doesn't contain sufficient information about waste storage. In accordance with the guidance it must include: the longest amount of time that you will store each type of waste, how you will make sure you will not exceed these time limits – you need to consider your emissions when deciding how long you can store types of waste for, the maximum amount of each type of waste you will store in terms of volume, the maximum height of each storage pile on site, how you will identify the specific types of waste you are storing, how you will separate different types of waste if required, for example how far apart you will keep waste types that cannot be mixed.

#### Accident prevention and management plan:

- You have identified potential accidents but ensure for each accident you have stated: the likelihood of the accident happening, consequences of the accident happening, measures you'll take to avoid the accident happening, measures you'll take to minimise the impact if the accident does happen.
- Your accident plan or 'emergency and contingency procedures' section must also include: the date it was reviewed, when it will next be reviewed, a list of substances stored at your site and your storage facilities and forms to record accidents on.

#### Online security: protect your business:

- Include steps that you take to protect your business against online security threats.

#### Managing staff competence and training records:

- Your EMS needs to explain who is responsible for what procedures and who is technically competent.
- Be specific and include a list of the roles managers, staff and contractors carry out that relate to activities within your permit.
- Include a procedure to check your staff and contractors have taken the training or qualifications required for the work they do.
- Section 6.1.2 states 'The employee training record NBRL/RF/6 is provided in Appendix II' but this is not present in the copy of the EMS v10.0 the Environment Agency currently holds.

#### Keeping records:

- You have not included the records you are required to keep by your permit and how long you will keep these for. A list of records you must keep and what needs to be included in your EMS can be found in the guidance.

#### Reviewing your management system:

- Include a procedure for checking you are compliant with your permit, procedures, and management system. Record what checks are carried out, who did them and what action was taken.

#### Climate change:

- Since your permit was issued before April 2023 you need to complete a climate change adaption risk assessment by 1 April 2024. You should have already received information about this however if you have not received this, please contact the officer and they will resend it. More information can also be found within the guidance above.

The above 5 category 3 non-compliances with permit condition 1.1.1 have been consolidated into 1 category 3 for the purpose of scoring following government guidelines.

### **Total non-compliance score**

The total non-compliance score for this inspection is 8 which makes you a Band B operator and you will pay 100% of your annual subsistence fee in 2024. You must improve in order to achieve permit compliance. Information on how your scores are calculated can be found at: [Assessing and scoring environmental permit and licence compliance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/assessing-and-scoring-environmental-permit-and-licence-compliance).

### **Directly applicable legislation**

This CAR Form should be read in conjunction with the associated Waste Audit Report (WAR) Form (reference 50066NICKBR14092023JSMITH1250066) which details our review of Directly Applicable Legislation – in this instance Duty of Care, by way of waste transfer note review.

### **Advice and guidance**

#### **Plasterboard Storage**

At the time of the inspection large amounts of uncovered plasterboard was onsite which was wet, and officers observed it beginning to decompose and release hydrogen sulphide gas. The main pile was higher than the surrounding bay walls and the site manager told officers that they were struggling to remove it.

Advice and guidance was given to the site to lower the main pile height to below the surrounding bay walls. This was completed and a photograph was sent to the officer on 19/9/2020 as evidence of this.

Officers also advised that the site should focus on removing older gypsum first to prevent any further deterioration of the waste and ensure waste is being removed consistently to prevent future build up.

**Action:** Store plasterboard within bays and ensure the waste does not exceed the height of the bays.

See photograph 7 showing the height of plasterboard at the time of the inspection.

#### **Height of wood pile**

At the time of the inspection the wood pile height exceeded the perimeter fence.

Advice and guidance was given to spread out the pile to ensure it remained below the perimeter height. A photograph of the lowered wood pile was sent to the officer on 19/9/2023.

**Action: Ensure no waste pile exceeds the height of the perimeter fence**

See photograph 8 showing the wood pile at the time of the inspection.

## **Gas cylinders**

At the time of the inspection a skip containing gas cylinders which were not stored in accordance to HSE guidance Drum / cylinder handling ([hse.gov.uk](https://www.hse.gov.uk)).

Officers advised that the gas cylinders needed to be within a quarantine cage and site operatives moved them into the cages while officers were onsite.

See photograph 9 showing the location of gas cylinders at the time of inspection.

## **Technically competent manager**

The Environment Agency currently doesn't have a copy of an updated continuing competency certificate held by the competent person onsite.

Action: Provide a copy of the certificate to [jemimah.smith@environment-agency.gov.uk](mailto:jemimah.smith@environment-agency.gov.uk) by 12am on 06/12/2023.

## **Photographs**

Photograph 1



Photograph 2





Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



### 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.	
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.	X

#### 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			
A1	C3	Stop processing trommel fines through the wash plant.	06/12/2023
C2	C3	Move all trommel fines into bays which benefit from an impermeable surface and a contained drainage system to mitigate potential pollution to the environment.	06/12/2023
		Move the containers containing hazardous fluids to an area of secondary containment.	
		Fix the concrete so all ground is fully concreted and sealed.	

## 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 <b>major</b> environmental effect	60
C2	A non-compliance which could have a <b>significant</b> environmental effect	31
C3	A non-compliance which could have a <b>minor</b> environmental effect	4
C4	A non-compliance which has <b>no</b> 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?

A permit holder can challenge any part of the CAR form by writing to the Environment Agency office local to the site within 28 days of receipt. If the issue cannot be resolved by the local office, a permit holder can raise a dispute through our official [complaints procedure](#).

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.