



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						
Date	26/06/2024			Time in	11:40	Out	14:17
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/Permit Holder						
Officer's name	Jemimah Smith, Phil Gibbon			Date issued		30/07/2024	

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		2.1.1
b) Infrastructure	1. Engineering for prevention & control of pollution	N		
	2. Closure & decommissioning	N		
	3. Site drainage engineering (clean & foul)	N		
	4. Containment of stored materials	A		
	5. Plant and equipment	N		
c) General management	1. Staff competency/ training	N		
	2. Management system & operating procedures	C3		1.1.1 (a)
	3. Materials acceptance	N		
	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
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.

Previous CAR form actions

Trommel fines processing - incomplete

Action: Stop processing trommel fines through the wash plant by 12am on 24/06/2024.

Trommel fines storage – not assessed

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 24/06/2024.

The permit holder informed officers during this inspection the area of the site where trommel fines are stored benefits from a drainage system consisting of interceptors and silt traps and the remaining liquid is then used within the wash plant or discharged to foul sewer.

This information is inconsistent with what is written within the environment management system therefore compliance with this action could not be assessed during this inspection. Further information is requested within this CAR to allow future assessment of this.

Storage of mixed waste – complete

Action: Move all light waste into a building by 24/6/2024.

Concreted ground – complete

Action: Fix the concrete so all ground is fully concreted and sealed by 12am on 24/06/2024.

Environment management system - incomplete

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 by 24/06/2024 for review.

Plaster board storage – incomplete

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

Height of wood pile - incomplete

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

Introduction

Officers met with the permit holder and showed their personal authorisations.

A notice of powers and rights reference 010673 was issued.

The weather at the time of the inspection was 27 degrees and sunny.

Initially officers sat down with the permit holder and discussed previous CAR form actions before being shown around the site by the site manager.

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 cardboard were being stored.

On the south site a large pile of wood was exceeded the boundary fence height and bay it was contained in. This wood was being shredded and the site manager informed officers this is moved offsite as product. This must meet the end of waste criteria. Compliance with this was not assessed during this inspection but will be in a future inspection.

Mixed waste is tipped near the main transfer building where non-conforming and larger items are removed by a mechanical grab. Waste levels in the main transfer building were high with some waste spilling out of the front of the building. The site manager explained that mixed waste enters the trommel screen which produces trommel fines. These trommel fines exit the building at the rear and are deposited 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 sent to an energy from waste facility for incineration or landfill.

Construction and demolition waste is tipped in the rear open yard. At the time of the inspection this waste contained plasterboard, metals, polystyrene and plastics (see photograph 1). This waste is then crushed and mixed in with the trommel fines and put through the wash plant. The operator produces aggregates including varying sized stones and sand grit which the site manager informed officers is sold as product. This material was contaminated with metals, plastics, glass and a battery (see photograph 2). Compliance with the end of waste criteria is assessed within the accompanying WAR form.

Filter cake is also produced by the wash plant. The classification of this is covered in the accompanying WAR form.

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 (the

“activities”) A2’ 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’

Table S2.2 includes the waste code 19 12 12 but only for waste that meets the description of Treated bottom ash including IBA and slag other than that containing dangerous substances.

The condition has been breached because trommel fines from the treatment of mixed household, commercial and industrial waste – 19 12 12 are being processed through the soil processing facility. This does not meet the description of the 19 12 12 within table S2.2 therefore it is not permitted to be treated through the wash plant.

Action: Stop processing any 19 12 12 which does not meet the description of waste within table S2.2 ‘Treated bottom ash including IBA and slag other than that containing dangerous substances only’ through the wash plant by 10am on 13/09/2024.

Environment Management System (EMS)

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 breach above and due to the potential fire risk associated with storing large volumes of waste which has not been risk assessed within the EMS.

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:

The current EMS (Version 10.0, 11th March 2022) 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> or implement appropriate measures required by guidance [Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK \(www.gov.uk\)](#).

At the time of the inspection the wood pile and plasterboard pile were large, extending out of their respective bays and exceeded the height of their bay walls (see photographs X and X). The current EMS does not include the maximum amount of wood and plasterboard you will store in terms of volume and the maximum height of each of their storage piles onsite as required by the Environment Agency guidance: [Develop a management system: environmental permits - GOV.UK \(www.gov.uk\)](#).

There is not an adequate drainage plan within your current EMS as required by the Environment Agency guidance. Currently your EMS only includes a description of the drainage systems onsite which is inconsistent with the drainage system the permit holder described to officers during the inspection.

We also consider the EMS being inadequate as the root cause of the breach of permit condition 2.1.1 because it does not include a process to ensure only permitted waste types listed in table S2.2 are processed through the soil processing activity.

Action:

- 1) Update your Environmental Management System (EMS) to identify and minimise all risks of pollution as per guidance: [Develop a management system: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/develop-a-management-system-environmental-permits) and implement appropriate measures as per guidance [Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/non-hazardous-and-inert-waste-appropriate-measures-for-permitted-facilities).

The revised EMS shall include the following information:

- a) The steps you take to ensure that only those activities authorised by your permit will be carried out.
- b) The steps you take to prevent trommel fines from the treatment of mixed waste (19 12 12) being processed through the soil processing facility, activity A2
- c) The procedures in place to ensure all outputs from the waste treatment process are appropriately classified as waste or meet end of waste criteria.

- 2) Send the revised EMS to jemimah.smith@environment-agency.gov.uk by **10am on 13/09/2024**.

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 50066NICKBR26062024JSMITH12) which details our review of Directly Applicable Legislation – in this instance Duty of Care, waste assessment and waste classification.

Enforcement response

In regard to the permit non-compliances detailed above we have considered what enforcement action is necessary. Due to the extent of the non-compliances and their ongoing and repeated nature, we are concerned about the risks posed to the environment. Therefore, a Regulation 36 notice will be issued requiring compliance with permit conditions.

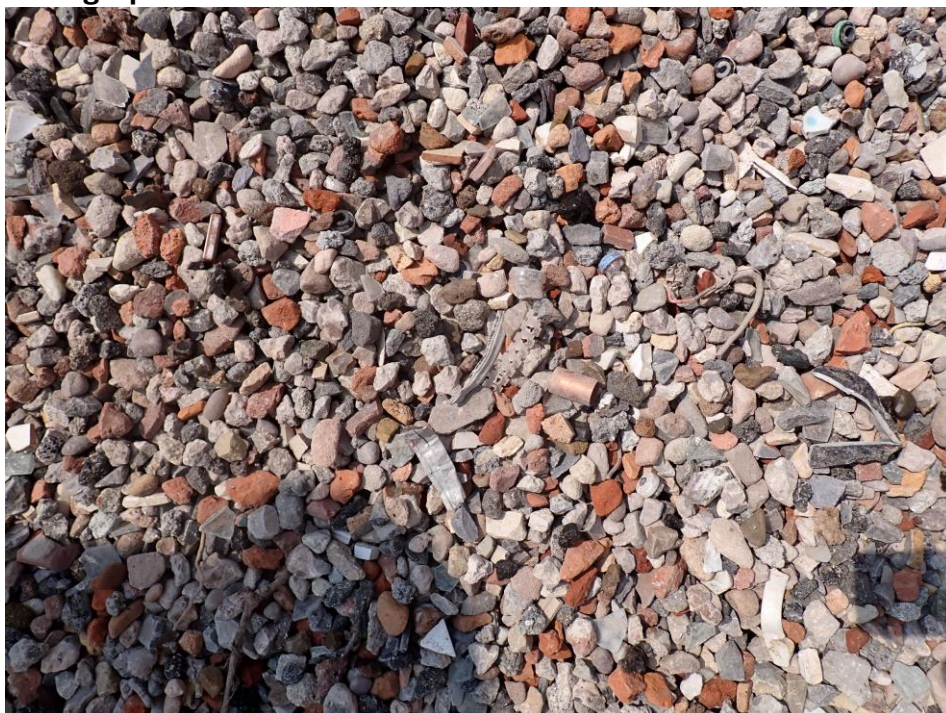
See photographs overleaf.

Photographs

Photograph 1



Photograph 2



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 any 19 12 12 which does not meet the description of waste within table S2.2 'Treated bottom ash including IBA and slag other than that containing dangerous substances only' through the wash plant by 10am.	13/09/2024
C2	C3	<p>1) Update your Environmental Management System (EMS) to identify and minimise all risks of pollution as per guidance: Develop a management system: environmental permits - GOV.UK (www.gov.uk) and implement appropriate measures as per guidance Non-hazardous and inert waste: appropriate measures for permitted facilities - Guidance - GOV.UK (www.gov.uk).</p> <p>The revised EMS shall include the following information:</p> <p>a)The steps you take to ensure that only those activities authorised by your permit will be carried out.</p> <p>b)The steps you take to prevent trommel fines from the treatment of mixed waste (19 12 12) being processed through the soil processing activity A2</p> <p>c)The procedures in place to ensure all outputs from the waste treatment process are appropriately classified as waste or meet end of waste criteria.</p> <p>2) Send the revised EMS to jemimah.smith@environment-agency.gov.uk by 10am.</p>	13/09/2024

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?

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 may request an appeal of the regulatory decision by emailing enquiries@environment-agency.gov.uk within 14 days of receipt of the outcome.

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.