CALDER VALLEY SKIP HIRE

ENVIRONMENTAL PERMIT APPLICATION REFERENCE S13/006

OBJECTION FROM [redacted]

1 APRIL 2024

1. BACKGROUND

1.1

In 2021 local residents took Calderdale Council to the High Court for a judicial review after the Council issued an Environmental Permit for a controversial incinerator in the picturesque Ryburn Valley in Calderdale, West Yorkshire. The permit was quashed by the High Court.

1.2

When Calder Valley Skip Hire again asked for their application to be determined, a Public Enquiry by an Inspector appointed by the Secretary of State was subsequently held. Members of the public, including myself, without legal representation, were left to fight against not only the Skip Hire company's, but also the Council's barristers. The Inspector issued his report on 5 July 2023 deciding that the permit should not be issued as the facility could have an unacceptable effect on human health and the environment.

1.3

His report then set out that the appellant had 3 months to challenge that decision and that this should be through a judicial review in the High Court. Calder Valley Skip Hire chose not to do this but instead recently put in a new Environmental Permit Application Ref. S13/006 for which they require approval in order to operate the incinerator. This application is for the same installation on the same site; it disregards the Inspector's findings. Yet the Council has decided that this is a new application and will be decided behind closed doors by a few Council Officers, despite protests from residents who consider that their elected Councillors should make the decision.

1.4

Residents are potentially left back in the same position as in 2021, believing that they may yet again have to seek a judicial review in the High Court against Calderdale Council.

2. BASIS OF THIS OBJECTION

2.1

The position of the Council was made clear in its Closing Statement at the Public Enquiry. It concluded in its paragraph 1.16 that

"There is no proper basis to conclude that the proposed incinerator cannot be operated in a manner consistent with the EPR"

And in its paragraph 1.15 (e)

"…no consideration is required as to the specification or suitability of the precise pieces of plant that are required to be operated. The object of the Hearing is to determine the specification of the

resultant emissions that have to be achieved – it is a result driven exercise. If the plant acquired is not fit for purpose and is incapable of meeting the emission level set that is Operator's concern"

And in its paragraph 1.15 (f)

"The motivation of the operator is not relevant. There is no rational basis for disputing their competence – they have been operating a site monitored by the EA for many years. As this Hearing has demonstrated they have available to them the appropriate level of environmental expertise to bring the project to fruition."

And in its paragraph 1.5

"Determination of an application for a permit is under the EPR 2016 and Statutory Guidance – Environmental Permitting General Guidance Manual on Policy and Procedures for A2 and B Installations (Defra, 2012)"

2.5

This Objection disputes the position of the Council. It will demonstrate by reference to the EPR 2016 and Statutory Guidance – Environmental Permitting General Guidance Manual on Policy and Procedures for A2 and B Installations (Defra, 2012) that the Council says it is following, and by examining the Applicant's Permit Application, that the Applicant has demonstrated that the proposed incinerator cannot be operated in a manner consistent with the EPR.

2.6

Many of the issues raised in this objection have been previously raised in a "Statement of Objection from 1017 Residents" which was submitted to the Inspector for the Hearing on 5 March 2023. It is attached to this Objection for information and for evidence of the reasoned legal and technical evidence that residents provided to establish that

2.6.1 the previous SWIP Permit Application was not accordance with either the relevant sections of the Industrial Emissions Directive or the Core Guidance. The information in the Permit Application was substantially non-compliant.

2.6.2 the evidence was overwhelming that the Environmental Permit Application did not meet the requirements of the Core Guidance paragraph 9.3, and demonstrated inadequate technical competence, that it provided no evidence of adequate financial competence and that evidence in the approved Planning Application reference 17/00113/WAM and in the Environmental Permit Application indicated an intention to avoid regulation and scrutiny rather than address compliance.

2.6.3 the evidence was overwhelming that the Appellant's Environmental Permit Application did not provide the information specified in Article 44 of the Industrial Emissions Directive to satisfy the requirements of Schedule 13 of the Environmental Permitting (England and Wales) Regulations 2016.

2.6.4 the evidence confirmed that, in relation to Schedule 13 of the Permit Regulations, the previous application for the permit included insufficient description of the measures which are envisaged to guarantee that the plant is designed, equipped and will be maintained and operated in such a manner that the requirements of Chapter IV of the Industrial Emissions Directive which sets special provisions for waste incineration and co-incineration plant are met taking into account the categories of waste to be incinerated or co-incinerated.

2.6.5 the evidence confirmed that the application did not meet the requirements under Schedule 13 of the Permit Regulations that requires the waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment.

2.6.6 the evidence confirmed that the Applicant would not meet the condition in Paragraph 13 of Part 1, Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2016, that the applicant must operate the regulated facility in accordance with the environmental permit.

2.6.7 the evidence confirmed residents opinion that the regulator could not be reasonably satisfied that the facility either can or will be operated in accordance with the permit conditions proposed, and that a permit should not be granted and the appeal should be refused.

2.7

In response to the many issues raised in the Statement of Objection from 1017 Residents. The Council has made no attempt to address the detailed and evidenced issues raised. Instead, they provided a Closing Statement that dismissed the Statement of Objection from 1017 Residents without any reasoned response or evidence, and implied in paragraphs 1.15 (e) and (f) of the Council Closing Statement that plant design and operator motivation is not relevant.

2.8

The Councils most recent decision to decide this new Permit Application behind closed doors is further evidence of the Councils desire to avoid proper scrutiny.

2.9

The starting point for this objection is therefore to demonstrate that the statements made in the Council Closing Statement described above are not in accordance with the Regulations and Guidance that the Council purports it is complying with.

3. COUNCILS CLOSING STATEMENT TO THE HEARING

3.1

The Council Closing Statement states in its paragraph 1.5

"Determination of an application for a permit is under the EPR 2016 and Statutory Guidance – Environmental Permitting General Guidance Manual on Policy and Procedures for A2 and B Installations (Defra, 2012)

And in its paragraph 1.15 (e) states

"…no consideration is required as to the specification or suitability of the precise pieces of plant that are required to be operated. The object of the Hearing is to determine the specification of the resultant emissions that have to be achieved – it is a result driven exercise. If the plant acquired is not fit for purpose and is incapable of meeting the emission level set that is Operator's concern"

3.1

However, the Environmental Permitting General Guidance Manual on Policy and Procedures for A2 and B Installations (Defra, 2012) (the "**General Guidance Manual**") states at paragraph 4.12

"In the majority of cases, operators should apply for a permit when they have drawn up full designs, but before starting construction work. Where installations are not particularly complex or novel, the operator should usually be able to submit an application at the design stage containing all information the local authority needs to make a determination. This would include proposals for management of the installation and training of operational staff."

As was demonstrated in detail in "Statement of Objection from 1017 Residents" very little design information had been provided in the previous Applicant's Permit Application. The current Permit Application similarly provides very little design information.

3.2

The General Guidance Manual states at Page 3 paragraph 6

"Local authorities rate installations as high, medium or low risk. This is based on two things. First, what the environmental impact would be if something went wrong. Second, how reliable and effective the operator of the installation is."

The Council Closing Statement to the Hearing was patently incorrect to state that operator motivation and the specification of the plant to be operated are not relevant.

3.3

This Objection demonstrates in the clearest possible terms, and related to the General Guidance that the Council purport to be following, that the SWIP as proposed in the Applicants Permit Application (the **"Calder Valley SWIP Application")**cannot even be operated within its own terms of reference, and that there are significant risks to the environment as a result.

4 RDF ISSUES

4.1

The Industrial Emissions Directive Article 52 (2) requires the mass of each type of waste to be determined prior to accepting the waste at the waste incineration plant. The Calderdale Council Application Form for a permit to operate Schedule 13 small waste incineration plant completed by CVSH requests the Applicant, at Section 5.2, to provide a description of how the mass of the received waste will be measured. At Section 5.3 it requests the Applicant to provide details of how information about waste being accepted on site will be collected and checked, including the suitability of waste for combustion, including physical and chemical information. The CVSH response states that in respect of both Sections 5.2 and 5.3 the information is contained in the Calder Valley SWIP application Section 3.2.

4.2

However, no details of how the mass of the received waste will be measured are provided in the Calder Valley SWIP Application. It is noted that the "Statement of Objection from 1017 Residents" related to the previous Permit Application considered the importance of the mass of the waste in some detail.

Paragraph 61 stated

"The Industrial Emissions Directive Article 52 (2) requires the mass of each type of waste to be determined prior to accepting the waste at the waste incineration plant. The mass of the RDF has not been provided in the permit application. Unless the mass of the RDF is provided even the basics of plant design cannot be developed. For example, the capacity and frequency of loading the RDF into the proposed push mechanism, and storage for the RDF."

The Applicant has not complied with the Industrial Emissions Directive 52 (2) even though it has previously been advised of this non-compliance. The Council have also been made aware and have not acted.

4.3

Paragraph 60 of the "Statement of Objection from 1017 Residents" stated

"The Appellant, for the purpose of the design and the permit application must find a way of determining the calorific value range for the RDF, and find a way of controlling the RDF entering the furnace through Waste Acceptance Criteria and procedures so that the plant operates within its safe operating range."

The Calder Valley SWIP Application at paragraph 3.2.3 states

"The adjoining WTS, also operated by CVSH limits the wastes that are accepted into the facility to non-hazardous and inert waste. CVSH have waste pre-acceptance procedures in place to ensure that only wastes that are non-hazardous and comply with the permitted wastes will be accepted into the WTS. In the event that non-conforming wastes are identified (including any wastes that are considered potentially hazardous), the waste delivery would be rejected in accordance with the waste rejection procedures."

The Calder Valley SWIP Application at paragraph 3.2.6 states

"Specific chemical analysis of the RDF composition from the CVSH facility is not available"

Paragraph 3.2.6 also includes Table 3.1 from WRAP of the compositional ranges for the various components of RDF. At paragraph 3.2.7 it provides details of actual compositions from surveys of waste recovery facilities across Europe. As an example, a chlorine content range of 0.2 to 0.8% was exceeded in every submission of actual compositions.

4.4

Excess chlorine in the waste above 0.8% is likely to result in a significant spikes of dioxins and furans in the flue gases at the proposed furnace temperatures of 850C. Temperatures of 1100C and above are needed to destroy these toxic chemicals generated through the burning of some types of plastic waste.

An experienced designer or operator (or regulator) would be aware of this, and would put in place procedures to ensure that the relevant plastic waste is screened out of material for burning in the SWIP. Instead, the Applicant is relying on its more general screening of waste at the entrance to the adjacent WTS.

4.5

These examples of issues with proposed waste acceptance procedures and the potential impacts on plant emissions call into question the competence of both the Applicant as operator and the Council as regulator.

5 CAPACITY ISSUES

5.1

The Calderdale Council Application Form for a permit to operate Schedule 13 small waste incineration plant completed by CVSH, at Section 6.1, requests the Applicant to "Provide in Table 2, a full description of the plant, with additional information referenced."

Within Table 2, the Applicant states the manufacturer as Inciner8 and the model of the incinerator as the I8-1000 with

"a rate of incineration of 2kg/h."

Referring to the Calder Valley SWIP Application Technical Documents (Appendix D) I8-1000 General Incinerator (Inciner8) it states a

"Burn Rate of 1000kg per hour"

Referring to the Calder Valley SWIP Application Non-Technical Summary paragraph 2 it states

"The SWIP will process up to 2 tonnes per hour (tph) of refuse derived fuel (RDF)."

Under the heading "OPERATION" the Calder Valley SWIP Application paragraph 3.4.2 states

"The SWIP will operate at a RDF feed rate of up to 2 tonnes per hour with a maximum throughput of 10,000 tonnes per annum."

Referring to the Calder Valley SWIP Application paragraph 3.4.5 which states *"It is anticipated that bottom ash removal will be scheduled for a Monday morning having shut down the plant on Friday evening and before starting it up again on Monday morning"* it seems that the Applicant intends to operate the plant continuously from Monday morning until Friday evening each week. This is approximately 14 hours on Monday, 24 hours on Tuesday, 24 hours on Wednesday, 24 hours on Thursday and approximately 18 hours on Friday. A total of 104 hours each week of continuous operation. Therefore, it seems that the Applicant intends to operate the plant at a burn rate of approximately 1.85 tonnes per hour to achieve its maximum throughput of 10,000 tonnes per annum.

5.2

It is concerning that the Applicant seems intent on operating the plant at a burn rate of 1.85 tonnes per hour when the Inciner8 burn rate for the incinerator is 1 tonne per hour. The waste input to the incinerator is 85% higher than the incinerator appears to be designed for. No information is provided in the Permit Application to justify this approach and there are no guarantees provided by Inciner8 to confirm that the plant is capable of withstanding such an increased waste input

5.3

Reference to the Calder Valley SWIP Application Appendix F, CFD Flow Simulation (Appendix F) Flow Simulation Report dated 17 March 2022 by Solid Solutions at page 28 shows an emergency outlet to the heat exchanger that appears to pass through the roof of the incinerator building. It appears to be a gas outlet from the incinerator plant that does not have any monitoring or abatement attached. It appears to be a flue stack that is non-compliant with Schedule 13 of the Environmental Permitting (England and Wales) Regulations 2016 that requires the waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment.

6 BOTTOM ASH ISSUES

6.1

The Calder Valley SWIP Application paragraph 3.4.5 states

"Bottom ash residues remaining following combustion of the RDF drops down from the primary container and is collected in three storage compartments which correspond to the three compartments of the primary chamber. The bottom ash storage compartments are equipped with robust metal doors which remain closed at all times during the combustion process. The ash storage compartments are spacious and considered to be sufficient to store five days worth of ash. In accordance with the manufacturers instructions the ash will only be removed at the end of the incineration process when the SWIP has cooled down. It is anticipated that bottom ash removal will be scheduled for a Monday morning having shut down the plant on Friday evening and before starting it up again on Monday morning."

6.2

The I8-1000 general incinerator manufactured by Inciner8 is stated as being the largest incinerator manufactured by Inciner8. It is top loaded, has a fixed grate and a burn rate of 1000kg/hour. It is a batch type top loading incinerator with a stated batch size of 5000kg. The Calder Valley SWIP Application states at paragraph 3.8.5 Table 3-4 that 800 to 1000 tonnes per annum of bottom ash and slag will be generated by the plant. Allowing a typical 4 weeks for holidays and maintenance downtime, this represents between 17 and 21 tonnes of bottom ash in each weekly continuous run of the plant.

6.3

The Calder Valley SWIP Application Appendix F, CFD Flow Simulation (Appendix F) Flow Simulation Report dated 17 March 2022 by Solid Solutions at page 30 includes a drawing showing the dimensions of the furnace. The height of the 3 compartments for storing the bottom ash is shown as 0.36 metres. The photograph on page 27 of the Solid Solutions Report shows the incinerator grate sitting on top of the compartment walls for storing the bottom ash. The width of the furnace is not stated, but it can be inferred from the external width of the furnace of 1.83 metres less the two side wall thicknesses of 0.18 metres each, as being 1.47 metres. The internal length of the furnace can be inferred from the external length of the furnace of 4.37 metres less the two end wall thicknesses of 0.18 metres each, as being 4.01 metres. The volume in the furnace available for ash storage is therefore 4.01metres length x 1.47 metres width x 0.36 metres height; a volume of 2.12 cubic metres.

Various studies indicate that bottom ash from waste incineration will have a dry density of between 0.95 and 1.80 tonnes per cubic metre. Based on the statements in the Calder Valley SWIP Application and on the higher density, the minimum 17 tonnes of bottom ash from each continuous weekly run of the plant would at best take up 9.4 cubic metres, which is at least 4.5 times the space available for ash storage. At the maximum quoted in the Calder Valley SWIP Application and lower density, the 21 tonnes of bottom ash from each continuous weekly run would take up at least 10.4 times the space available for ash storage.

The plant would have to be stopped and cooled down to allow ash removal then restarted between 1 and 3 times per day. The fossil fuel burning through additional use of the burners would increase significantly. The time lost for RDF incineration would be significant. The potential for emissions exceedances from daily emergency shutdowns would be significant

6.4

The Applicant cannot operate the plant as it describes in its Calder Valley SWIP Application due to insufficient storage within the Inciner8 I8-1000 incinerator. The core incineration technology proposed by the Applicant is not suitable to meet its operational requirements.

7 PERMIT BOUNDARY

7.1

The Calderdale Council Application Form for a permit to operate Schedule 13 small waste incineration plant completed by CVSH, at Section 4.1 requests the provision of

"a suitable map showing the location of the installation clearly defining the extent of the installation in red."

The previous Permit Application for the SWIP included a drawing reference JER1902-PER-001 which clearly showed the permit boundary, outlined in green on the plan that followed the line of the existing building.

The current Calder Valley SWIP Application includes a drawing reference JER1902-0002-02 which shows an outline in green which can be described as an amorphous blob that does not clearly define the permit boundary. The permit boundary is well beyond the line of the existing building and more than doubles the permit area of the site from the previous permit application.

In this respect it is noted that the current Calder Valley SWIP Application paragraph 1.5.5 states

"This application is being submitted on the same basis as the original application."

7.2

Planning Appeal reference APP/A4710/W/18/3205776 under the heading "Procedural Matters" at Paragraph 3 states

"Whilst the planning application the subject of appeal A was with the Council for determination the plans were amended to remove a previously proposed extension to an existing building and the description of the development was modified to reflect this change. I have taken this into account and determined the appeal on the basis of the modified scheme, as did the Council. The modified description is reflected in the summary information and the formal decision set out above."

The “Statement of Objection from 1017 Residents” attached to this Objection went to great length to demonstrate that the equipment could not fit into the existing building, and stated at paragraph 81

“The Objectors consider that little thought has been given to the spatial planning of the plant and equipment which has resulted in the plant and equipment not being able to be contained within the building, or within the boundary limits of the site of the regulated facility. The Permit Application cannot therefore comply with paragraph 7.24 of the Core Guidance and the Permit Application is non-compliant with the requirement of Planning Appeal reference APP/A4710/W/18/3205776 Procedural Matters Paragraph 3 to contain the plant within the existing building.”

I therefore consider that the change in the permit boundary, contrary to the Calder Valley SWIP Application paragraph 1.5.5, is a major change that certainly contradicts and potentially contravenes the decision of the Inspectors Decision for Planning Appeal reference APP/A4710/W/18/3205776.

8 SUMMARY

8.1

Paragraph 13 of Schedule 5 to the EPR states that the regulator must refuse an application for the grant of an environmental permit if it considers that if the permit is granted it will not be satisfied that the applicant would operate the facility in accordance with the environmental permit.

Clearly, from the above analysis of proposals for storage and removal of ash from the incinerator, the operator cannot operate the facility in accordance with its own permit proposals and furthermore there are risks to the environment that cannot be addressed with the incineration technology that they propose. These are sufficient grounds for refusal in accordance with Paragraph 13 of Schedule 5 to the EPR.

The Calder Valley SWIP Application also appears to contravene the Inspectors Decision for Planning Appeal reference APP/A4710/W/18/3205776.

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2 second residence time test

This is required

General Guidance Manual relevant references

Page 14 para 1.4 “Guidance on the essential components of the Environmental permitting system is contained in the Environmental Permitting Core Guidance. This manual incorporates relevant parts of that and adds practical advice on the operation of the local authority-regulated pollution control regimes with the aim of being a comprehensive handbook, so it should not normally be necessary to consult the Core or Directive Guidance in addition to the Manual.”

Page 15 para 1.6 The aim of the regime is to:

- Protect the environment and human health.
- Deliver permitting and compliance effectively and efficiently in a way that provides increased clarity and minimises the administrative burden on both the regulator and the operators of facilities.
- Encourage regulators to promote best practice in the operation of regulated facilities, and
- Continue to fully implement European legislation.”

Page 22 para 1.20 “Where an installation falls under more than one Directive each set of Directive requirements must be met. For example, a waste incinerator must meet the requirements of the IPPC, Waste incineration and Waste directives.”

Page 25 para 1.27 “The Manual, together with the process and sector guidance notes advising on BAT for each sector, should provide the necessary basis for decisions in most cases. Where, however, an installation raises, for example, particularly complex or contentious issues, local authorities may want to refer to any of the more extensive guidance produced by the Environment Agency for their regulated Part A activities or to the other documents referenced in the Manual.”

Page 26 para 2.6 “ In summary, an installation comprises any relevant unit carrying out Part A2 or part B2 activities listed in Schedule 1 to the EP Regulations. This includes any directly-associated activities which have a technical connection with the Schedule 1 activities and which could have an effect on pollution. Once the extent of an installation has been established, each activity (if listed in Schedule 1 or constituting a ‘directly associated activity’ with a technical connection and which could have an effect on emissions and pollution) must be included in the permit. For the purposes of this

Manual, any reference to 'installation' should be taken to include 'mobile plant. Unless otherwise indicated."

Page 34 para 2.38 "An operator is defined in EP Regulation 7 as the person who has control over the operation of an installation or who will have control if it is not operating yet. …In accordance with the guidance on the essential components of the environmental permitting system (referred to in paragraph 1.4 of this manual) the operator 'must demonstrably have the authority and ability to ensure that the environmental permit is complied with."

Page 34 para 2.39 "Operators will need to demonstrate to the authority that together all aspects of the operation are being properly managed and controlled."

Page 38 para 3.2 "An application for a permit must be refused if the local authority considers that the applicant will not be the operator of the installation or mobile plant or will not operate the installation in accordance with the permit."

Page 45 para 4.24 "….Authorities will need to know the precise nature of the installation they are being asked to permit and how the operator proposes to deal with the environmental effects of the installation. It is essential that the application is sufficiently detailed and with sufficient supporting maps and diagrams to allow an authority to examine all elements of the activities and installation for which a permit is being sought, covering everything from receipt of material to the despatch of waste and finished products."

Page 45 para 4.25 "Overall, operators should bear in mind that regulators are required by Article 3 of the IPPC Directive to take account in determining conditions of an LA-IPPC permit the general principle that installations and mobile plant should be operated in a way that

a) All the appropriate preventative measures are taken against pollution, in particular through application of the best available techniques;
b) No significant pollution is caused;
c) Waste production is avoided in accordance with Council Directive 2006/12/EC on waste; where waste is produced, it is recovered, or where it is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
d) Energy is used efficiently;
e) The necessary measures are taken to prevent accidents and limit their consequences;

Page 48 para 4.34 "It is an offence under EP regulation 38(4)(b) for a person to make a statement that he/she knows to be false or misleading in a material particular, or recklessly to make a statement that is false or is misleading where the statement is made

(i) In purported compliance with a requirement to furnish any information imposed by or under any provision of the EP Regulations; or
(ii) For the purposes of obtaining the grant of a permit to himself or any other person, or the variation, transfer or surrender of a permit."
(iii) Page 50 para 5.1 "If an LA-IPPC installation also needs planning permission, it is recommended that the operator make both applications in parallel whenever possible. This will allow the local authority to begin its formal consideration early on, thus allowing it to co-ordinate both the planning process and LA-IPPC process."

Page 56 para 6.15 “Authorities should not determine an application until they are satisfied with all the information.”

Page 56 para 6.17 “Authorities must either grant a permit with conditions or refuse it.”

Page 56 para 6.18 “Therefore, reasons must be given when issuing a permit with conditions, as well as when refusing a permit. The extent of the necessary reasoning will depend on the complexity of the issues and the likely degree of controversy. Authorities should take a proportionate approach.”

Page 58 para 6.23 “Authorities should not grant a permit if they think that the operator will not be able to comply with the conditions set within the permit. This may be where the authority has reason to believe that the operator lacks the management systems or competence to run the installation according to the application or any permit conditions, perhaps because the conditions of a previous regime were persistently breached.”

Page 58 para 6.29 “Requirements of a permit should not put at risk the health, safety or welfare of people at work; equally permits should not contain conditions whose only purpose is to secure the health of people at work. However, the EP Regulations include the general principle that the necessary measures are taken to prevent accidents and limit their consequences.”

Page 90 para 11.26 “Refusal would normally be appropriate for offences that demonstrate a deliberate disregard for the environment or for environmental regulation: for example, where there are repeated convictions, or deliberately making false or misleading statements.”

Page 174 para 28.2 “Local authorities may find of interest the 6-fold classification of operators put forward by the Scottish Environmental Protection Agency:

- Criminal
- Chancer
- Careless
- Confused
- Compliant
- Champion

And also the compliance model included on page 34 of the 2011 Macdonald report on better regulation and farming, where 1 and 2 below are identified for intelligence led enforcement, and 3 and 4 for lighter touch monitoring:

1. ‘criminals’ - no intention of complying
2. Generally non-compliant
3. Generally compliant
4. ‘Top performers’ – go beyond compliance”