

Compliance Assessment Report CAR_NRW0040725

Permit being assessed: KP3594VE, **Deployment reference:** PAN-018528.

For: Mobile Plant, held by Trade Effluent Services Ltd

At: Hugmore Lane, Llanypwll, Wrexham, LL13 9YE.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2208327).

On 17/11/2022 between 14:30 and 15:45.

Parts of permit assessed: 1.1.1, 2.3.2, 4.3.4

NRW Lead Officer: Amy Henderson.

Report sent to: Richard Street, Permitting and Compliance Manager on 12/01/2023.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	1.1.1, 2.1.5
C2 - General Management - Management system and operating procedures	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
1	4

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Ensure spreading is carried out in compliance with EMS/Permit application. Spreading to be carried out at times stated at application.	12/01/2023
C2	Ensure all spreading takes place in suitable weather conditions and not on water-logged ground.	12/01/2023
G4	Ensure pre-notifications are submitted covering all spreading dates. Should spreading continue after the expected end date, a further pre-notification form should be submitted.	12/01/2023

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

This site inspection was carried out following a report from a member of the public that Trade Effluent Services were spreading at deployment PAN-018528, Fron Farm in very wet conditions.

The location was attended by Waste Regulation Officer Amy Henderson and Environment Officer George Nuttall. It was raining heavily at the time and a forecast Yellow weather warning was in place for the area. Officers first attended the location of fields 16- 19 of the deployment. There was no evidence that any recent spreading had taken place at this location.

Officers then visited the location of field 3 and the cluster of fields surrounding this. At this location storage tanks were in place with the umbilical pipe layout across the fields. This was found to still be connected to the tractor. Although no spreading was taking place at the time it was clear that spreading had recently been taking place and the pipe still being connected to the tractor suggested spreading was still due to take place. The ground was deemed to be water-logged at the time of the inspection. Photos below show the ground conditions at the time of the inspection;





Spreading under the permit was agreed to take place until October 2022. The application stated that any waste not spread before this time would be spread from February 2023 to the end of the deployment.

A spreading pre-notification had been received for dates 31st October - 14th November 2022. A small amount of leeway was given as this was only just outside of the spreading period agreed at application. No further spreading notifications were submitted to NRW stating spreading was continuing after the 14th November. Spreading after this date would be outside of the dates given on the pre-notification form.

Permit breaches resulting from the site inspection are discussed further below.

Condition 1.1.1 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

Condition 2.1.5 The activities shall only be carried out in accordance with the requirements of the agreed deployment form unless otherwise agreed in writing by Natural Resources Wales.

Information provided within the initial application stated; for this application, the wastes are expected to be applied to the grass fields from July 2022 to September 2022 and then on uncompleted fields from February 2023 to end of deployment 2023. The spreading times were extended slightly during the application process to October 2022. Although no spreading was taking place at the time of the inspection, it was confirmed by email that the spreading operator had arrived onsite the morning of the 17th and assessed ground conditions with the intention of spreading.

Spreading at this time was not assessed as part of the deployment. Spreading during colder, wet months increases the risk of run off when crops are outside of the growing period. Following the inspection an email was sent to Trade Effluent Services advising that spreading at the current time was a breach of permit conditions. A pre-notification form was then submitted stating the operator planned to continue spreading from the 19/11/2022 - 29/11/2022. On receipt of this form TES were informed again that no further spreading should be taking place.

How to Comply with your Landspreading Permit states; "The timing of the application must also be appropriate. Under the principles of waste recovery the waste is substituting for a non-waste product so there is a presumption that waste will only be spread at a time when a non-waste would be, for example during the crop growing season. Spreading a waste in inappropriate conditions or out of a crop growing season may constitute disposal".

A Category 3 non-compliance score has been given for the above permit breach.

Permit condition 2.3.2 states; Waste must not be spread on land if: (a) the land has been frozen for 12 hours or more in the preceding 24 hours; or (b) the land is waterlogged, frozen or snow covered.

The application for this deployment stated; Spreading operations will not be carried out when there are adverse weather conditions that are likely to interfere with the operation. These conditions include; heavy rain, or during periods of heavy snow or frozen ground as defined in the Code of Good Agricultural Practice (COGAP).

During the site inspection land was seen to be waterlogged, with pooling taking place on the surface. Although no spreading was taking place rutting and spreading lines were

identified suggesting recent spreading had taken place. The incident report from a member of the public stated spreading was taking place during wet weather. As the actual time of spreading was not witnessed during the inspection, it has been listed as an action to ensure spreading of waste does not take place in waterlogged conditions as per the above permit condition.

Permit condition 4.3.4 states; Natural Resources Wales shall be notified at least 48 hours but no more than 7 days in advance of the intention to commence spreading operations. In the event that spreading operations stop for more than 7 days the Natural Resources Wales shall be notified at least 48 hours but no more than 7 days in advance of the intention to recommence spreading.

The pre-notification form for the deployment stated the expected end date was the 14th November. Spreading was taking place after this date, as confirmed by TES by email. The operator expressed concerns that as this was an expected end date they were unaware they should notify again. Should spreading continue after the expected ended date a further pre-notification should be submitted. This has been listed as an action on this occasion. Any further breaches of this permit condition will be issued non-compliance scores.

Following the inspection, copies of waste transfer notes for waste spread at the deployment were requested. These will be audited separately and a separate CAR form issued.

Should you have any queries regarding this CAR form please contact amy.henderson@cyfoethnaturiolcymru.gov.uk

Kind regards

Amy Henderson

Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

Cyfoeth Naturiol Cymru / Natural Resources Wales

Swyddfa Bwcle / Buckley Office

There has been a delay in the issuing of this CAR form due to staff absence.

“In this document ‘Natural Resources Wales’ means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.”

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.