

Compliance Assessment Report CAR_NRW0040913

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 2208899).

On 20/12/2022 between 15:30 and 16:30.

Parts of permit assessed: 1.1.1, 2.1.5, 2.3.2, 4.3.4

NRW Lead Officer: Callum Brannan, accompanied by Ian Thomas2.

Report sent to: Richard Street, Permitting and Compliance Manager on 17/01/2023.

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	C3 Minor	2.3.2
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.4

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

Total number of non-compliances recorded	Total non-compliance score
3	8.1

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 all spreading takes place in line with the agreed deployment, including spreading times and methods.	17/01/2023
C2	Ensure spreading activity is not carried out on waterlogged conditions.	17/01/2023
G4	Ensure spreading pre-notifications are submitted as per permit condition 4.3.4	17/01/2023

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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This site inspection was carried out following reports that spreading activity was continuing to take place at the deployment of Fron Farm, PAN-018528.

Trade Effluent Services had previously been informed via email on the 17th, 18th & 21st of November that spreading further waste at the deployment before February 2023 would be a breach of their permit conditions. (see CAR forms CAR_NRW0040725 & CAR_NRW0040726). Concerns had also been raised with them regarding spreading activity taking place in wet/waterlogged conditions.

The incident was attended by Environment Officer Callum Brannan and Waste Regulation Officer Ian Thomas. On arrival at site, Officers met with the spreading contractor who confirmed spreading had taken place that day.

Ground conditions were again seen to be very wet/waterlogged with rutting from the tractor tyres evident. Waste had been spread via surface spreading rather than injecting.

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 pre-notification form had not been submitted to NRW to notify that spreading was taking place as required under the permit.





Photos showing ground conditions at the time of the inspection.



Photo of spreading equipment onsite at the time of the inspection.

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 at 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, rather than September 2022. Spreading had been taking place on the day of the inspection despite this being outside of the above time frame and TES already having been informed of this on several occasions. Another category 3 non-compliance score has been issued for this repeat breach of permit conditions.

Spreading during colder, wetter months increases the risk of run off/nutrient leaching when crops are outside of the growing period. Spreading a waste in inappropriate conditions or out of a crop growing season may constitute disposal.

The agreed deployment also stated that wastes will be applied via injection. At the time of the inspection wastes were being surface spread. Therefore further increasing the risk of run-off and odour nuisance. A category 3 score has been given for this breach.

The above breaches of permit conditions 1.1.1 & 2.1.5 have been consolidated into one Category 3 non compliance score under A1:Specified by permit.

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.

As shown in the photos above, the ground was heavily saturated and unsuitable for spreading. The tractor tyres were seen to be causing soil compaction and rutting with water seen pooling on the surface. Spreading in unsuitable conditions poses a risk to the environment through an increased risk of run-off. At the time of the inspection waste was being surface spread increasing the risk of run-off further.

A category 3 non-compliance score has been given for the above permit breach. as discussed in previous CAR form CAR_NRW0040726 this score has been given based on the actual spreading activity taking place on fields which were not near to watercourses or adjacent to the SSSI areas. The deployment as a whole is a high risk deployment but for the above reasons a Category 3 score has been issued on this occasion.

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.

Natural Resources Wales were not notified in advance of the intention to commence spreading operations as per the above permit condition. A category 4 non compliance score has been issued for this breach.

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

"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.