

Compliance Assessment Report CAR_NRW0041793

Permit being assessed: AB3891CX.

For: Mobile Plant, held by Mr Daniel James and Mrs Carys James

At: .

Type of assessment carried out: Audit, Reason: Routine.

On 27/04/2023 between 12:45 and 16:45.

Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines.

Report sent to: Daniel James, Operator on 22/05/2023.

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	2.1.1
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C1 - General Management - Staff competency/training	C3 Minor	1.1.1
C3 - General Management - Materials acceptance	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
D2 - Incident Management - Accidents, emergency and incident planning	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
2	8

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	Either, ensure that you update your EMS with a procedure to manage the material in the Bolafron store so that it is not a permanent store or, submit a suitable permit application for your proposed dedicated waste storage facilities	31/08/2023
C1	Update your EMS to include procedures to ensure that all staff are adequately trained for the roles that they are undertaking: including sufficient Technically Competent Managers and a Nominated Competent Person with each	31/12/2023

Criteria	Action needed	Complete by
	deployment activity. Your EMS must also include training records for all staff	
C3	Ensure that a maximum of 1200 tonnes of non-stackable wastes are stored at any one time. EMS must be updated and records kept to demonstrate compliance. This non-compliance is consolidated with the other non-compliance of permit condition 2.1.1 under criteria A1	30/06/2023
D2	Update your EMS to include adequate contingency planning to ensure that excess waste is managed in accordance with your permit and is not spread to land in unsuitable weather or when the crop does not require the nutrients. This non-compliance is consolidated with the other non-compliance of permit condition 1.1.1 under criteria C1	31/08/2023

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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 was a routine announced compliance visit carried out by Malcolm Dines, Waste Regulation Officer, on 27th April 2023, who met with permit holders Daniel and Carys James, their consultant and Technically Competent Manager (TCM), Dave Powell and Stepside Agri's Logistics Manager Sue Edwards.

The purpose of this compliance visit was to review compliance with the overall Mobile Plant for Landspreading Standard Rules Permit, rather than a specific deployment activity and therefore this was a review of the management of the operation and there was no "site visit" undertaken

Permit Breaches

A1 - Specified by Permit - Cat 3; Permit Condition 2.1.1

You have been given this category 3 breach under the above condition as you are using the fixed tank at Bolafron as a permanent waste storage facility. Page 14 of "How to Comply with your Landspreading permit" states that, "Where a storage facility is being used to temporarily store a succession of waste it is, in effect, a permanent storage facility". Although you are using Bolafron for storing waste for multiple deployments at Hafod Farm, you are still using it to store a succession of wastes and this is to account for a lack of

storage at the producer sites. It was discussed during this compliance visit that you are in the process of creating dedicated permitted waste storage facilities.

Action - Either, ensure that you update your Environmental Management System (EMS) with a procedure to manage the material in the Bolafron store so that it is not a permanent store or, submit a suitable permit application for your proposed dedicated waste storage facilities. **By 31st August 2023**

C1 - Staff Competency/Training - Cat 3; Permit Condition 1.1.1

You have been given this category 3 breach under the above permit condition as non-compliances identified with deployment ref: PAN-018735 and scored on Compliance Assessment Report (CAR_NRW0040963) were the result of staff failing to comply with the permit. Following discussions during this compliance visit, NRW consider that you have insufficient competent staff for the work you are undertaking. The NRW guidance document, "How to comply with your landspreading permit" indicates that you should have a Nominated Competent Person (NCP) for each operational deployment as well as a TCM. Dave Powell your current TCM does not live close enough to your operations to provide suitable technical support on-site and so you must have appropriate NCP's. It is acknowledged that since the incident in December 2022, internal staff training has been rolled-out and Daniel James has enrolled and started his Certificate of Technical Competence. Through the discussion at this compliance visit, it is clear that you undertake permitted activities on a daily basis and, taking into account the geographic spread of your activities, you need to ensure that you have sufficient competent staff, both NCPs and TCMs to manage all your permitted activities and in the event of managing contingency measures.

Action - Update your EMS to include procedures to ensure that all staff are adequately trained for the roles that they are undertaking: including sufficient Technically Competent Managers and a Nominated Competent Person with each deployment activity. Your EMS must also include training records for all staff. **By 31st December 2023**

C3 - Materials Acceptance - Action Only; Permit Condition 2.1.1

You have been given this breach of the above permit condition as during this compliance visit you stated that the Bolafron fixed tank is able to store 1500 tonnes of biowaste at any one time. When the tank was inspected on 18th April 2023 it was full to the 300mm freeboard from the top of the tank and therefore is considered to be full to the 1500 tonne capacity. Table 2.1, under Permit Condition 2.1.1, states that the maximum amount of non-stackable waste you can store at any one time is 1250 tonnes. You must update your EMS and records must be kept to demonstrate compliance, to show how you are limiting the storage of wastes in the Bolafron tank to 1250 tonnes at any one time. This non-compliance is consolidated with the other non-compliance of permit condition 2.1.1 under criteria A1.

Action - Ensure that only a maximum of 1250 tonnes of non-stackable wastes are stored at any one time in the Bolafron storage tank. Your EMS must be updated and records kept to demonstrate compliance. **By 30 June 2023**

D2 - Accidents, emergencies and Incident Planning - Action Only; Permit Condition 1.1.1 You were given this breach under the above condition as it is clear that you do not have adequate contingency planning for your permitted activities. Discussions during this

compliance visit highlighted that you do not have contingency procedures in place if you are unable to accept a delivery of biowaste to a deployment or if you have biowaste left upon the completion of a deployment. You must be able to demonstrate how excess material is managed in accordance with your permit and have a procedure for recording any such actions. This non-compliance is consolidated with the other non-compliance of permit condition 1.1.1 under criteria C1

Action - Update your EMS to include adequate contingency planning to ensure that excess waste is managed in accordance with your permit and is not spread to land in unsuitable weather or when the crop does not require the nutrients. **By 31 August 2023**

Other general observations/comments

Biowaste used in landspreading creates difficult logistics for your business because of the NRW requirement for 10 day spreading windows. Although this is not a permit requirement, it is a condition of applying for the deployment. The issue is mainly due to insufficient storage at the relevant times as biowaste producers are operating 365/ days a year, 7-days a week, 24-hours a day. However, you must ensure that you comply with the requirement for pre-notification if you stop spreading for more than 7-days, irrespective of how much paperwork that creates.

It is also noted that you only store biowaste from Volac in the store at Bolafron, as wastes from other producers are not usually spread to land. In the event that they are, these other wastes are only ever stored in nurse tanks.

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.

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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.