

Compliance Assessment Report CAR_NRW0042263

Permit being assessed: KP3594VE, **Deployment reference:** PAN-019538.

For: Mobile Plant, held by Trade Effluent Services Ltd

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

Type of assessment carried out: Site Inspection, Reason: Routine.

On 04/07/2023 between 10:00 and 11:00.

Parts of permit assessed: 2.1.5, 2.1.6, 2.1.8,

NRW Lead Officer: Amy Henderson, accompanied by Steven White.

Report sent to: Robert Netzband-Piggott, Director/TCM on 16/08/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	C2 Significant	2.1.5, 2.1.6, 2.1.8

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

Total number of non-compliances recorded	Total non-compliance score
1	31

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
G2	Ensure all records/spreading activity is in line with the agreed deployment. Ensure spreading records contain sufficient information eg dates of spreading. No further spreading should take place on land which has already been over applied.	23/08/2023

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.

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 was a pre-arranged site inspection carried out following a request from Trade Effluent Services Ltd to meet with Officers from Natural Resources Wales. The inspection was carried out at Deployment ref PAN-019538 located near Whitford. The site inspection was carried out by Waste Regulation Officer Amy Henderson and Senior Waste Regulation Officer Steven White. Onsite Officers were met by TES employee Sean Hutchinson.

There was no active spreading being carried out at the time of the site inspection. Sean Hutchinson stated that spreading had finished a few weeks prior to the inspection.

Spreading lines were still present in the fields where waste had been injected, as per the agreed deployment.

Following the inspection, spreading records were requested for all spreading which had taken place during the current deployment. A review of these identified some non-compliances, which are detailed below.

Records provided consisted of a record of individual quantities delivered per field. These tables also contained a figure for the total amount calculated to be spread to the field.

Errors were identified with the total quantity to be spread. For Secanim waste, the agreed spreading rate, as per the deployment application form was 30t/ha. This was listed on spreading records as being 250t/ha, 220t/ha over the agreed amount. Calculations using NRW's nutrient calculation spreadsheet showed spreading Secanim waste at a spreading rate of 250t/ha would provide 900kg/ha of nitrogen, which is well in excess of the nitrogen limit of 250kg/ha. This would also result in an overapplication of Phosphate at 669.54 kg/ha where offtake is only 64.60 kg/ha.

Similar issues were also found with waste from Kelloggs which had been calculated at a spreading rate of 100t/ha, 25t/ha more than what was agreed on the deployment. Increasing the Kelloggs application rate to 100t/ha would increase the amount of N to 320 kg/ha (max allowed is 250 kg/ha), and the Phosphate addition is increased to 121.19 kg/ha.

As a result of this inspection the following breaches have been identified:

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.

2.1.6 Records demonstrating compliance with rules 2.1.3, 2.1.4 and 2.1.5 shall be maintained

2.1.8 (c)(High readily available nitrogen wastes shall only be stored or spread within a groundwater Safeguard Zone for nitrate:) to a maximum application rate of 250 kg total N per any given hectare.

Records provided were not in compliance with the spreading rates within the agreed deployment. Although the actual amount delivered was lower than the amount that had been calculated for the total amount to be spread per field, fields 2 and 7 had been spread in excess of the 30t/ha spreading rate. Errors such as this within the paperwork risk fields

being significantly overapplied. Spreading Secanim waste at a rate of 250t/ha and Kelloggs waste at 100t/ha would also be a breach of Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, as well as a breach of condition 2.1.8 of the permit. You must not apply more nutrients than are needed by the soil and crop. Doing this may be a waste disposal not a waste recovery activity. Over application of nutrients to the soil results in an increased risk of nutrient leaching, leading to a negative impact on both groundwater and watercourses through algal blooms, reducing light and oxygen levels. Excess N can also lead to soil acidification, impacting on crop growth. Non-compliance scores are issued based on the potential environmental impact. Due to the significant amount of excess nutrients the spreading activity could have added to the land, this permit breach has been given a category 2 non-compliance score under compliance criteria G2 for the potential environmental impact of spreading the waste at these quantities. An action has been given to ensure that all paperwork is checked for similar errors and to ensure spreading activity and records are compliant with the permit and agreed deployment. No further spreading should take place on fields which have already been over applied.

Spreading records were also lacking detail, such as dates of application to land. Detailed records help ensure compliance with the permit and agricultural regulations within Wales. Farmers must have a detailed nutrient management plan and keep sufficient records of all fertilizers spread. This has been given a category 3 non-compliance score consolidated under compliance criteria G2. An action has been given to ensure spreading records contain the sufficient required information.

As a result of the above permit breaches a consolidated Category 2 non-compliance score has been 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

"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."

There has been a delay in the issuing of this CAR form due to additional information being requested.

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.