

Compliance Assessment Report CAR_NRW0043202

Permit being assessed: AB3891CX, **Deployment reference:** PAN-021637.

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

At: .

Type of assessment carried out: Report/Data Review, Reason: Other.

On 22/01/2024.

Parts of permit assessed: Permitted Activities

NRW Lead Officer: Malcolm Dines.

Report sent to: Daniel James, TCM on 22/01/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C4 No impact	2.1.4

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

Total number of non-compliances recorded	Total non-compliance score
1	0.1

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
C2	Ensure that you comply with the details of your Agricultural Benefit Statement as agreed by the issue of the Deployment	23/01/2024

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 compliance work was carried out following a complaint to Natural Resources Wales (NRW) that you were spreading biowastes outside the period specified in your Agricultural Benefit Statement (ABS) that was agreed as part of the permitting process for this deployment.

Materials spread, the conditions of the land and the environmental sensitivity of the receptor were reviewed by Malcolm Dines.

Permit Breaches

C2 - Management System and Operating Procedures - Cat 4; Permit Condition 2.1.4

You were given this category 4 breach under the above condition because in December 2023 you spread biowaste to land outside the periods specified in the approved Deployment Application. You notified NRW that you would be spreading wastes between 09 and 19 December 2023 and in a follow-up conversation with yourself you confirmed that biowastes had been spread to land under this deployment during this time period.

The approved ABS states that, *"The fields will be spread subject to ground conditions being suitable and when there is a significant crop nutrient requirement (i.e. spring, following silage cuts in spring / summer, in advance of periods of grazing summer / autumn)."* The spreading of biowastes in December is clearly contrary to this statement with regards the timing of the spreading.

The statement specifies that spreading will only take place when there is a significant crop nutrient requirement. Taking into account the type of biowaste you were spreading, the main environmental concern is the impact of phosphates on the watercourses in the area. Bryn Barcud farm and the fields being spread are situated in the Afon Granell catchment, this is a tributary of the Afon Teifi. The Afon Teifi is currently failing the water quality standards required to meet its Special Area of Conservation (SAC) designation and therefore there is concern regarding additional inputs of phosphates. The fields that you spread waste are grass fields that will be grazed or cut for silage. Phosphates will not be available to plants - it is locked into the soil - when the temperature is below 5C however, having checked the weather records for December the temperature was around 8C in the Gorsgoch area at the time of this notification and so there would be some utilisation of the phosphates contained within the biowastes. Additionally, the soil analysis of the fields being spread on, as submitted in the deployment application, show that the soil index for Phosphates were either 0 or 1. This indicates that any phosphate not utilised by the grass in those fields would be retained within the soil. This was confirmed by both your agronomists and Rob Tucker indicated that the greater risk of pollution from Phosphates would be from surface run-off from the fields.

At present the phosphate level in the Grannell is not above the required level as set by the Water Framework Directive and therefore, as there would be some utilisation of the phosphate by the grass, the field phosphate levels are very low, there was no evidence or reports of run-off and there was no heavy rain at the time of the spreading it is reasonably foreseeable that this breach of permit would not result in environmental harm and so receives a score of 4 under NRW's Compliance Classification System.

Action: Ensure that you comply with the requirements of the relevant approved deployment forms when you are spreading biowaste to land. **By 23 January 2024**

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.