

Compliance Assessment Report CAR_NRW0043883

Permit being assessed: AB3091ZZ.

For: Sychtyn, held by Mr Edward Vaughan, Mr John Vaughan and Mrs Eluned Beryl Vaughan

At: Sychtyn, Llanerfyl, Welshpool, Powys, SY21 0JF.

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

On 19/03/2024 between 09:00 and 17:00.

Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines.

Report sent to: Edward Vaughan, Owner/TCM on 03/04/2024.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B1 - Infrastructure - Engineering for prevention and control of emissions	Assessed (A)	
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C2 - General Management - Management system and operating procedures	C4 No impact	1.1.1
E1 - Emissions - Air	Assessed (A)	
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	C3 Minor	3.5.1

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

Total number of non-compliances recorded	Total non-compliance score
2	4.1

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	Update your Environmental Management System to include a procedure to ensure Stack Emission Monitoring is carried out and that any breaches of Emission Limit Values are reported to Natural Resources Wales as required by your permit.	01/05/2024
G1	Provide evidence that stack emission monitoring has been arranged and will be carried out at the earliest possible date	Already completed

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), who met with Edward Vaughan (Owner and Technically Competent Manager). The weather was overcast.

Prior to the compliance visit in January, the stack emissions monitoring for the site for 2022 and 2023 had been requested to be submitted to Natural Resources Wales (NRW).

Permit Breaches

C2 - Management system and operating procedures - Cat 4; Permit Condition 1.1.1

You were given this category 4 breach under the above condition because version 3 of your Environmental Management System does not include a procedure for ensuring that your stack emissions monitoring is carried out, or an assessment of the subsequent report that could identify pollution of the environment. Permit Condition 1.1.1 requires you to operate in accordance with a written EMS that, "**prevents, or minimises the risk of pollution**". The stack emission monitoring is a one-hour monitoring of emission, once a year and so any breaches of the Emission Limit Values identified by the monitoring could be occurring on every day, 365 days of the year. However, after reviewing the results of your Stack Emission Monitoring it is unlikely that a lack of such a procedure is going to have any environmental impact.

Action: review and revise your EMS with regards to the process for ensuring that stack emissions monitoring is carried out as required by your permit **by 1 May 2024**.

Action: You must ensure that you comply with your EMS at all times **with immediate effect**.

G1 - Monitoring of emissions and Environment - Cat 3; Permit Condition 3.5.1

You were given this category 3 breach under the above condition because you failed to undertake stack emissions monitoring in 2023 as required by the above permit condition. As noted for the breach of your EMS, the stack emission monitoring is a one-hour monitoring of emissions, once a year and so any breaches of the Emission Limit Values

identified by the monitoring could be occurring on every day, 365 days of the year.

Action: NRW's response to the failure to undertake monitoring required by your permit would be require that monitoring to be carried out at the earliest possible opportunity. However, it is acknowledged that when you received the request to submit the results of your stack emission monitoring you realised that you had not had this monitoring carried out in 2023 and immediately arranged for monitoring to be undertaken, which was subsequently carried out on 6 February 2024. **This action has already been completed.**

Other Matters

Permit Variation

On site we discussed progress with the permit variation to change the permit boundary to include an area for the storage of poultry litter. Your application was received by Natural Resources Wales on 28 November 2023 and at present your application is still awaiting determination by the Permitting Team. We discussed the issue of distance of a watercourse from the site boundary and you confirmed that the stream that had originally limited the size of the site by being exactly 10 metres from the permit boundary, you moved further from the site and so it is now approximately 30 metres from the site boundary and culverted from upstream of the site to a point about 100 metres downstream of your site.

E1 - Emissions to Air - Action only; Permit Condition 3.1.1

The results of the stack emission monitoring undertaken in August 2022 show that the emissions for Oxides of Nitrogen (NOx) from your gas engine was at a level that we consider "Approach to Limit" (ATL).

You may wish to discuss this matter with your monitoring provider and also with the gas engine service company. I ran the results of the monitoring through the SCAIL air emissions screening tool and it highlighted two SSSI habitat receptors within 3km of your site and there are 8 human receptors within 1 km of your site. There is no evidence that even where an Emission Limit Value is Approach To Limit, that they are going to have any impact on the local receptors.

Although you would not be in breach of your permit unless your emissions were to breach the Emission Limit Value in your permit after uncertainty has been taken into account, this is something that I will continue to review for the result of each annual monitoring and will inform our response in the event of an Emission Limit Value being exceeded. We may consider that you are not complying with the requirements of a suitable EMS if emission were to have an impact on a sensitive receptor if you have not taken any action to address these concerns.

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.