

## Compliance Assessment Report CAR\_NRW0044578

**Permit being assessed:** GP3697ES.

**For:** Thomas Contractors, **held by:** Mr Andrew Thomas And Mr Bryan Thomas

**At:** Gwyns Barn, Leighton, Welshpool, Powys, SY21 8LL.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 20/06/2024 between 11:15 and 13:00.

**Parts of permit assessed:** EMS and Records.

**NRW Lead Officer:** Malcolm Dines.

**Report sent to:** Andrew Thomas, Operator, on 08/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W4C - Waste - Information - Notification	C4 No impact	4.3.4
W4B - Waste - Information - Reporting	C3 Minor	4.2.2

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

Total 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
W4C	Ensure that you notify NRW of the intention to spread using the new form on the NRW website	08/07/2024
W4B	Submit outstanding waste returns for Apr-Jun 2022; Jul-Sep 2022; Oct-Dec 2022; Jan-Mar 2023; Apr-Jun 2023; Jul-Sep 2023; Oct-Dec 2023 and Jan-Mar 2024	02/08/2024

Compliance 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, pre-arranged compliance visit carried out by Malcolm Dines (Waste Regulation Officer) who met with Andrew Thomas. The purpose of the compliance visit was to review records and administration of the permit, this was in part due to the lack of pre-notifications submitted by yourself despite have an active deployment.

#### Permit Breaches

##### W4C - Notification - Cat 4; Permit Condition 4.3.4

You have been given a Compliance Classification Scheme score of 4 against the above permit condition because you were advised by Liz Park, in an email dated 13 March 2023, that your pre-notification you submitted for April 2023- Mar 2023 that this was not acceptable as your agricultural benefit statement set out that you would not be spreading during June and July and therefore it was expected that you would re-submit that form taking into account the advice provided. Permit Condition 4.3.4 of your permit 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."*

*It is important that you comply with the requirements to pre-notify Natural Resources Wales of when you will be spreading and it is reasonably foreseeable that you would not be able to spread all year around without a break of more than 7 days.*

**Action:** Ensure that you comply with permit condition 4.3.4 **with immediate effect**

##### W4B - Reporting - Cat 3; Permit Condition 4.2.2

You have been give a Compliance Classification System score of 3 against the above permit condition because you not submitted waste returns since Quarter 4 2021-22 (Jan-Mar 2022). These are required to be submitted within one month of the end of each quarter. Although this is an administration breach, it is because you have failed to submit two years worth of returns that you have received the score of 3.

**Action:** Submit the outstanding quarterly waste returns for the following: Apr-Jun 2022; Jul-Sep 2022; Oct-Dec 2022; Jan-Mar 2023; Apr-Jun 2023; Jul-Sep 2023; Oct-Dec 2023 and Jan-Mar 2024 by **2 August 2024**

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.

**If your assessment result in Section 1 is suspended, what does this mean?**

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 Waste compliance criteria (used in section 1 and 2):**

**1. Management**

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

**2. Operations**

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

**3. Emission and Monitoring**

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

**4. Information**

- W4A – Records
- W4B – Reporting
- W4C – Notification

**Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto: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](mailto: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.