

## Compliance Assessment Report CAR\_NRW0044767

**Permit being assessed:** AB3891CX, **Deployment reference:** PAN-024462.

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

**At:** .

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 17/07/2024.

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

**NRW Lead Officer:** Malcolm Dines.

**Report sent to:** Daniel James, TCM, on 12/08/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3A - Waste - Emissions and monitoring - Emissions to water, air or land	C3 Minor	2.1.5
W4C - Waste - Information - Notification	C4 No impact	4.3.4
W4A - Waste - Information - Records	Assessed (A)	

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
W3A	Ensure that you only spread in accordance with the approved deployment form	13/08/2024
W4C	Ensure that spreading is only undertaken during periods for which NRW have been notified	13/08/2024

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 planned compliance work by Malcolm Dines (Waste Regulation Officer) to review spreading records until the end of June 2024 for deployment PAN-024335. The spreading records had been requested prior to this work and additional records were provided following a query about the spreading on one the fields.

#### **Permit Breaches**

##### W3A - Emission to Land - Cat 3; Permit Condition 2.1.5

You have received this category 3 breach under the above permit condition because your spreading records show that up to the end of June 2024, you not spread wastes in accordance with the approved Agricultural Benefit Statement by spreading more than one waste stream in a field, spreading wastes at a rate over the approved spreading rate for a single application and spreading more waste on a field than was authorised

#### **Spreading More than One Waste Stream to a Field**

The approved Agricultural Benefit Statement for this deployment specifies that,

*"Waste will not be stored or spread in combination (i.e. only one waste stream per field)."*

- Between 22 March 2024 and 28 June 2024, waste from Dwr Cymru Crai, Dwr Cymru Capel Dewi and Dwr Cymru Bryn Gwyn were spread on field Trefwtial 17;
- Between 15 and 22 March 2024 waste from Dwr Cymru Crai and Dwr Cymru Capel Dewi were spread on field Rhosygadair 4
- Between 14 March 2024 and 5 April 2024 waste from Dwr Cymru Capel Dewi and Dwr Cymru Bryn Gwyn were spread on Bigni 9.

Although these waste streams come from the same producer and are similar, they each have a separate waste analysis showing that they have different waste composition and therefore these are different waste streams.

#### **Exceeding Spreading Rate**

**Trefwtial 16**

The spreading rate is specified in the approved Agricultural Benefit Statement as 31 tonnes per hectare with a maximum of 183 tonnes spread on the field. Your spreading records show that on 16 April 2024, waste was spread at a rate was 33.22 tonnes per hectare resulting in a total of 196 tonnes of waste spread to the field. This is an over-application of 2.2 tonnes per hectare and a 7.2% increase over the permitted amount however, this is a relatively small amount and so it is reasonably foreseeable that this would only have a minor environmental impact on groundwater or surface water. It must be noted that this field is within the catchment of the Afon Teifi which is currently failing water quality standards for phosphates. This over-application provides an additional 4.4 kg of phosphate per hectare on a field with a Phosphate index of 3 which, as detailed in your Agricultural Benefit Statement, does not need any additional phosphate.

**Trefwtial 17**

The approved Agricultural Benefit Statement it states that for this field,

*"Each individual application will not exceed 50t/ha in any one application to a field (or the maximum application rate given in Table 1 where lower) and will be at least 3 weeks apart."*

Your spreading records show that you spread on this field between 22 March and 28 June 2024 but with no gaps in spreading of, "at least three weeks", the largest break in spreading being 18 days. Therefore this counts as a single application of waste with a spreading rate of 165 tonnes per hectare. As the overall spreading rate for both the individual waste stream and the field in total are within the approved limits set by your Agricultural Benefit Statement there is unlikely to be any significant impact to groundwater from this over-application, but this field is quite steeply sloping and the limit of 50 tonnes per hectare is designed to minimise the risk of run-off. You must ensure that you comply with this spreading rate for individual applications.

**Trefwtial 18**

Your spreading records show between 30 March and 4 June 2024 a single application of waste was applied at a rate of 98 tonnes per hectare. Your Agricultural Benefit Statement specifies that for this field there would be,

*"1/2 applications at least 3 wks apart and no individual application will exceed 50t/ha in any one application to a field (or the maximum application rate given in Table 1 where lower)."*

The biggest breaks in spreading to this field over this period were 17 and 15 days, neither of which are, "at least three weeks apart". It is unlikely that this over-application has resulted in more than minor environmental harm as the overall spreading rate for this waste stream has not been exceeded and the approved Agricultural Benefit Statement shows that there was a requirement for 20 kg per hectare of phosphate with 4 kg per hectare being provided by this application. However, it must be noted that this field is both steeply sloping and close to the Nant Arberth, increasing the potential for pollution of surface water if surface run-off was to occur.

**Rhosygadair 4**

Effluent from Dwr Cymru Crai was spread on this field between 25 April and 6 June 2024 at a rate of 74.7 tonnes per hectare. The biggest gaps in spreading to the field during this

application were 17 and 14 days, which fails to comply with your approved Agricultural Benefit Statement, that specifies:

*"This will be either one, or two applications at least 3 weeks apart and no individual application will exceed 50t/ha in any one application to a field (or the maximum application rate given in Table 1 where lower)"*

Rhosygadair 7

Effluent from Dwr Cymru Crai was spread on this field between 18 and 26 March 2024 at a rate of 74.1 tonnes per hectare. The biggest gaps in spreading during this application was three days which fails to comply with your approved Agricultural Benefit Statement, that specifies:

*"Each individual application will not exceed 50t/ha in any one application to a field (or the maximum application rate given in Table 1 where lower) and will be at least 3 weeks apart."*

Bigni 9

Effluent from Dwr Cymru Capel Dewi and Dwr Cymru Welsh Water was spread on this field between 14 March and 5 April 2024 at a rate of 96 tonnes per hectare. The biggest gaps in spreading during this application was 11 days, this fails to comply with your approved Agricultural Benefit Statement, which specifies:

*"This will be either one, or two applications at least 3 weeks apart and no individual application will exceed 50t/ha in any one application to a field (or the maximum application rate given in Table 1 where lower)"*

#### **Exceeding total quantity per field**

As detailed above, the effluent spread to Trefwtial 16 exceeded the 183 tonnes for the specified waste stream to the field. You must ensure that you do not exceed the approved spreading rates and total quantities

**Action:** Ensure that you comply with the approved Agricultural Benefit Statement at all time **effective immediately**.

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

You have received this category 4 breach under the above permit condition because the spreading records you supplied show that you spread wastes under this deployment on 25 March and 10, 13, 14, 16 and 17 May 2024. However, you had not pre-notified Natural Resources Wales that you would be spreading on these dates. There is no evidence that the failure to pre-notify Natural Resources Wales would result in any environmental harm

**Action:** Ensure that you comply with the pre-notification process at all times **effective immediately**.

*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.

**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.