

Compliance Assessment Report CAR_NRW0040930

Permit being assessed: KP3594VE, **Deployment reference:** PAN-015828.

For: Mobile Plant, held by Trade Effluent Services Ltd

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

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2208918).

On 21/12/2022 between 11:00 and 11:45.

Parts of permit assessed: 1.1.1, 1.1.3, 2.1.5, 2.3.2, 4.3.4

NRW Lead Officer: Sarah Walton, accompanied by Ian Thomas2.

Report sent to: Richard Street, Permitting and Compliance Manager on 27/01/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C1 - General Management - Staff competency/training	C2 Significant	1.1.1(b), 1.1.3
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.4
A1 - Specified by permit	C2 Significant	2.1.5
C2 - General Management - Management system and operating procedures	C2 Significant	2.3.2

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

Total number of non-compliances recorded	Total non-compliance score
4	93.1

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
C1	Ensure all staff carrying out activities under the permit are fully trained and have access to a copy of the permit/EMS	01/02/2023
G4	Ensure spreading pre-notifications are submitted as per permit condition 4.3.4	27/01/2023
A1	Ensure all spreading activity takes place in accordance with the agreed deployment including spreading times, method and storage.	27/01/2023
C2	Ensure all spreading takes place on suitable ground conditions. Should ground conditions not be suitable i.e waterlogged, spreading should not take place.	27/01/2023

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

Waste Regulation Officers, Sarah Walton and Ian Thomas, attended the site of Brook House Farm, Hanmer, Wrexham, SY13 3EG at approximately 11am on 21st December 2022. This visit was conducted following an incident report made to Natural Resources Wales, which suggested that Trade Effluent Services Ltd may have been unlawfully spreading on land at Brook House Farm.

On arrival at Brook House Farm, there was a tractor parked up in the front yard, which was towing a tanker that had 'Trade Effluent Services Ltd' written on the side of it.

The driver of the vehicle approached NRW Officers. He explained that his name was Rob Allman and that he was a contractor working on behalf of 'TES'.

It was explained to Rob that no pre-deployment notification had been submitted to NRW and so TES were not authorised to spread. Rob did not have any paperwork to suggest otherwise.

Rob explained he had been instructed to empty the lagoon on site at Brook House Farm and spread this to fields accordingly, although he did not know exactly what it was he was spreading to the fields. Rob confirmed that he was spreading directly on top of the fields, as opposed to injecting. He said he had already completed one tanker load that morning (approx 14 tonnes) on the sloping field adjacent to the farm.

Officers walked to the field where spreading had taken place and photographs were taken. The field was quite steep in parts. The field had clearly been spread on and vehicle tracks had been made in the field indicated it was quite wet & muddy ground.





Photographs showing ground conditions at the time of the inspection



Photograph of tanker onsite



Photograph of pipe to farm lagoon from which tanker was being filled.

Officers went to try and speak to the farmer/landowner. He was not available, but a discussion was had with his wife. It was requested that all spreading stopped and that the farmer made contact with NRW to evidence the appropriate authorisations.

Officers left site at around 11:45 , at which point Rob Allman also left with the tanker being used to spread.

Permit breaches as a result of this site inspection are discussed further below.

Condition 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.
The application stated; It is intended to spread the wastes to grass fields as a split when the leaf is

short or after silage cuts. For this application, the wastes are expected to be applied to all fields in Spring/Summer 2022. During the site inspection wastes were being spread in December. This is vastly different to what was stated at application. Spreading waste in wetter/colder months increases the risk of nutrient leaching when the crops are not in the growing season. The agricultural benefit statement was determined based on spreading taking place during the crop growing season. Trade Effluent Services have been informed on several occasions during recent weeks the importance of adhering to the spreading times stated within the agreed deployment. This breach of permit conditions has been given a category 3 non compliance score.

The storage of waste was only permitted for storage within mother tankers at the at the following grid reference locations: SJ 46596 40794 and SJ 47018 39362. Storage of waste within the slurry lagoon at the farm was not permitted. Waste in the lagoon is therefore being stored illegally without a permit. Waste Transfer Notes were provided by TES on the 13th January 2023, confirming the waste that had been stored in the lagoon. The lagoon also already contained slurry, as a result the full contents of the lagoon are now classed as waste and are subject to waste legislation. This waste now does not match that on the original permit and contains an unknown nutrient content and therefore cannot be spread under the current deployment. Each deployment is carefully determined and granted based on the information provided at application including the nutrient content of the waste. Adding waste to slurry prior to spreading results in an unknown nutrient content being spread and therefore poses a high risk of nutrient leaching. This watercourse is a tributary of the River Dee. The River Dee is a designated SAC & SSSI and also a supply of drinking water for thousands of people. This waste mixture had been spread to land during the inspection. The illegally stored waste must be removed from the lagoon following the waste duty of care legislation. The above breach has been given a Category 2 non-compliance score.

Waste was also being surface spread. The deployment application stated; the wastes will be delivered to the site by road tanker and off-loaded into the mobile storage tanks. It is intended to spread the wastes by sub-soil injection to reduce the risk of environmental incidents, such as run-off and odour issues; to minimise disbenefit to the growing crop, such as through smothering or leaf scorch; and to provide nutrients to the root zone. Typically, wastes will be applied by deep-leg injector. However, a shallow injector or surface application may be used dependant on soil/weather conditions at the time of application. In drought conditions, wastes with low odour potential and low risk of smothering crop leaf may be surface applied, and will provide additional benefit through irrigation. The soil conditions during the time of the inspection were not suitable for surface spreading to be taking place. Surface spreading increases the risk of run-off and pollution especially at times when the ground is already saturated, as it was at the time of the inspection. The field being spread on is located adjacent to a watercourse, which the field slopes down to. This watercourse is a tributary of the River Dee. The River Dee is a designated SAC & SSSI and also a supply of drinking water for thousands of people. Surface spreading when the land is already saturated is seen as a high risk to the the environment in this case. The waste types have the potential to be highly polluting should they enter watercourses, resulting in the stripping of oxygen from the water and and the associated negative impacts this has, such as fish kills. This breach has therefore been given a category 2 non-compliance score based on the potential impact of surface spreading on already saturated/waterlogged ground.

The above breaches have been consolidated into one Category 2 non-compliance a score under A1

Specified by permit.

Permit condition 2.3.2 states; Waste must not be spread on land if: (a) the land has been frozen for 12 hours or more in the preceding 24 hours; or (b) the land is waterlogged, frozen or snow covered.

As shown in the photos above, the ground was heavily saturated and unsuitable for spreading. The tractor tyres were seen to be causing soil compaction and rutting, waste which had been spread was seen to be pooling on top of the already saturated ground. Spreading in unsuitable conditions poses a risk to the environment through an increased risk of run-off. At the time of the inspection waste was being surface spread increasing the risk of run-off further. The location is particularly sensitive due to its proximity to water courses, including ones within the River Dee catchment, SSSI/SAC and drinking water supply. The field being spread on sloped towards this watercourse, increasing the risk further. As discussed above, the waste types have the potential to be highly polluting should they enter watercourses, resulting in the stripping of oxygen from the water and the associated negative impacts this has. Trade Effluent Services have been informed on several occasions during recent weeks the importance of insuring ground conditions are suitable for spreading. This has therefore been given a Category 2 non-compliance score.

Permit condition 4.3.4 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.

Natural Resources Wales had not received notification of the intention to commence spreading as per condition 4.3.4 of the permit. A Category 4 non compliance score has been given for this permit breach.

1.1.1 The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and (b) using sufficient competent persons and resources.

1.1.3 Any persons having duties that are or may be affected by the matters set out in these standard rules shall have convenient access to a copy of them kept at or near the place where those duties are carried out.

During discussions with the spreading operator, Officers established that they had little knowledge of the permit and its conditions. A text message had been sent with the location of the spreading for that day but the contractor was not aware of any EMS/Permit conditions that they should be adhering to. There is a risk of causing damage to the environment with any spreading activity and the permit conditions are in place to minimise the environmental risk. It is therefore highly important that any person employed to carry out the spreading activity are fully trained and have knowledge of the permit conditions to help prevent breaches of these conditions. Under condition 1.1.3 they should also have access to a copy of the permit. A lack of training and information for staff poses an increased risk of permit conditions not being adhered to and therefore poses a high environmental risk. This has therefore been given a Category 2 non-compliance score.

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.”

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.