

Compliance Assessment Report CAR_NRW0039043

Permit being assessed: QB3893HG, **Deployment reference:** PAN-012791.

For: Mobile Plant, held by Lodge Farm Biogas Limited

At: .

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

On 16/11/2021.

Parts of permit assessed: 2.1.5, 4.3.4

NRW Lead Officer: Amy Henderson.

Report sent to: Tom Hodgkinson, Chris Ash, TCM, named contact/consultant on 09/12/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.1.5
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.4

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
A1	Ensure all future spreading activity takes place in compliance with the agreed deployment forms.	09/12/2021
G4	Ensure pre-notification forms are submitted in compliance with condition 4.3.4 of the permit.	09/12/2021

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.

At this time, we do not intend to take any further action.

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

On the 05th November 2021 a request to move the agreed storage location was received in relation to PAN-012791, PAN-012792, PAN-012793 under EPR/QB3893HG Held by Lodge Farm Biogas.

The application/agreed deployment forms for the above deployment stated the following in relation to the timing for spreading to take place;

'Timing of application of gypsum is less dependent on nutrient requirements, but is likely to take place during the growing season April – Sept when ground conditions are generally more suited to use by spreading vehicles and machinery.'

Further details were requested with regard to why a change in location was needed at this stage of the deployment, which was due to end on 03/03/2022, prior to the next growing season.

Information provided stated that the weather was helping the spreading at present.

The timescale for spreading forms an important part of the determination process in order to ensure that there is an agricultural benefit for the activity. The deployment was therefore granted based on the information that spreading would take place during April-September. Condition 2.1.5 of the permit states; 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 change of storage location was not granted based on the fact that spreading activity should have already taken place. This was confirmed via email on the 16th November 2021.

Natural Resources Wales had also not received a pre-notification of spreading as required under condition 4.3.4 of the permit; 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.

As a result of the above, the following permit breaches have been identified and non-compliance scores issued.

Category 3 Non- compliance score; Condition 2.1.5;

Spreading activity under SR2010 No4 must provide an agricultural benefit as determined at application. Spreading without a confirmed benefit can be deemed a disposal activity, which is not permitted under this permit. Mobile plant activities carried out not in compliance with the agreed deployment pose a potential risk to the environment through a negative impact on soils and an increased risk of nutrient leaching and run-off, which has the potential to impact on the water quality of local watercourses. Although the waste types had been agreed for the above deployments, this was agreed based on spreading taking place during the growing season as stated at application when there was a crop need. This

breach has therefore been given a category 3 Non-Compliance score.

Category 4 Non-compliance score; Condition 4.3.4.

The above score has been issued for paperwork breaches in relation to not submitting spreading pre-notifications within the specified timescale.

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.