

**Julie James AS/MS**  
**Y Gweinidog Newid Hinsawdd**  
**Minister for Climate Change**



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref PO/JJ/222/2023

Llyr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
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26 June 2023

Dear Llyr,

During my appearance at Committee on 24 May 2023, where I gave evidence on the Environment (Air Quality and Soundscapes) (Wales) Bill, a number of commitments were made to provide further technical information to aid scrutiny of the Bill. The attached technical document provides this information.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**  
**Y Gweinidog Newid Hinsawdd**  
**Minister for Climate Change**

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

# Written Technical Briefing on the Environment Protection (Air Quality and Soundscapes) (Wales) Bill

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## Air Quality Targets

### Existing Targets and Compliance Assessment

#### Overview

The air quality legislative framework in Wales and the UK is currently derived from a mixture of domestic and international legislation and consists of three main strands:

1. **Legislation regulating concentrations of pollutants in ambient air – The Air Quality Standards (Wales) Regulations 2010.** Welsh Ministers are responsible for reporting on and complying with a range of pollutant target types. For example, pollutants with targets include nitrogen dioxide, particulate matter, sulphur dioxide, ground level ozone and heavy metals. The targets were based on analysis and negotiation at an EU level, and economic analysis of the costs and benefits in the UK was undertaken by UK Government.
2. **Legislation regulating total national emissions of five air pollutants (nitrogen oxides, sulphur dioxide, non-methane volatile organic compounds, fine particulate matter and ammonia) – The National Emission Ceilings Regulations 2018 and the Gothenburg Protocol to the UNECE Convention on Long-range Transboundary Air Pollution.** The Secretary of State is responsible for reporting and compliance on targets agreed at a UK wide level; and
3. **Legislation regulating emissions from specific sources, such as industrial emissions to air and domestic burning** – This includes the Environmental Permitting (England and Wales) Regulations 2016 and the Clean Air Act 1993.

Under the Environment Act 1995, which predated the EU Directives from which much of the above legislation stemmed, Welsh Ministers have broad powers in relation to air quality. Under the Act, local authorities are required to tackle air quality issues at a local scale through the Local Air Quality Management process (LAQM). LAQM requires local authorities to review and assess air quality, producing action plans where air quality is found to be poor and at risk of breaching air quality objectives. The standards (levels) were based on the work of the UK Government's Expert Panel of Air Quality Standards (EPAQS) and other expert groups.

Separate to this legislation, local authorities have duties to investigate nuisance smoke, fumes, odours and dust complaints made by members of the public under the Environmental Protection Act 1990.

## ***Compliance Summary***

Welsh Ministers are responsible for compliance with the air quality targets set by the Air Quality Standards (Wales) Regulations 2010, which stemmed from legislation transposed into domestic law across the EU.

Wales, similar to the rest of the UK, is divided into zones for the purposes of compliance assessment, spanning the North and South Wales zones, and the Cardiff and Swansea urban agglomeration zones. Compliance assessment is reported online annually. In 2021, we were compliant with targets for carbon monoxide, benzene, lead, arsenic, cadmium, sulphur dioxide and particulate matter (PM10 and PM2.5).

The annual mean target for nitrogen dioxide exceeded limits in the South Wales zone, largely due to emissions from transport. Levels of nickel and benzo[a]pyrene exceeded target levels in the South Wales and Swansea zones in the vicinity of heavy industry. There are different targets and objectives for levels of ground level ozone for the protection of health and vegetation. All target values were met and the long-term objective for the protection of vegetation. The long-term objective for the protection of health exceeded in all zones. However, ozone concentrations vary from year to year as ozone is a transboundary pollutant and its formation is influenced by meteorological factors.

## Compliance Assessment: Air Quality Monitoring and Modelling

Compliance is assessed for each pollutant using a combination of air quality monitoring and modelling.

The range of pollutant-specific targets results in different monitoring objectives, scope and coverage, and therefore several networks of monitors exist across Wales and the rest of the UK. Monitors are sited in areas representative of the exposure levels the measurements are intended to represent as it's impossible to monitor everywhere. The monitoring networks are used to ensure regulatory requirements are met and to provide information for air quality researchers, the medical community and members of the public. The main networks are described below.

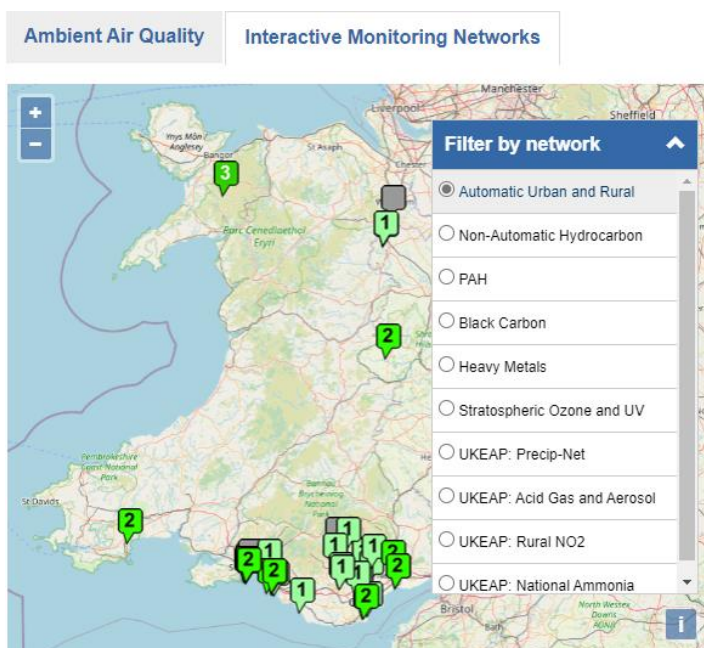


Figure 1: Monitoring network maps and data available on the Air Quality in Wales website<sup>1</sup>

The **Automatic Urban and Rural Network** (AURN) is currently the largest automatic monitoring network in Wales and the UK and forms a large part of the statutory compliance monitoring evidence base. There are currently 11 sites in Wales which measure gaseous pollutants and particulates, using international reference methods as defined in legislation.

Sites are in different representative locations e.g., urban background, rural background, roadside for different reasons. Pollutants measured include oxides of nitrogen (NO and NO<sub>2</sub>), sulphur dioxide, carbon monoxide, particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) and ground level ozone. The AURN measurements are supplemented by the **UK Urban NO<sub>2</sub> Network** (UUNN), an air quality monitoring network that provides measurements of nitrogen dioxide concentrations at urban traffic sites. There are currently 3 monitoring sites in Wales.

<sup>1</sup> <https://airquality.gov.wales/maps-data/maps>

There are six monitoring sites in Wales which measure levels of heavy metals, belonging to the **UK Heavy Metals Network**. Wales has four monitoring sites in the **Polyaromatic Hydrocarbon Network** which measure progress in complying with a target for benzo[a]pyrene (emissions caused by the incomplete combustion of organic materials such as wood or coal). There is one site in Wales belonging to the **Black Carbon Network**, which measures levels of carbonaceous particulate matter arising from incomplete combustion.

The **UK Eutrophying and Acidifying Atmospheric Pollutants (UKEAP) Network** provides information on deposition of eutrophying and acidifying compounds and assessment of their potential impacts on ecosystems. The UKEAP network is an 'umbrella' project covering four groups of sites, including the **National Ammonia Monitoring Network (NAMN)** which characterises ammonia and ammonium concentrations at five sites across Wales.

Air quality monitoring is supplemented by **air quality modelling**. The use of modelling to complement monitoring provides several benefits, including:

- provision of spatial coverage across Wales, enabling levels across a region to be estimated, rather than solely relying on measurements taken at the discrete monitoring network locations;
- the apportionment of sources contributing to the measured or modelled levels, supporting the development and implementation of policies; and
- projections of air quality over future years, supporting the development and implementation of air quality policy scenarios.

## **Air Quality Target Development Under the Bill**

### ***Overview***

The Clean Air Plan for Wales and Programme for Government provide ambitious commitments to introduce a Clean Air Act for Wales, consistent with World Health Organisation guidance and to extend the provision of air quality monitoring.

The Environment (Air Quality and Soundscapes) (Wales) Bill will give effect to commitments for a power to set legally binding air quality targets for the protection of public health and the environment in Wales. New targets are important to achieve sustained clean air in Wales over the long-term. We want new targets to encourage actions that are coherent with other cross-government ambitions and achieve mutual benefits, for example for decarbonisation, water quality, noise and biodiversity.

The Welsh Government is working with expert advisory groups to explore and advise on proposals for the new targets to continuously improve air quality locally, regionally and nationally. Any new targets for air quality will support the government's actions to address the acute and chronic environmental and climate challenges.

It is a major new step to set air quality targets specifically for Wales, beyond climate change mitigation, in a way that legally binds this government and future governments, and we want to get it right. We believe that the best way to deliver targets is through a robust, evidence-led process that seeks independent expert advice, provides a role for stakeholders and the public, as well as scrutiny from the Senedd.

Below we describe how we intend to develop and bring forward targets as required by the Bill. We are not yet able to commit to the specific targets we will set or the metrics we will use beyond PM<sub>2.5</sub>, as this is the pollutant of greatest harm to public health. It would be premature to do so without further evidence gathering and public consultation that will take place in later target setting steps. We are, however, assessing the case for revised or new targets for all the pollutants considered by the World Health Organisation in its recent update of air quality guidelines<sup>2</sup> and ammonia, due to their impacts on public and environmental health.

### ***The target-setting framework***

The Bill requires Welsh Ministers to set a target for fine particulate matter (PM<sub>2.5</sub>) which may be either short or long term, and provides powers to set long term targets for any other air pollutant. Long-term is defined as 10 years or greater from the date on which they are laid. The PM<sub>2.5</sub> target must be brought forward within 3 years of the Act receiving Royal Assent. Long-term targets may be supported by interim targets, depending on Welsh Ministers' consideration following the receipt of expert advice following the setting of targets. These may be either statutory or non-statutory, depending on the advice received in relation to the specific target to be set.

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<sup>2</sup> The 2021 WHO air quality guidelines include levels for particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>), ozone, nitrogen dioxide, carbon monoxide and sulphur dioxide

Welsh Ministers are also required to review targets on a 5 yearly basis and publish a statement. It is envisaged the progress towards targets will form part of the review.

Reviewing targets periodically will ensure the effect of achieving the target and its underpinning evidence remains unchanged or the net benefits remain. The Bill allows for additional long-term targets to be set in the future. We expect any future long-term targets to be set in a similar way to the first suite. This is through expert advice, stakeholder engagement, and public consultation as part of the robust, evidence-led target-setting process.

The natural environment is complex, and we see target-setting as an iterative process, built upon over time as our evidence base and understanding develops. We want to use targets to meaningfully drive the environmental outcomes that we need.

### ***Principles for developing targets***

We will develop targets that are driven by taking action in areas that matter the most, rather than limiting our targets to areas that are easy to measure and improve. The targets should drive environmental outcomes that benefit future generations and respect nature's intrinsic value, independent of human use.

Targets should help to meet the key goals and outcomes within the Clean Air Plan for Wales as well as wider Welsh Government environmental policy ambitions. Where possible, targets will be based on environmental outcomes. For instance, the intended final results or benefits to public health and the environment. An example of this is the carbon budgets that set the pathway to making progress to our net-zero emissions targets, without describing how to get there. This approach allows flexibility and innovative ways of meeting targets.

Targets should be considered collectively and alongside other government policy and take account of their interdependencies with the wider environment. We want to pursue targets that have mutual benefits, for example, setting air quality targets that also help deliver biodiversity and/or decarbonisation objectives.

When developing targets, we will consider any relevant international best practice, such as the recently update World Health Organisation's air quality guidelines.



## ***The Target Setting Process***

This section provides a summary of the target setting process being taken for the first suite of target setting. As our evidence base and understanding continues to improve over time, we will consider if further suites of targets will strengthen action needed to improve air quality.

Our process will be informed by a number of sources of evidence including scientific data and models, historical datasets, and assessment of what is feasible from a socio-economic perspective. It will be an iterative process and rely on input, expertise and scrutiny from others.

There are four main steps being taken to develop this evidence and meet the criteria and principles (as considered in the previous section) so we can set strong and meaningful targets. Input from experts, stakeholders, the public and the Senedd will all play a role in making sure we have robust targets that drive environmental outcomes. The steps are as follows:

- ***Step 1: Setting the scope of the targets***

This step will set the overall direction and focus for target setting. We want to develop targets that are driven by taking action in areas that matter the most, rather than limiting our targets to areas that are easy to measure and improve. The targets should drive environmental outcomes that benefit future generations. Targets should help to meet the key goals and outcomes within the Clean Air Plan for Wales as well as wider Welsh Government environmental policy ambitions. When developing targets, we will consider any relevant international best practice, such as the recently updated World Health Organisation air quality guidelines. This step is a starting point from which target proposals will be developed to meet these criteria and principles.

- ***Step 2: Developing fully evidenced targets***

This step is focused on developing the detail of the targets. For example, an achievable level of improvement to the environment, over a given time period and how this will be measured. It will involve detailed analysis of scientific evidence. Welsh Government and its advisors (such as Natural Resources Wales and Public Health Wales), as well as other evidence partners, will provide evidence to inform the development of target proposals.

During this step, we will consider potential cross-sector emission reduction measures that could drive action and help achieve environmental outcomes for relevant pollutants over 5 yearly intervals up to 2040. The measures will be grouped into scenarios reflective of their ambition and feasibility. This will provide a range from a baseline scenario with emissions unlikely to be above this, to a more speculative scenario with emissions unlikely to be below this. The scenarios would set the boundaries of what is considered as potentially feasible future emissions. Socio-economic analysis will assess the costs, benefits and distributional impacts of any such measures on businesses and wider society. These considerations will help ensure that proposed targets are achievable and affordable whilst still driving the

ambitious changes needed to reduce the pressures of air quality on public health and the environment.

The principles in developing targets above will guide target development so that they are robust and meaningful, and support wider environmental aims across government, such as reaching net zero climate change targets. Target development will be supported and scrutinised by independent experts for each priority area. This will include assessment of the evidence and scrutiny of the analysis on the deliverability and impacts of proposed targets. Experts will be asked to publish their views at appropriate points during this step of the target development process.

The Bill requires Welsh Ministers to assess progress towards meeting targets set under section 1 or 2 and ensure the data are published. Assessment of compliance will be pollutant and target-specific and is likely to be based on either air quality monitoring or modelling data, or a combination of both. The key challenge will be to monitor at locations representative of where concentrations would be expected to be elevated and where there is relevant public exposure across Wales. Decisions on monitoring technologies and siting will be evidence-based and directed by independent expert advice to ensure the data best represents progress towards the targets set.

By the end of this step, we will have developed objectively measurable metrics as well as proposals for target standards and dates to be achieved.

- ***Step 3: Public consultation on target proposals***

Alongside iterative engagement with key umbrella organisations throughout the target setting process, we will consult stakeholders and ask for written responses on the proposed targets within each priority area. This will provide an opportunity to hear a range of views on the ambition, evidence and achievability of target proposals. An Impact Assessment will accompany the consultation and consider the environmental and socio-economic considerations associated with each target. This step will provide time for written contributions to be made. We anticipate Committee scrutiny of target proposals at this time.

- **Step 4: Drafting target legislation**

Responses to the public consultation will be collated, summarised and published in a Welsh Government summary of response document. Feedback to the consultation will further inform the target legislation and following this Welsh Ministers will decide on targets to be set. We expect the Statutory Instrument setting out the PM2.5 targets to be laid in the Senedd by December 2026. These will come into force when approved by the Senedd.

## ***Air Quality Target Development Timelines***

There are two phases for the work, the first is for PM2.5. The second phase, which will overlap with phase one and has already started, will look at particulate matter (PM10), ozone, nitrogen dioxide, carbon monoxide, sulphur dioxide and ammonia.

### Phase 1

Figure 2 below shows the PM2.5 target setting steps and timelines. Under step 2 highlighted above, we expect to have developed evidenced target options by July 2025 for consideration by Ministers. Following this, under step 3, we expect to develop and hold a public consultation between October 2025 and January 2026 on regulation options to enable air quality targets for Wales. Responses to the consultation and expert advice will inform final drafting of regulations, which we intend to lay in the Senedd by December 2026.

Developing air quality target proposals within this timeline is complex and is challenging to deliver within the proposed statutory deadline. The development of target options involves the gathering of cross-sector data and significant amounts of complex and multi-disciplined modelling of future scenarios, socio-economic assessment of the impacts of each scenario and the commissioning of and accounting for expert advice and key stakeholder feedback.

We have appointed technical consultants, Ricardo, to undertake data collection and scenario analysis. They are also supporting the development of impact assessments which will inform whether we update existing targets or introduce new targets. This would be in addition to a target for PM2.5. Ricardo has extensive experience in undertaking similar work. For example, supporting the European Commission's current revision of the Ambient Air Quality Directive which sets air quality standards for European Union Member States.

Ricardo have advised Welsh Government officials that step 2 has *'a very challenging timescale due to the huge quantity of data processing that will be required in Lot 2. To give an idea of the scale of data processing required, in the previous project, that only looked at 4 pollutants over 2 years, we generated 20TB of data. It is worth noting Defra have just completed a similar piece of work for setting a PM2.5 target for England which took 3 years to complete, and this was for only one pollutant.'*

### Phase 2

The second phase described in figure 3 below, is currently being worked on alongside the work on PM2.5 target development. The work to scope and develop cases for change and potential target options for air pollutants (referred to above) is expected to be completed for Ministerial consideration by July 2025. It is likely Ministers will consider the advice and determine next steps during summer 2025.

## PHASE 1 PM2.5 TARGETS DEVELOPMENT TIMELINE

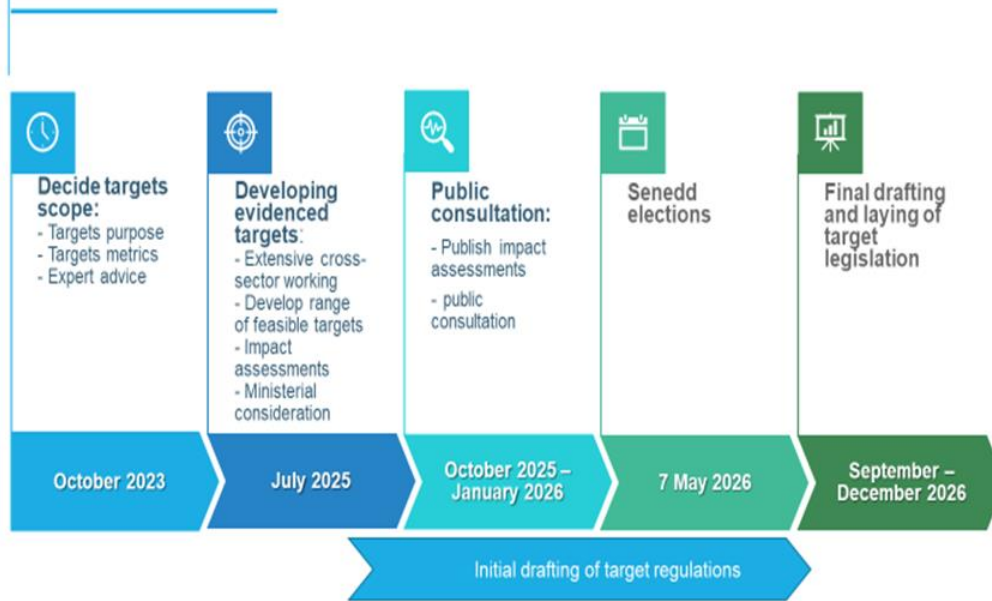


Figure 2: PM2.5 targets development timeline

## PHASE 2: ADDITIONAL TARGETS DEVELOPMENT TIMELINE



Figure 3: Additional air quality target options development timeline

## **Domestic burning**

The Committee asked if we could outline our planned work in relation to domestic burning.

We consulted on proposals for reducing emissions from domestic burning of solid fuels in parallel to the White Paper on a Clean Air (Wales) Bill. A focus was placed on the most polluting solid fuels, namely traditional/bituminous house coal, wet wood and manufactured solid fuel with a high sulphur content.

When we develop proposals to address domestic burning, we will seek to use our existing legislative powers. Any future regulations will be subject to consultation, so interested parties will have the opportunity to input into the process.

An initial response to the domestic burning consultation is due to be published by the summer.

## **List of prosecutions**

A question was raised in Committee in relation to the number of prosecutions that are carried out annually by Natural Resources Wales in their capacity as regulator.

A summary of the data for 2020 and 2021 which has been extracted/adapted from the National Resources Wales Regulation Reports which are publicly available at [Natural Resources Wales / How we are performing](#) is set out in the Annex.

Information on the 2022 cases will be available when the 2022-23 report is published by Natural Resources Wales, which is anticipated to be in the autumn.

## **Local Air Quality Management**

During the course of the Committee session, the Minister for Climate Change was asked when the results of piloting work with local authorities would become available.

Through our Local Air Quality Management Support Fund we have supported two local authorities to undertake modelling to develop a projected compliance date for their air quality management areas. The work will be completed by the end of this year. We will publish the outcomes in our Air Quality in Wales annual report.

## **Annex**

### **Summary of Natural Resources Wales (NRW) enforcement for Environmental offences 2020-2021**

NB: The following data has been extracted/adapted from the National Resources Wales Regulation Reports which are publicly available at [Natural Resources Wales / How we are performing](#).

Information on 2022 cases will be available when the 2022-23 report is published. We expect this to take place this autumn.



## 2020 Data

### Summary

- In 2020, NRW created 604 new cases, comprising of 620 offenders, with 936 separate enforcement charges.
- NRW took enforcement action against 241 companies and 379 individuals. At the end of 2020, 278 cases were still listed as “legal in progress”.
- The total number of enforcement outcomes was broadly comparable to 2019.

Year	Cases	Offenders	Charges	Companies	Individuals
2020	604	620	936	241	379
2019	638	623	941	258	365

- There were 39 cases where NRW took no further action, 3 cases where NRW had insufficient evidence to proceed, and 3 cases that were dealt with by the police.
- NRW provided formal advice and guidance in 153 cases. NRW issued 324 warnings, served 19 enforcement notices that were complied with and issued 7 fixed penalty notices.
- NRW issued 30 formal cautions and prosecuted 68 separate charges, 10 of which were proved in the absence of the defendants.
- As a result of NRW’s successful prosecutions the court fines totalled £25,097 and NRW were awarded £33,784 in costs. Both amounts were significantly less than the fines and costs awarded in 2019 caused mainly by the impact of Covid restrictions on the Courts in Wales.

## The Code for Crown Prosecutors

The Code for Crown Prosecutors requires NRW to apply for compensation and ancillary orders, such as anti-social behaviour orders and confiscation orders, in all appropriate cases. Listed below are the ancillary orders that a court may make following a conviction:

### Disqualification of directors

No orders have been made by the court.

### Confiscation of assets - Proceeds of Crime Act 2002 (Asset Recovery Incentivisation Scheme-ARIS)

#### Tax Year 19-20

Offender name	Criminal Benefit Figure	Amount available	Paid	Type
Kenneth Davies	£402,937.00	£341.26	Yes	Confiscation
Jeanette Davies	£402,937.00	£402,937.00	Yes	Confiscation
Raymond and Ian Murray	£72,637.57	£30,413.67	Yes	Compensation
Raymond and Ian Murray	£72,637.57	£37,153.71	Yes	Compensation

### Anti-social behaviour orders

No orders have been made by the court.

### Forfeiture of equipment used to commit the offence

No orders have been made by the court.

**Disqualification from driving**

0

**Compensation other than PoCA**

3

**Vehicle seizure**

None.

**Remediation – under the Environmental Permitting Regulations**

0

**Unpaid work**

3

**Community orders**

2

**Curfew**

0

**Restoration Order under Wildlife and Countryside Act 1980**

0

**Conditional Discharge**

2

## 2021 Data

### Summary

- In 2021, NRW created 1,002 new cases, comprising of 936 offenders, with 1,373 separate enforcement charges.
- Enforcement action was taken against 355 companies and 601 individuals.
- At the end of 2021, 306 cases were still listed as “legal in progress”.
- The total number of enforcement cases dealt with increased by 40% from 2020.

Year	Cases	Offenders	Charges	Companies	Individuals
2021	1,002	956	1,373	355	601
2020	604	620	936	241	379
2019	638	623	941	258	365

- There were four cases where NRW took no further action, and three cases where they offered no evidence.
- NRW provided formal advice and guidance in 348 cases.
- NRW issued 479 warnings, served 38 enforcement notices that were complied with and issued one fixed penalty notice.
- NRW issued 41 formal cautions and prosecuted 54 separate charges, ten of which were proved in the absence of the defendants.
- In 2021 court fines from NRW’s successful prosecutions increased tenfold from £25,437 in 2020 to £262,414. This can be accounted for by one large court fine of £180,000 and several fines in the £20k range.
- NRW received £131,027 in costs awarded by the courts however the amount of court time available for was still reduced due to delays caused by Covid.

## 2021 prosecutions

These are the cases that resulted in a prosecution in 2021. Many of these cases started in previous years, and in some cases, NRW prosecute more than one charge.

Date	Offender Name	Company	Offence	Charge	Fines	Costs
26-Jan-21	Lee Wyn Roberts	No	Waste	Environmental Permitting (England and Wales) Regulations 2016	£500	£2,000
17-Mar-21	Andrew Paul Thomas	No	Waste	Environmental Protection Act 1990	None Suspended Sentence	
08-Apr-21	Daniel McNeil	No	Waste	Control of Pollution (amendment) Act 1989	None Suspended Sentence	£1,500
20-Apr-21	Philip Stephen Downsby Garratt	No	Waste	Environmental Permitting (England and Wales) Regulations 2016	£1,000	£1,650
19-May-21	Tower Regeneration Ltd	Yes	Water Quality	Environmental Permitting (England and Wales) Regulations 2016	£3,000	£12,849
17-Jun-21	Johnny Doran	No	Fly Tipping	Environmental Protection Act 1990	£1,400	£300

18-Jun-21	Andrew Janes	No	Waste	Environmental Protection Act 1990	£1,110	£950
23-Jun-21	DCWW	Yes	Water Quality	Environmental Permitting (England and Wales) Regulations 2016	£180,000	£25,701
02-Jul-21	Carlos Davies	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£100	£100
25-Jun -21	DBC Site Services Ltd	Yes	Waste	Environmental Permitting (England and Wales) Regulations 2016	POCA	
25-Jun -21	Eurid Huw Leyshon	Yes	Waste	Environmental Permitting (England and Wales) Regulations 2016	POCA	
21-Jul-21	David Kevin Owen	No	Waste	Environmental Permitting (England and Wales) Regulations 2016	£150	£ 2,500
21-Jul-21	Tower Regeneration Ltd	Yes	Water Quality	Environmental Permitting (England and Wales) Regulations 2010	£13,330	£26,791

26-Aug-21	TE and M Francis and Son Ltd	Yes	Water Quality	Environmental Permitting (England and Wales) Regulations 2016	£2,500	£350
17-Sep-21	Christian Craig Astill	No	Waste	Environmental Protection Act 1990	£200	£3,000
22-Sep-21	V J Thomas & Sons Partnership (Edward Thomas)	Yes	Water Quality	Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010	£2,100	£3,847
19-Oct-21	Damian Burchall	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£220	£98
19-Oct-21	Keiran Price	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£220	£98
19-Oct-21	Nicky Dan Lee Edwards	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£220	£9
17-Nov-21	Par Contractors Ltd	Yes	Waste	Environmental Permitting (England and Wales) Regulations 2016	£8,000.	£9,987



19-Nov-21	Dennis Connor	Yes	Waste	Environmental Permitting (England and Wales) Regulations 2016	POCA	n/a
23-Nov-21	Philip Johns	No	Waste	Environmental Protection Act 1990	£2,160	£6,872
24-Nov-21	Aaron Hern	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£40	£127
24-Nov-21	Mathew Stephen Guilliford	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£80	£127
07-Dec-21	Rasa Knabikienė	No	Fly Tipping	Environment Act 1995	£440	£558
10-Dec-21	Daniel Richard Tamplin	No	Waste	Environmental Protection Act 1990	Suspended Sentence	£2,677
14-Dec-21	David Williams	No	Waste	Environmental Protection Act 1990	£250	£2,500
14-Dec-21	Dewi Jones	No	Water Quality	Environmental Permitting (England and Wales) Regulations 2016	£666	£12,467

16-Dec-21	Jack Mason Raymon	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£440	£127
16-Dec-21	Jeremy McKenny	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£80	£127
16-Dec-21	Maurice Loaring	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£240	£127
16-Dec-21	Wayne Jenkins	No	Rod and Line	Salmon and Freshwater Fisheries Act 1975	£440	£127

### **The Code for Crown Prosecutors**

The Code for Crown Prosecutors requires NRW to apply for compensation and ancillary orders, such as anti-social behaviour orders and confiscation orders, in all appropriate cases. Listed below are the ancillary orders that a court may make following a conviction:

#### **Disqualification of directors**

No orders have been made by the court.

#### **Confiscation of assets - Proceeds of Crime Act 2002 (Asset Recovery Incentivisation Scheme-ARIS)**

NRW is what is known as a Proceeds of Crime Act (PoCA) enabled body, this means that they are a public body directly involved as an investigator, prosecutor and enforcement authority and as such we are allowed to make an application at the crown court for a confiscation order. The expression 'confiscation order' is a misnomer as the order itself does not confiscate any property but,

instead, requires the defendant to pay over a sum of money. This sum is termed the 'recoverable amount'. This will be either (a) the full amount of what the court has found to be his benefit from his criminal conduct or (b) the value of the defendant's remaining assets called the 'available amount'. Confiscation is only available upon conviction of the defendant after plea or trial.

All NRW's asset recovery confiscation receipts are remitted directly from the courts to the Home Office which pays them back up to 37.5% of the recovered sum. The Government immediately retain 50%. The payment is made in the financial quarter following the date of the receipt of the recovered funds. E.g., money paid into court funds during January, February, March of 2015 (being quarter four of the financial year) are not in fact received by the designated body, NRW, until the end of quarter one of the following financial year, i.e., June 2015. The remaining 12.5% share is received by the courts service for enforcement purposes.

NRW are encouraged to re-invest incentive monies in asset recovery activity or increasing financial investigation capacity. The Home Office requires agencies to account for their spending in this area. Any monies not spent are required to be returned to the Home Office

## Tax Year 20-21

	<b>Offender Name</b>	<b>Criminal benefit figure</b>	<b>Amount available</b>	<b>Paid</b>	<b>Type</b>
1	Gaughan	£609,4340	£114,686	No	Compensation
2	Rees	£1,405,933	£66,841	Yes	Confiscation
3	Leyshon	£1,296,197	£108,313	No	Confiscation
4	Connor	£1,121,554	£177,908	No	Confiscation
5	DBC Site Services 2005	£1,121,554	£65,411	No	Confiscation

### Anti-social behaviour orders

- No orders have been made by the court.

### Forfeiture of equipment used to commit the offence

- No orders have been made by the court.

### Disqualification from driving

- 0

### Compensation other than PoCA

- 0

### Vehicle seizure

- None

## **Remediation – under the Environmental Permitting Regulations**

- 0

## **Unpaid work**

- Three cases totalling 400 hours.

## **Community orders and curfews**

- Two cases with a 12-month community order.
- One case with a 14-week community order.
- One case with a 14-week curfew order.

## **Restoration Order under Wildlife and Countryside Act 1980**

- 0

## **Conditional discharge**

- 0