

Compliance Assessment Report

Report ID:
CAR_NRW0033304

This form will report compliance with your permit as determined by an NRW officer

Site	Swn Y Don Poultry Farm EPR/GP3338WH	Permit Ref	GP3338WH			
Operator/Permit holder	Hook 2 Sisters Limited					
Regime	Installations					
Date of assessment	26/04/2018	Time in	13:00	Out	14:00	
Assessment type	Site Inspection					
Parts of the permit assessed	All					
Lead officer's name	Haider, Helen					
Accompanied by						
Recipient's name/position	Andy Irving/ Environment Manager	Date issued	11/05/2018			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
B2 - Infrastructure - Closure and decommissioning	A	
B3 - Infrastructure - Site drainage engineering (clean and foul)	C3	1.1.1, 3.3
B4 - Infrastructure - Containment of stored materials	X	
	C3	1.5.1
C1 - General Management - Staff competency/training	C3	1.1.1
C2 - General Management - Management system and operating procedures	C3	1.1.1
C4 - General Management - Storage, handling labelling and Segregation	X	
D2 - Incident Management - Accidents, emergency and incident planning	X	
G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events	X	
H1 - Resource Efficiency - Efficient use of raw materials	A	
H2 - Resource Efficiency - Energy efficiency	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	16
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

An routine inspection was undertaken on 26/4/18 by Helen Haider NRW with Andrew Irving present from Hook2sisters Ltd. Birds between 29-30 days old at the time. The following issues and non-compliances were found during the inspection:

Compliance criteria B3 Site drainage engineering (clean & foul) permit condition 1.1.1 & 3.3.

The impermeable surface should be free from cracks or damage that can act as a pathway for washwater to escape to ground. Kerbing was missing outside Shed 9. Gully needs fixing and cracking addressed along length of Shed 7, 9, and 11. Outside Shed 9 squares of concrete have become loose and need repair. All these areas must be repaired by the deadline date. These areas of damaged concrete all pose a potential risk of wash water escaping to ground. Bitumen sealant work should be undertaken across the site.

The last annual inspection undertaken by Hook2sisters staff and the last end of crop audit both highlighted issues with the impermeable surface. Issues identified on a checklist are then sent to the Senior Area Manager via an email system and periodic notifications given until the issues are resolved. A system of identifying issues with the impermeable surface is in place but it is not being followed up and is not sufficient. The written checklist in place allows issues to be highlighted but the management system does not include information of how issues identified are to be acted upon/ deadlines to rectify/responsibilities etc. The written management system for the site inspection and maintenance of the impermeable surface is not adequate as highlighted during previous NRW visits. The management system must be reviewed by the deadline date and submitted to NRW.

Site drainage plan has been updated. Please supply copies of the updated plan to NRW and place the new plan in the relevant site folders by the deadline.

Compliance criteria C1 Staff competency/training permit condition 1.1.1

Not all staff with responsibility on site have any formal training regarding environmental awareness, permit compliance and potential effects from the site under routine and abnormal circumstances. The assistant manager has had no formal training in relation to environmental and permit compliance. Environment Manager stated that he is to role out in house training to staff this year. The training should include the following:

- how to prevent accidental releases and the actions to be taken should an accident occur
- the accident management plan and duties of staff under it
- permit conditions for the installation and how each persons duties link to compliance
- the potential environmental effects of the installation under routine and abnormal circumstances
- required maintenance of structures and plant
- a check that staff have understood

- records to show this has been completed

All site staff with responsibility on site must have formal training including environmental awareness, permit compliance etc as stated above by the deadline date.

Compliance criteria C4: Storage and handling of waste Permit condition 1.5

The general site waste is now taken by Grays waste. You should ensure that all the information recorded on the transfer note is done so as per section 4.5 of the waste duty of care guidance. I have contacted the inspecting officer for the Grays site who are working with the site to ensure all the required information is detailed on the transfer notes provided in future.

Compliance Criteria B4: Containment of stored materials Permit Condition 3.3.2

A few pieces of broken asbestos sheeting found on permeable ground next to Shed 6. Please collect, seal, store and dispose of all waste asbestos from the site in accordance with HSE guidance and duty of care requirements for hazardous waste.

Please note that the Oil Storage (Wales) Regulations 2016 are in place and all the existing oil storage containers with a capacity of 200 litres or more must comply with the regulations by 15/03/2020. We will send you Guidance for Pollution Prevention (GPP) 2, a frequently asked question factsheet and guidance with the post visit letter. You should ensure all oil storage containers on site meet the regulation requirements by this date.

This site has been expelled from the poultry assurance scheme and NRW will undertake the compliance inspections. NRW have requested in previous letters to Mr Irving (18.10.16, 14.6.17 & 24.10.17) that the written management system for the site maintenance and repair be reviewed to ensure that it is adequate in identifying and rectifying issues with the impermeable surface. This review has not taken place within the deadlines given and in addition to this, damage to the impermeable surface was present during this inspection and also during the sites own audits (annual and end of crop). The written management system does not detail how issues identified are managed and rectified and those issues identified are not being addressed. NRW are now considering appropriate enforcement action with regards to breaches of permit conditions (under Regulation 38 of the Environmental Permitting (England & Wales) Regulations 2016. We will be in touch soon regarding the outcome.

Total CCS Points = 16

EPR Compliance Assessment Report

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Operator/Permit holder	Hook 2 Sisters Limited	Date	26/04/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C1	C3	All relevant staff must receive relevant training	31/08/2018
B4	X	Ensure storage of all oils in tanks, drums or other containers over 200 liters is in accordance with the Oil Storage (Wales) Regulations by deadline date stated in the regulations	15/03/2020
G2	X	Contractor who takes litter has changed. A new CoGAP agreements needs to be written up and placed in site file	30/06/2018
C4	X	Ensure waste transfer notes contain all information required as per Section 4.5 of Duty of Care Code of Practise	15/06/2018
B3	C3	undertake repairs to impermeable surface	31/08/2018
B4	C3	Collect, seal, store and dispose of waste asbestos appropriately in accordance with HSE guidance and duty of care requirements	31/05/2018
C2	C3	Review EMS for the inspection and maintenance of the impermeable surface	02/07/2018
D2	X	ensure new site drainage plan is included in accident management plan and a copy is sent to NRW	31/05/2018

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.