



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

The Company Secretary
W&WE (Wales & West England) Ltd
2nd Floor Colmore Court
9 Colmore Row
Birmingham
B3 2BJ

Ein cyf / Our ref: AP3633HT
Eich cyf / Your ref:

Dyddiad/Date: 1 July 2013

Dear Company Secretary

Environmental Permitting Regulations (England & Wales) 2010

Re. Regulation 36 – Enforcement Notice to take specified steps in relation to a breach of permit condition.

Due to administrative reasons please find enclosed a second signed enforcement notice requiring W&WE (Wales & West England) Limited to take steps to secure compliance with an Environmental Permit condition. This is with specific regard to your operations at Glendale Avenue, Sandycroft, Flintshire.

This notice replaces a previous notice dated 7 May 2013. Please note that the requirements of this second notice including the timescales for completion have not changed in any way from the original notice.

Please refer to the notice for details of the steps required.

Failure to comply with an enforcement notice may result in enforcement action being taken against your company.

If you have any queries please do not hesitate to contact me on 01244 894622.

Yn gywir / Yours faithfully

Stuart Ross

Regulatory Officer (PPC/RSR) / Swyddog Rheoliadol 1 (RhDP/RhSY)

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffon/Tel: 01244 894622

E-bost/E-mail

stuart.ross@cyfoethnaturiolcymru.gov.uk

stuart.ross@naturalresourceswales.gov.uk

Cc. Steven van der Kieft, SHE Manager, W&WE Ltd, Sandycroft (via e-mail)

Cc. Andrew Edlin, 2 Sisters Group Environment & Sustainability Director (via e-mail)

www.cyfoethnaturiolcymru.gov.uk www.naturalresourceswales.gov.uk

Chester Road, Buckley, Flintshire, CH7 3AJ
Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

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**Environmental Permitting (England and Wales) Regulations 2010
Regulation 36**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A
BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)**

To: W&WE (Wales & West England) Ltd
2nd Floor Colmore Court
9 Colmore Row
Birmingham
B3 2BJ

Environmental permit: AP3633HT

Regulated facility: Glendale Avenue, Sandycroft, Flintshire, CH5 2QP

Natural Resources Wales considers that the following condition of the environmental permit is being contravened:

2.2.6.1 The operator shall use BAT so as to prevent or where that is not practicable to reduce odorous emissions from the Permitted Installation, in particular by;

- *limiting the use of odorous materials*
- *restricting odorous activities*
- *controlling the storage conditions of odorous materials*
- *controlling the processing parameters to minimise the generation of odour*
- *optimising the performance of abatement systems*
- *timely monitoring, inspection and maintenance*
- *employing, where appropriate, an approved odour management plan*

provided always that the techniques used by the operator shall be no less effective than those described in the Application, where relevant.

This is because offensive odour from the scald de-feather process continues to be vented directly to atmosphere and not abated using techniques (wet chemical scrubbing) identified as BAT by the permit holder.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention. **Please see over for notes.**

Date 28/6/13

Signed 
Paul Wright
PPC Team Leader

Natural Resources Wales
Chester Road, Buckley, Flintshire, CH7 3AJ

193_08_SD32

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Environmental Permitting (England and Wales) Regulations 2010 Regulation 36

Notes:

General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2010 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

Appeal provisions

You are entitled to appeal against this notice under Regulation 31(2)(f) of the Environmental Permitting (England and Wales) Regulations 2010. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

In England:

Secretary of State
The Planning Inspectorate
Room 3/25 Hawk Wing
Temple Quay House
2 The Square
Bristol
BS1 6EA

In Wales:

Welsh Ministers
The Planning Inspectorate for Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Tel: 029 2082 3866
E-Mail: wales@pins.gsi.gov.uk
<http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to us.

The required documents are:

a statement of the grounds of appeal;
a copy of any relevant application;
a copy of any relevant environmental permit;
a copy of any relevant correspondence between the appellant and the regulator;
a copy of any decision or notice which is the subject matter of the appeal; and
a statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying the Secretary of State (for England) or Welsh Ministers (for Wales) in writing and sending a copy of that notification to us.

Further information about making an appeal and the forms that you will need are available from either. The Planning Inspectorate (for England) or the Environmental Protection Division (for Wales).

Environmental Permitting (England and Wales) Regulations 2010
Regulation 36

SCHEDULE 1		
STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
2.2.6.1	The operator shall install a wet chemical scrubbing system to abate odour from the scald de-feather process in line with Best Available Techniques (BAT) as identified in your final BAT assessment ref. 'Rev 2 28-08-2012' received by the Environment Agency 28/08/12. The system shall be commissioned and fully operational by 23/08/13.	23/08/13
2.2.6.1	The operator shall assess, through appropriate stack sampling and subsequent dispersion modelling, the predicted ground level odour concentration (OU_E/m^3) arising from the fully operational wet scrubber. A report of your findings shall be submitted to Natural Resources Wales by 9/10/13.	09/10/13

