Environment Agency

Compliance Assessment Report

Report ID: I/20130301/AP3633HT

Name of site	Vion Sandycroft	Operator/ permit holder	Vion Food Group Ltd	Permit ref no:	AP3633HT
Officer	S. Ross	Date	1st March 2013	Area/office	Buckley
Activity	6.8 A1 b & d Poultry Processing	Time in/out		Event type:	☐ Routine ☒ Incident response ☐ Other

Assessment type: ☒ Site inspection ☐ Audit ☐ Check monitoring/sampling ☐ Report/data review ☐ Procedure review

Site life status: ☒ Operational ☐ Pre-operational ☐ Post-operational

What part(s) of the permit were assessed? Odour Control

Compliance assessment summary

Key to completion: A = Assessed/Assessed in part (no evidence of non-compliance) NA = Not Applicable 1, 2, 3, 4 = CCS cat 1–4 breach ATL = Approach to limit N = Not assessed

										Conditions breached
a) Permitted activities	1	N								
b) Infrastructure	1	2	2	N	3	N	4	N	5 N	2.2.6
c) General management	1	N	2	N	3	N	4	N		
d) Incident management	1	N	2	N						
e) Emissions	1	N	2	N	3	N	4	N	5 N	
f) Amenity	1	N	2	N	3	N	4	N	5 N	
g) Monitoring and records, maintenance and reporting	1	N	2	N	3	N	4	N		
h) Resources efficiency	1	N	2	N						

The breaches indicated above may constitute one or more offences. You should take immediate action to rectify each breach and return to compliance. You should prevent any repetition of the breaches. Breaches of conditions as indicated above can result in criminal prosecutions and/or suspension or revocation of a permit.

NB if there is a breach, only one of the following will have an 'x' placed in the box as the initial enforcement response.

We will now consider what enforcement action is appropriate. ☐	At present we do not intend to prosecute you for the above offences. However, you are warned that this may change if further relevant information comes to light.	This is a site warning.	☒
		We have given you advice.	☐

Review of Directly Applicable Legislation: key: A = Assessed, N = Not assessed, NA = Not Applicable, C1,C2,C3,C4 = CCS cat 1–4 breach.

Report delivery method: ☐ copy left on site ☐ posted ☒ Emailed ☐ faxed Date 06-03-13

Comments

This Compliance Assessment Report follows two odour complaints on 28th February and 1st March 2013.

The first complaint was made by a member of the public which I substantiated during a location visit as scald de-feather odour. The odour was present on Phoenix Street by the Lifeboat Pub and also on Glendale Avenue by 'Parker'. The odour was sufficiently offensive and persistent to pose a nuisance to the local community. The second complaint was made by an Environment Agency member of staff who recognises odours from the site and also described the odour (witnessed at the Chester Road / Glendale Ave junction) as strong scald de-feather.

Both of these complaints were passed to VION and your investigations did not find/report any offsite odours from the factory which does not concur with our findings. Complaint investigation procedures/arrangements have been discussed with site Safety Health & Environment Manager. Complaint investigation to be subject to planned inspection March 2013.

Whilst an improvement condition is in place requiring the installation of a packed column scrubber to abate scald de-feather odour by 12th April 2013, the current lack of abatement for scald de-feather odour is not BAT and continues to be in breach of permit condition 2.2.6. In accordance with new Environment Agency 'Compliance Classification Scheme' (CCS) scoring guidance, this ongoing amenity breach now attracts a non compliance score of 2.

Officer's Signature	Recipient's name or position within company
Stuart Ross	Steven van der Kieft

Continuation sheet used Yes No of pages 1 CCS record number 192807

	INITIALS	DATE
OK FOR PUBLIC REGISTER	SJC	16/04/13
COPIED TO PUBLIC REGISTER	JB	EDRM

Notes to the recipient

This compliance report form may highlight non-compliance with your permit or directly applicable legislation as observed by the Environment Agency officer.

This does not relieve the site operator of their responsibility to ensure that they comply with the permit and to prevent pollution of the environment. You are also reminded that:

- you should comply with the conditions of the permit at all times
- compliance with the permit does not remove your obligation to comply with other legislative provisions which may apply.

Understanding the Compliance Assessment Summary

a) Permitted activities	1	Specified by permit
b) Infrastructure	1	Engineering for prevention and control of emissions
	2	Closure and decommissioning
	3	Site drainage engineering (clean and foul)
	4	Containment of stored materials
	5	Plant and equipment
c) General management	1	Staff competency/training
	2	Management system and operating procedures
	3	Materials acceptance
	4	Storage, handling, labelling and segregation
d) Incident management	1	Site security
	2	Accident, emergency and incident planning
e) Emissions	1	Air
	2	Land and groundwater
	3	Surface water
	4	Sewer
	5	Waste
f) Amenity	1	Odour
	2	Noise
	3	Dust/fibres/particulates and litter
	4	Pests, birds and scavengers
	5	Deposits on road
g) Monitoring and records, maintenance and reporting	1	Monitoring of emissions and environment
	2	Records of activity, site diary/journal/ events
	3	Maintenance records
	4	Reporting and notification to the Environment Agency
h) Resource efficiency	1	Efficient use of raw materials
	2	Energy efficiency

The term 'permit' for the purposes of this form includes: licences, authorisations and consents.

Understanding your non-compliance scores

Non-compliance findings are classified using our published Compliance Classification Scheme, (CCS).

This scheme categorises breaches of permit conditions based on their potential for environmental impact as shown below. If you wish to discuss further any comments made by the officer on this form, contact your local area office or for more details of the CCS scheme, see the Environment Agency's website or contact your local office.

CCS category	Description	Score
1	A non-compliance which has a potentially **major** environmental effect	60
2	A non-compliance which has a potentially **significant** environmental effect	31
3	A non-compliance which has a potentially **minor** environmental effect	4
4	A non-compliance which has **no** potential environmental effect	1

Corrective action

We have various options to ensure that you correct actual or potential non-compliance. We may

- advise on corrective actions, verbally or in writing and require you to take specific actions, by letter or by issuing a notice.
- require you to review your procedures or management systems
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit is an offence, and we may take legal action:

- We will normally provide advice/guidance to assist operators back into compliance. However, other than for a very minor offence this will normally be in conjunction with another enforcement response.
- Where we have issued a written warning this does not preclude us from taking additional enforcement action if further relevant information comes to light. Such action includes the issue of a formal caution, taking a prosecution and/or the service of a notice.

We have published our Enforcement and Prosecution Policy which seeks to achieve a consistent approach to enforcement across all our regulated activities.

Operational Risk Appraisal (Opra)

Compliance assessment findings may affect your Opra score. This score determines your charge and affects the allocation of our resources to check your compliance with the permit.

Data protection notice

The Environment Agency is responsible for regulating environmental protection, flood defence, water resources and fisheries. It has a duty to discharge its functions to protect and enhance the environment and to promote conservation and recreation. The information provided will be processed by the Environment Agency to fulfill its regulatory and monitoring functions, and to maintain the relevant public register(s). The Environment Agency 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 (e.g. Health and Safety Executive, local authorities, emergency services) 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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency 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 Environment Agency 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 twenty working days of receipt of the assessment 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 the compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line manager, Area Environment Manager or Area Manager. If you wish to raise your dispute further, this can be done through our official Complaints and Commendations procedure phone our general enquiry number 08708 506506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team, alternatively you can send an email to enquiries@environment-agency.gov.uk. If, after following our Complaints and Commendations procedure, you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary Ombudsman phone their helpline on 0345 015 4033.

We will continue to investigate odour complaints and further non compliance scores will be awarded if appropriate. We can award up to one CCS 2 per month. However, any future scores will be suspended (i.e. will not affect your compliance rating) provided the requirements of the improvement condition referenced above are met.