

## Compliance Assessment Report CAR\_NRW0040647

**Permit being assessed:** LP3038WT.

For: Merllyn Bach Poultry Farm EPR/LP3038WT, held by Hook 2 Sisters Ltd.

At: Merllyn Bach Poultry Farm Babel, Holywell, Flintshire, CH8 8PZ.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 05/10/2022 between 09:00 and 17:00.

Parts of permit assessed: all

**NRW Lead Officer:** Libby Hughes.

**Report sent to:** Andrew Irving, Environment Manager on 04/11/2022.

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

| Part of permitted activity assessed (criteria)                        | Assessment result | Permit condition        |
|-----------------------------------------------------------------------|-------------------|-------------------------|
| H1 - Resource Efficiency - Efficient use of raw materials             | Assessed (A)      |                         |
| H2 - Resource Efficiency - Energy efficiency                          | Assessed (A)      |                         |
| A1 - Specified by permit                                              | Assessed (A)      |                         |
| C1 - General Management - Staff competency/training                   | C4 No impact      | Permit Condition 1.1    |
| D1 - Incident Management - Site security                              | C4 No impact      | Permit Condition 1.1    |
| D2 - Incident Management - Accidents, emergency and incident planning | C4 No impact      | Permit Condition 1.1.1a |

Result types are explained in more detail in the 'Important Information' section below.

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 3                                        | 0.3                        |

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 |
|----------|------------------------------------------------------------------------------------------------------------------------------|-------------|
| C1       | Get training back up to date for both staff members.                                                                         | 31/01/2023  |
| D1       | Amend the notice board so that it shows only the correct phone number for NRW's Incident Response.                           | 30/11/2022  |
| D2       | Update the list of phone numbers in the Accident Management Plan so that the correct number is listed for NRW - 0300065 3000 | 30/11/2022  |

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

Thank you for showing me around the farm on October 5th.

I can confirm that the 4-year review for efficient use of energy and raw materials (which includes water use and waste) was received in April 2022 and is compliant. This was highlighted as outstanding issues on CAR Form CAR\_NRW0039546 (link below)

<https://compliance.cyfoethnaturiol.cymru/AssessmentHistory/Details/50476>

I can also confirm that the Improvement Programme report showing your compliance to the Best Available Techniques under the BREF Report 2017 (link below), as specified in your permit, was received by NRW in 2021 as required and is acceptable. Just a reminder that when reporting to NRW in January 2023 you will be required to include phosphate and nitrogen emissions in your Emissions Returns as well as ammonia. How to calculate these can be found in section 5.4.9.1 of the above report.

[Best Available Techniques \(BAT\) Reference Document for the Intensive Rearing of Poultry or Pigs - Industrial Emissions Directive 2010/75/EU \(Integrated Pollution Prevention and Control\) \(europa.eu\)](#)

#### Non-Compliances

- Staff members have several modules that they are out of date with. Please arrange for the outstanding training to be completed as soon as possible, and by the end of January 2023 at the latest.
- Amend the notice board at the entrance to the site so that it shows only NRW's 0300 065 3000 incident response phone number and not the old 0800 number. Please update this as soon as possible, and by the end of November 2022 at the latest.
- Update the list of emergency phone numbers in your Accident Management Plan so that the correct phone Incident Response phone number is listed for Natural Resources Wales

Please confirm to your Environment Officer Libby Hughes when these actions have been completed. [Libby.Hughes@cyfoethnaturiolcymru.gov.uk](mailto:Libby.Hughes@cyfoethnaturiolcymru.gov.uk)

A reminder that under the new Agri-regs: Water Resources (Control of Agricultural Pollution) Regulations (Wales) 2021 <https://gov.wales/sites/default/files/publications/2021-01/the-water-resources-control-of-agricultural-pollution-wales-regulations-2021.pdf> the

wash water will be classed as slurry from January 2023 and will have to be treated as such. The primary issue for you is likely to be a change in the coding on the Duty of Care Waste Transfer notes, however it may have a more substantial impact on the recipients of the wash water (collected after cleaning the chicken sheds at the end of a crop) who will need to know the nutrient levels in the water as they will need these figures to complete their Nutrient Management Plans.

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](mailto: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](mailto: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.