

## Compliance Assessment Report CAR\_NRW0042148

**Permit being assessed:** AP3337HF.

**For:** Llay Feed Mill, **held by:** 2 Agriculture Ltd

**At:** Cymru Country Feeds Miners Road , Llay, Wrexham, LL12 0PJ.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 10/07/2023.

**Parts of permit assessed:** Improvement Conditions 6,7,8 and 9.

**NRW Lead Officer:** Jamie Blythin.

**Report sent to:** Sara McDermott , HSE Co-ordinator , on 17/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	C3 Minor	2.4.1

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

Total non-compliances recorded	Total non-compliance score
1	4

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
IR2E	Action 1: Complete Improvement Conditions 6,7,8 and 9 as specified in table S1.3.	31/08/2023

Compliance 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

Permit condition 2.4.1 requires that the following Improvement Conditions (IC) specified in schedule 1, table S1.3 are completed by the date specified in table S1.3 (04/06/23):

IC6- The Operator shall complete and submit for approval in writing by Natural Resources Wales:

- A baseline report containing information necessary to determine the current state of soil and groundwater contamination;

or

- Provide a summary report referring to information previously submitted where you are satisfied that such information represents the current state of soil and groundwater contamination; so as to enable a quantified comparison to be made with the state of soil and groundwater contamination upon definitive cessation of activity.

IC7- The Operator shall submit to Natural Resources Wales an updated written procedure(s) describing how they intend to meet the following BAT requirements in accordance with requirements specified within:

- BAT Conclusions for Animal Feed within the Food, Drink and Milk Industries BRef Document (EU 2019) – Table 2 - Indicative Environmental Performance Levels for Specific Energy Consumption

IC8- The Operator shall submit to Natural Resources Wales an updated written procedure(s) describing how they intend to meet the following BAT requirements in accordance with requirements specified within:

- BAT Conclusion 2 of the Food, Drink and Milk Industries BRef Document (EU 2019) – In order to increase the resource efficiency and to reduce emissions, BAT is to establish, maintain and regularly review an inventory of water, energy and raw materials consumption as well as of waste water and waste gas inventory as part of the environmental management system that incorporates all of the specified features

IC9- As part of the ongoing investigative work regarding noise impact and noise reduction measures. The Operator shall review the proposed noise reduction measures in line with the BAT requirements. The Operator shall submit to Natural Resources Wales an updated written procedure(s) describing how they intend to meet the following BAT requirements in accordance with requirements specified within:

- BAT Conclusion 14 of the Food, Drink and Milk Industries BRef Document (EU 2019) – In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to use one or a combination of the techniques given.

The operator has not provided responses to Natural Resources Wales in relation to Improvement Conditions 6,7,8 and 9. These were due on 04/06/23. NRW considers this a breach of permit condition 2.4.1- IR2E-Improvement Programme--C3.

Action 1: Complete Improvement Conditions 6,7,8 and 9 as specified in table S1.3. Due 31/08/23.

Failure to provide a response to Improvement Conditions 6,7,8 and 9 to NRW by the date specified in table S1.3 has been discussed with the operator and a new compliance deadline has been agreed- see Action 1.

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.

**If your assessment result in Section 1 is suspended, what does this mean?**

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 compliance criteria (used in section 1 and 2):**

**1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

**2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

**3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

**4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

**Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 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.