

Compliance Assessment Report CAR_NRW0042191

Permit being assessed: BB3297FH.

For: Upper Bryn Free Range Poultry, **held by:** WL Hamer

At: Upper Bryn, Abermule, Montgomery, Powys, SY15 6JW.

Type of assessment: Site Inspection,

Reason: Routine.

On: 24/07/2023 between 10:30 and 12:00.

Parts of permit assessed: All conditions.

NRW Lead Officer: Shaun Rees.

Report sent to: Tom Hamer & Irene Lloyd, Operator/Owner, on 31/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Management - General management	C3 Minor	1.1 General Management
IR1A - Management - General management	C3 Minor	1.1 General Management
IR1C - Management - Energy Efficiency	C3 Minor	1.2 Energy Efficiency
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2 Emissions of substances not controlled by emission limits
IR3B - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2 Emissions of substances not controlled by emission limits
IR2B - Operations - The site	C3 Minor	2 - Operations

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

Total non-compliances recorded	Total non-compliance score
6	24

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
IR1A	Ensure all regular maintenance checks, failures and actions are recorded.	05/09/2023
IR1A	Please attach an up to date drainage and site plan including new manure store and raw materials list to Accident/Emergency Management Plan and include a complete copy in an accessible location	05/09/2023
IR1C	Please complete an energy efficiency review.	05/09/2023
IR3B	Area to be cleaned and spoilt feed to be removed and disposed of safely.	05/09/2023
IR3B	Install collision prevention measures around feed silos	05/09/2023
IR2B	Ensure all site and drainage plans are updated with dry manure store - Please see text for info.	05/09/2023

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

Natural Resources Wales Officer Shaun Rees met with Poultry owners Tom Hamer and Irene Lloyd to carry out a routine poultry inspection for the site on the 24th July 2023. Thank you for your time during the visit.

Non-Compliances (recorded in summary) Actions to be addressed -

Inspection and Maintenance

Please implement this action immediately. Please record and log any maintenance checks, damages, failures and what action was taken to remediate the work. Please include details such as damage/failure, date, time, action taken to repair, date/time of action.

Accident Management Plan

Please ensure an updated drainage and site plan which includes the new manure store and a raw materials list is attached to the Accident Management Plan. Please provide a complete copy of the Accident Management Plan in an accessible location e.g. gatehouse by 5th September 2023.

The Drainage Plan must include site layout drawn to scale, direction of flow, dirty water tanks/channels, clean water tanks/channels, diverter valves, surface and foul drains, identify sensitive receptors and any environmental hazards.

The Raw Materials List should include any raw materials that are used within the permitted area,

maximum amount that is likely to be stored at any one time, annual throughput and description of use. For example (add and amend the table as appropriate for site specific raw materials) -

Raw Materials	Maximum amount stored at any one time	Annual throughput	Description of use
Water			
Gas			
Diesel			
Oil			
Chemicals (specify which ones)			
Scrubber inputs e.g. acid			
Biosecurity/Disinfectants (specify which ones)			
Manganese			
Medicines (specify which ones)			
Wood shaving			
Bedding			
etc.			

Energy Efficiency - Please provide a statement of your energy source and how attempts are made to reduce usage, this review must be carried out every 4 years – e.g., type of woodchip you use, heat exchangers, solar panels, LED lighting etc. *Please produce an Energy efficiency review plan to NRW by 5th September 2023.*

General Building and site maintenance - Please ensure all spoilt feed is removed from around the feed silos and disposed of in a safe manner i.e placed in to manure store. Photographic evidence of action to be sent to NRW by the 5th September 2023.

Raw materials containment -

Storage vessels for foodstuff should be protected from collision damage. This can be achieved by: a bunded area, or careful siting relative to traffic flows with measures such as provision of kerbs or other markers to stop reversing vehicles, or by the use of barriers in more vulnerable locations. Containment should be provided for foodstuff to prevent spillages and minimise waste. Any foodstuff which might flow under the influence of gravity (e.g. liquid feed) should be contained. Containment should consist of siting the store in an area isolated from the surface-water system so that any spillage cannot enter any drainage system
Please provide photographic evidence of this action by 5th September 2023.

Updating Permit with manure store

I would advise you to apply for a minor technical variation to add the manure store as a directly associated activity and update the permit's plan to show the location of the store. See table F9a of

the [charging scheme](#) for further guidance on what application charge will be payable (depends on if the farm is accredited or not).

You will need to include in their application an environmental risk assessment looking at the different risks the store may pose to the environment (e.g. fugitive emissions) and information which shows how they comply with best practice for manure storage as detailed in [how-to-comply-with-your-environmental-permit-additional-guidance-for-intensive-farming-saesneg-yn-unig.pdf \(naturalresources.wales\)](#). This can be provided in the form of a technical standards document which explains how they manage the store etc.

Please follow the link to make changes to your permit:

[Natural Resources Wales / Apply to vary \(change\) a permit for installations](#)

Other

During the inspection, the new [The Water Resources \(Control of Agricultural Pollution\) \(Wales\) Regulations 2021 \(legislation.gov.uk\)](#) were discussed. Please visit link on full list of requirements.

Please see link below to access the farm workbook and guidance for farmers.

[Water Resources \(Control of Agricultural Pollution\) \(Wales\) Regulations 2021: farm workbook | GOV.WALES](#)

[The Water Resources \(Control of Agricultural Pollution\) \(Wales\) Regulations 2021: guidance for farmers and land managers | GOV.WALES](#)

Many thanks for your time during the inspection.

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 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

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.