

Compliance Assessment Report CAR_NRW0042573

Permit being assessed: NP3533VH.

For: Tir Barwn, **held by:** Barwn Ltd

At: Tir Barwn , Betws Gwerfil Goch, CORWEN, Clwyd, LL21 9PF.

Type of assessment: Audit,

Reason: Routine.

On: 29/09/2023 between 10:00 and 11:30.

Parts of permit assessed: All.

NRW Lead Officer: Libby Hughes.

Report sent to: Carys Evans, Operator, on 06/10/2023.

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	Permit condition 1.1 General Management
IR4B - Information - Reporting	C4 No impact	Permit Condition 1.3.1 (b) - Efficient Use of raw materials
IR2A - Operations - Permitted activities	C3 Minor	Permit Condition 2.2
IR4B - Information - Reporting	C3 Minor	Permit Condition 2.5

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

Total non-compliances recorded	Total non-compliance score
4	12.1

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	Review all of these documents and bring them up to the required standard. Ensure that all paperwork is available for inspection during an Audit, or as needed.	03/11/2023
IR4B	Review, and if necessary amend, the water usage reported in	03/11/2023

Criteria	Action needed	Complete by
	the 4 Year Review document	
IR2A	Amend permit to include ground source heat pump, and the amended site plan	31/01/2024
IR4B	Review & Revise your BAT Review to ensure that it is specifically for Tir Barwn	03/11/2023

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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

Thankyou for showing Ruth Skillen and Libby Hughes around Tir Barwn Poultry Unit last week, and for showing us some of the paperwork. There are a number of issues with your Environmental Management System which came up during this inspection which must be resolved as a matter of urgency. Some of this issues were raised in the previous CAR form: **CAR_NRW0040356** and have not yet been rectified. You should be aware that currently you are not compliant with Section 1.1.1 of your permit, which states:

1.1 General management

1.1.1 The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and

(b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained

You must take steps to improve the issues below to bring yourselves back into compliance as soon as possible:

1. Your **Staff Training Records** were unavailable for inspection at the time of our visit. Please ensure that you have an up to date record of what training each staff member has received, and when. This should include all of the Poultry passport courses, and should also include any other relevant courses, such as First Aid, and Environmental Awareness, which covers the IPPC Regulations.
1. NRW does not have a copy of your **Site Closure Plan** on file, and we were unable to see a copy on the day. Please e-mail a copy over as soon as possible.
2. The version of **Accident Management Plan** which you sent over earlier this year does not contain any phone numbers. It must be reviewed and updated to include phone numbers of who to phone in an emergency situation, including for example your local Vet, your energy providers, Natural Resources Wales, and anybody else as appropriate, and a copy should be kept easily accessible in the site office. It should also be reviewed regularly, and should display the date it was last reviewed and the date it is due to be reviewed again in the future.
3. The **water usage** figures which you submitted earlier this year as part of your **4 year Review** appear to be extremely high. Please review and re-submit. You may wish to double-check that you are recording your water usage in cubic metres.
4. The list of **raw materials** which you sent me separately should be included as part of the **4 year review** document. Please attach it into your 4 year review and re-submit.
5. There should be a list of types of waste generated by the poultry unit, separate from the farm, and this should be included in the final tab of your 4 year review. I understand that for the purposes of disposal the waste is added to the general farm waste, but for the purposes of recording, separate records should be maintained.
6. You now need to **amend your permit** as a matter of urgency to include the Ground Source heat pump and your amended site plan. To confirm, I am happy that the ventilation units on the roof are actually bringing air into the sheds rather than the reverse, so are unlikely to be a source of environmental pollution. So I do not believe that these need to be added into your permit. This is the link to submit a variation: [Natural Resources Wales / Apply to vary \(change\) a permit for installation](#) Please ensure that this is submitted to NRW by the end of January 2024 at the latest.
7. It is a requirement of your permit that you comply with the BAT conclusions. I have had a look through the **BAT Review** which you submitted last year, but it has raised a number of queries. I would recommend that you review this document to ensure that the responses correctly reflect the way you operate at Tir Barwn.
8. You should be aware that under the new **Control of Agricultural Pollution Regulations 2021** from August 2024 onwards you will not be permitted to spread poultry litter to grassland between 1st September and 31st December in any year, and to arable land between 1st October and 31st January. Spreading after the closed period until the end of February will be limited to 30 cubic metres per hectare (8 tonnes per hectare of poultry manure) at any one time, and there must be at least three weeks between each spreading. You will have to plan suitable storage for your poultry litter for a 6 month period each year from 1st September until the end of

February. This can either be temporary field heaps (following the appropriate rules for temporary field heaps), or if you have it, more permanent solid manure storage on one of your yards.

I would like to come back and have another visit, to see how you are progressing towards compliance. I would suggest Friday 3rd November at 10.00am, if this is acceptable to you. In the meantime, and where appropriate could you email the various documents listed above to Libby.hughes@cyfoethnaturiolcymru.gov.uk once they have been completed.

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.