Natural Resources Wales Permitting Decisions

2 Sisters Food Group Limited - Llangefni Prepared Meats

Decision Document

Application for a Full Surrender

The application number is: PAN-024020

The applicant / operator is: 2 Sisters Food Group Limited

The Installation is located at: Llangefni Prepared Meats, Industrial Estate Road, Llangefni, Gwynedd, LL77 7UX

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account

1. Executive summary

1.1. Application summary

The site slaughtered and processed chickens subject to an Environmental Permit. The site is permitted for the following activities:

▪ Section 6.8 A(1)(b) - “Slaughtering animals at plant with a carcass production capacity of more than 50 tonnes per day “.

▪ Section 6.8 A(1) (d) - Cutting, proportioning and packaging final product – processing in the region of 55,000 tonnes per annum.

▪ Section 5.4 A(1)(a) (ii) - Disposal of non-hazardous waste in a facility with a capacity exceeding 50 tonnes per day by physico-chemical treatment - Treatment of process effluent including screening, balancing, coagulation, flocculation, pH adjustment, flotation and sludge removal followed by discharge to sewer.

The following directly associated activities (DAA) are also listed in the EP:

▪ cleaning;

▪ waste handling;

▪ effluent treatment plant (ETP) and

▪ boiler house (steam generation from a 3MWth rated thermal output boiler).

The operator has applied to fully surrender this environmental permit. The operator has stated that the site is now non-operational with all food preparation activities at the site having ceased on 31 March 2023.

1.2. Our decision

In the application documents the operator has correctly summarised the Surrender Test. Which has also been repeated below:

The legal test for surrender is outlined in our RGN 9 Surrender guidance (which itself draws from the standards set in the Environmental Permitting Regulations) as – ‘that the necessary measures have been taken –

a) To avoid a pollution risk resulting from the operation of the regulated facility; and

b) To return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation'.

We have decided to refuse the surrender of the permit for Llangefni Prepared Meats operated by 2 Sisters Food Group Limited.

This is because the operator has not demonstrated within their application that they satisfactorily meet the surrender test. We are not satisfied that the necessary measures have been taken to: avoid any pollution risk resulting from the operation of the regulated facility; and to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

Our decision is further explained below.

2. Receipt of the application

The application was assessed as duly made on 16/02/2024 with a duly made date of 22/12/2023, this earlier date being the date when the application supporting documentation was fully received. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

3. Confidential information

The applicant made no claim for commercial confidentiality, and we have not received information in relation to the application that appears to be confidential in relation to any party.

4. Legislation

Regulation 25 of the Environmental Permitting (England and Wales) Regulations 2016 is the mechanism for the surrender of this permit (where appropriate).

The legal test for surrender is – 'that the necessary measures have been taken –
(a) to avoid a pollution risk resulting from the operation of the regulated facility; and
(b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.'

5. Assessment of the site surrender test

In support of the surrender application the operator submitted detailed supporting information. The principal document being *"Concluding Site Surrender Application - Llangefni Facility - 2 Sisters Food Group Limited SLR Project No.: 410.065128.00001 - 30 November 2023 - Revision: FINAL v 1.0". This report included 12 Appendices (A to L)".*
In addition the operator submitted *"Environmental Permit (EP) Surrender: Environmental Monitoring Report - Llangefni Meat Processing Facility -
2 Sisters Food Group, Prepared by: SLR Consulting Limited SLR Project No.: 406.064893.00001 - 22 December 2023"*.

5.1. Pollution Risk

The Concluding Site Surrender Application - Llangefni Facility - 2 Sisters Food Group Limited SLR Project No.: 410.065128.00001 - 30 November 2023 - Revision: FINAL v 1.0" identifies in section 2.0 that *"A Major Aquifer (now referred to as a Principal Aquifer) within strata of high permeability was located below the site"*. The presence of this important aquifer highlights the need of ensuring that the test to ensure that the site will "avoid a pollution risk resulting from the operation of the regulated facility" is satisfied.

It has not been adequately justified that the risks to the underlying Principal Limestone Aquifer are mitigated. The report shows that weathered limestone is as shallow as 0.6m Below Ground Level, with groundwater at a similar depth.

The *"Environmental Permit (EP) Surrender: Environmental Monitoring Report - Llangefni Meat Processing Facility - 2 Sisters Food Group, Prepared by: SLR Consulting Limited SLR Project No.: 406.064893.00001 - 22 December 2023"* includes the following text with regard to groundwater:

3.3.2 PPL2 – Groundwater

Although localised marginal exceedances of the DWS for lead and benzo(a)pyrene were recorded within the superficial deposits beneath the Site, the average concentrations of PAHs and dissolved metals were well below DWS indicating that they are unlikely to present an unacceptable risk to the secondary and principal aquifers beneath the Site.

Three of the locations close to the drainage infrastructure beneath the Site also exceeded the DWS for ammonia. However, a comparison with previous results indicates that both the maximum and average concentrations of ammonia beneath the Site are reducing over time as a result of natural attenuation now that operations have ceased and there is no longer an ongoing source of ammonia entering the onsite drainage network.

Potential risks to the underlying principal aquifer are also likely to be mitigated further by the presence of lower permeability weathered mudstone bedrock beneath the Site which will limit the potential for vertical migration of contaminants.

Comparison of data from two monitoring events, just 3 months apart is not sufficient to establish a trend; and as a result the conclusion in the above statement is unrealistic.

The report has not established the quantity or full extent of the ammoniacal nitrogen contamination beneath the site resulting from the installation activities. The fact that there is no longer an active above-ground source of ammoniacal nitrogen (ammonia and ammonium), now that site operations have stopped does not mean that this contamination does not presently pose a pollution risk.

1,1,1-Trichloroethane, which is on the UK Hazardous Substance List and has a minimum reporting value (MRV) of 0.0001 mg/L (0.1 ug/L), this was detected at two borehole locations in both September and December 2023 with maximum concentrations between 44 ug/l or 440 times the MRV and 73 ug/l or 730 times the MRV. In addition other chlorinated solvents were detected in BH12 and BH13.

Groundwater is itself a receptor and deterioration of groundwater quality by a hazardous or otherwise harmful substances must be prevented.

The *"Concluding Site Surrender Application - Llangefni Facility - 2 Sisters Food Group Limited SLR Project No.: 410.065128.00001 - 30 November 2023 - Revision: FINAL v 1.0"..."* includes in section 10.0 the following text:

Based on the data presented in the previous sections it is considered that:

- The permitted activities have ceased;
- All potentially polluting materials have been safely and correctly removed from site;
- The site equipment has been decommissioned to remove any residual risk of pollution;
- Where there was a potential pollution risk to soil and groundwater identified this has been thoroughly assessed through a targeted intrusive investigation.
- The targeted intrusive investigation revealed that the recorded hydrocarbon impact around the above ground storage tank is not considered to require remediation as no potentially unacceptable risks to human health or environmental receptors have been identified.
- A second round of groundwater monitoring is scheduled for late November 2023 to support recent findings that identified ammonia concentrations in groundwater are continuing to decrease over time. The results of this assessment will be submitted as an addendum to this application, as agreed with NRW.

"All potentially polluting materials have been safely and correctly removed from site; The site equipment has been decommissioned to remove any residual risk of Pollution". Although above-ground polluting materials have been removed from site, subsurface contaminated made ground, soils and sediments may continue to act as a source of pollutants to groundwater.

"The recorded hydrocarbon impact around the above ground storage tank is not considered to require remediation as no potentially unacceptable risks to human health or environmental receptors have been identified". Groundwater is itself an environmental receptor and the applicant has not demonstrated that hazardous substances and non-hazardous pollutants present are prevented from entering groundwater.

We are not satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.

5.2. Satisfactory state

The operator has provided satisfactory evidence that operations on site have stopped and any remaining raw materials stored on site, which had the potential to cause additional pollution, have been removed. However, they have not provided sufficient evidence to show that the site is in a satisfactory state, having regard to the state of the site before the facility was put into operation, this is described in more detail below.

Appendix E SLR Surrender Site Investigation Report, Section 5.2 Conclusions includes the following text (very similar to previous extract from the 22 December 2023 submission):

Groundwater

The localised marginal exceedances of the DWS for chloride, lead and selenium recorded within the superficial deposits beneath the Site are unlikely to present an unacceptable risk to the secondary and principal aquifers, as the average concentrations for the Site are below DWS.

Although localised concentrations of ammoniacal nitrogen beneath the Site also exceed DWS, these concentrations are likely to reduce back down to acceptable concentrations over time as a result of natural attenuation now that operations have ceased and there is no longer an ongoing source of ammonia entering the onsite drainage network.

Potential risks to the underlying principal aquifer are also likely to be mitigated further by the presence of low permeability weathered mudstone bedrock beneath the Site which will limit the potential for vertical migration of contaminants. Therefore, the Site is not considered to present an unacceptable to risk to groundwater receptors.

The localised exceedances of the DWS (Drinking Water Standard) for chloride, lead and selenium beneath the site as identified by the operator are a cause of concern. The argument put forward that they “are unlikely to present an unacceptable risk to the secondary and principal aquifers, as the average concentrations for the Site are below DWS” does not mean that the site itself is in a satisfactory state, indeed its presence on site indicates that the site is not in a satisfactory state with regard to the state of the site before the facility was put into operation.

The report has identified and clearly concluded that ammoniacal nitrogen concentrations in the groundwater beneath the site are elevated such that they are at

un-acceptable concentrations having regard to the state of the site before the facility was put into operation. This is made clear as it predicts in the report: *"these concentrations are likely to reduce* ***back down to acceptable concentrations*** *over time as a result of natural attenuation* ***now that operations have ceased and there is no longer an ongoing source of ammonia*** *entering the onsite drainage network"*

Reviewing the monitoring data contained in the report (appendix E), Table 8 Summary of Analytical Chemistry Results – Groundwater, shows that concentrations of ammoniacal nitrogen were found in 10 out of a total of 15 monitoring samples, with a maximum concentration found of 12mg/l.

On page 27 of the Concluding Site Surrender Application document, the following statement was *made "Visual or olfactory evidence of hydrocarbon impact and elevated hydrocarbon vapours were recorded within the shallow Made Ground and Glacial Till adjacent to the above ground fuel storage infrastructure (BH3)…."* This demonstrates that there is likely to be a zone of hydrocarbon contamination under and around the fuel storage infrastructure. This report does not quantify the extent or maximum contamination levels, it simply identifies one part of the contamination remaining on site and that this contamination, adjacent to the above ground fuel storage infrastructure, is attributable to the installation activities.

The permit does not allow the permitted activities to contaminate the ground or groundwater beneath the site and the presence of this contamination is justification for refusal of the surrender application.

Based on the information submitted in support of this surrender application we conclude that significant deterioration of soil and groundwater has occurred at the site due to activities having occurred since the issue of the permit in 2004 and that the site has not been left in a satisfactory state.

We are not satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.