

## Compliance Assessment Report CAR\_NRW0044579

**Permit being assessed:** AB3098ZL.

**For:** Burton Meadows Farm, **held by:** Paul Billington

**At:** Burton Meadows Farm, Llyndir Lane, Burton, Rossett, Wrexham, Wrexham, LL12 0AS.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 19/06/2024 between 13:50 and 16:00.

**Parts of permit assessed:** all.

**NRW Lead Officer:** Libby Hughes, accompanied by John Gilliland.

**Report sent to:** Paul Billington, Operator, on 10/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR3A - Installations - Emissions and monitoring - Emissions to water, air or land	Assessed (A)	
IR1A - Installations - Management - General Management	C3 Minor	Permit conditions 1.1.1, & 1.1.2.
IR2A - Installations - Operations - Permitted activities	C2 Significant	Schedule 1 Operations
IR2B - Installations - Operations - The site	C3 Minor	Permit condition 2.2
IR2C - Installations - Operations - Operating techniques	C2 Significant	Permit Condition 2.3

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

Total non-compliances recorded	Total non-compliance score
4	70

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	Forward to NRW an up to date version of your EMS. Provide	31/07/2024

Criteria	Action needed	Complete by
	any necessary records necessary to demonstrate your compliance.	
IR2A	Remove excessive waste and waste not associated with pig feed off-site. Tidy up the site.	30/09/2024
IR2B	Amend site boundary map and vary permit to include large slurry lagoon.	30/09/2024
IR2C	Produce a management plan to show how the slurry is being stored and disposed of off-site.	30/08/2024

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

NRW Officers attended Burton Meadows Farm on 19th June to carry out a site inspection and as a follow-up to the pollution incident detailed in CAR form **CAR\_NRW043441**.

Officers met with Paul Billington, the owner and operator of the site, and his son Jack Billington who is understood to be the manager of the pigs. Discussions were had regarding future site operations and permit surrender due to site capacity. We had a walk around the unit, as well as a discussion around the pollution incident which occurred in February. At the time of the inspection, Paul Billington told NRW officers that there were only around 300 pigs on-site, as two loads of pigs had already left the farm

#### **IR3A - Emissions to water, air, or land**

The issue raised in CAR Form CAR\_NRW043441 appears to have been resolved. Slurry is now no longer entering the ditch behind Burton Meadows Farm, and a small tank has been installed which is being used as a temporary collection tank. It is unknown what the capacity of the tank is, or how often it needs to be emptied

**Action 1:** Provide paperwork to show how often this tank is being emptied, and where the slurry is being taken to.

#### **IR1A - General Management**

No paperwork was available for review on the day.

**Action 2:** Provide for NRW an up to date copy of the following paperwork (electronic or written) as

soon as possible and by Friday 30th August at the latest:

- An up to date copy of your Environmental Management System
- A copy of your site closure plan
- Provide a copy of your records of pig numbers
- A copy of your most recent 4 year Review of water, raw materials, energy usage and the avoidance, recovery and disposal of waste materials.

**A category C3 non-compliance will be issued at this time for general management.**

### **IR2A - Permitted Activities**

Your permit currently allows you to keep pigs on-site only, and carry out activities which are directly associated with the keeping and rearing of pigs. While it is acknowledged that you are considering surrendering your permit, NRW has concerns that several other activities are currently being carried out within the permitted area.

Some of the sheds have been renovated and are now being used to house horses rather than pigs.

NRW has concerns about the large quantities of shredded plastic which were observed on-site.

Photograph A below shows the shredder which we understand is used to separate plastic cartons from their contents. Officers observed variously milk, yoghurt and cream cartons in the plastic pile below the shredder. We understand that the liquid is collected in large tanks, and forms the basis of the pigs' diet.

### **Photograph A**



There seemed to be a lot of shredded plastic on-site. More plastic can be seen in photograph G, below.

Photograph B below shows a number of pallets of muller rice, muller lite yoghurt, and muller corners, which

NRW understands arrive on the farm twice a week, in a refrigerated lorry. You told us that these are also put through the shredder and are being fed to the pigs.

**Photograph B**



Photograph C below shows a barn which is full of sweets (visible in the background in the photo above). In one corner of the barn (visible in Photograph D below) we observed a pallet of boxes of Swizzles Squashies sweets. Many of these pink and white sweets can be seen loose in the photo. You also showed us some Swizzles lovehearts, which were mixed in with the squashies and other, unidentified sweets. You suggested to NRW officers that the sweets are added to the pigs' diet to help bulk them up. The sweets are open to the elements and are picking up contamination from the ground as well as from above. NRW also has concerns that this will attract rats, mice and other vermin onto the site.

**Photograph C**



**Photograph D**



Officers observed a number of ton bags of a grey material on pallets on-site, which you said was potato starch, which you mix with the milk waste and feed to the pigs. The grey bags can be seen in photographs A, D, E, and F. If these are indeed pig feed they should be kept under cover and free from contamination.

**Photograph E**



**Photograph F**



The photograph below shows a pile of chicken litter, and in the background behind the truck can be seen a large pile of shredded plastic, which appears to include empty milk and yoghurt cartons.

NRW is concerned that there does not appear to be a reason why chicken litter should be present on an intensive pig production site.

#### **Photograph G**



NRW is concerned that considerable quantities of milk waste and other items appear to be arriving and being stored on-site on a regular basis, possibly considerably in excess of what can be consumed by the number of pigs you currently have on-site.

NRW is concerned that you may be operating a waste transfer station from the site, given the large quantities which are present. There appears to be little or no containment of the waste materials

observed on-site. The lack of containment gives the potential for waste materials to leave the area of storage and enter surface water drains, or to blow around and cause litter.

**Action 3:** The sweets, shredded plastic, ton bags, chicken manure and any other wastes which are present on-site but not listed above must be removed from site by Friday 30th August 2024.

**Action 4:** Provide evidence of how and to where the various wastes listed above have been disposed, to ensure disposal is compliant with the Water Resources: Control of Agricultural Pollution (Wales) Regulations 2021 (CoAPR 21) and the Waste Framework Directive by Friday 30th August 2024.

**Action 5:** Provide information as to how much milk can be consumed by the pigs, and how you deal with any excess, by Friday 30th August 2024.

**Because of the potential for the waste to cause a significant environmental effect a category 2 will be issued for non-compliance.**

#### **IR2B - The Site**

The large slurry lagoon lies outside of the permitted area. You were advised in CAR form **CAR\_NRW034053** dated 9.10.2018 to apply for a variation to include this in your permit. You have not yet done so.

**Action 6:** Submit a permit variation to include the large lagoon within the permit boundary by Friday 30th August 2024.

**A category C3 non-compliance will be issued at this time for this non-compliance.**

#### **IR2C - Operating Techniques**

It appears that clean surface water is being contaminated with slurry, waste milk and other pollutants. On the day of the visit the weather was warm and dry, and had been unchanged for a few days previously. Most of the buildings had poorly maintained gutters and downpipes. Not all yard areas are concreted, or the concrete is poorly maintained. As most of the site is not concreted, there is potential for pollution of the groundwater to occur.

Photograph H shows what appears to be slurry running across the surface of the yard. Photograph I shows a drain which is full to the top, and covered with only a board.

Any dirty yard water which becomes contaminated with slurry is now classed as slurry under the Water Resources: Control of Agricultural Pollution (Wales) Regulations 2021, and must be managed and dealt with accordingly.

#### **Photograph H**



**Photograph I**



Wet and dirty yard areas can also be seen in Photograph D above, although it is unclear exactly what the contamination is there.

**Action 7:** Carry out improvements to the infrastructure of the buildings and drains to avoid cross-contamination of clean rainwater with slurry and other contaminants.

NRW has concerns over the disposal of slurry from the site. Following the earlier pollution incident in February, (detailed in CAR form **CAR\_NRW043441**) the slurry is now no longer discharging into the ditch behind Burton Meadows Farm and is being stored in a tank which is emptied regularly.

You told us in February that your large slurry lagoon was full of slurry, and NRW is aware that slurry has been taken off-site and applied to land on other farms. NRW has concerns that the large slurry lagoon may have overtopped on more than one occasion - see photograph J below (photo taken in March 2024).

**Photograph J**

**Action 8:** Please provide a clear plan of how you are managing the slurry across the whole site and provide paperwork which shows where the slurry is going off-farm. This must include both the small collection tank, and the large lagoon. You have been advised previously that disposal to land must now be carried out in compliance with the Water Resources: Control of Agricultural Pollution (Wales) Regulations 2021. (CoAPR 21).

**Action 9:** Please provide information as to what exactly is being fed to the pigs, and how the diets vary as they age to reduce ammonia and phosphate emissions, as required by your permit.

Please provide all of this information by Friday 30th August 2024.

**Because of the potential for the slurry to cause a significant environmental effect a category 2 will be issued for non-compliance at this time under the operating techniques.**

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.