

## Compliance Assessment Report CAR\_NRW0044871

**Permit being assessed:** YP3632EM.

**For:** Sandycroft Poultry Processing, **held by:** 2 Sisters Food Group Limited

**At:** VION Sandycroft Glendale Avenue , Sandycroft, DEESIDE, Clwyd, CH5 2QP.

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

**Reason:** Incident Response (Incident number 2410918).

**On:** 02/08/2024.

**Parts of permit assessed:** various.

**NRW Lead Officer:** Rebecca Harwood.

**Report sent to:** Site Director, Site Director, on 14/08/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	C3 Minor	1.1.1(b)
IR3D - Installations - Emissions and monitoring - Noise and vibration	C3 Minor	3.4.1
IR1A - Installations - Management - General Management	C3 Minor	1.1.1(a)
IR3F - Installations - Emissions and monitoring - Pests	C3 Minor	3.6.1

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

Total non-compliances recorded	Total non-compliance score
4	16

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	see text below	11/09/2024
IR3D	see text below	11/09/2024
IR1A	see text below	11/09/2024

Criteria	Action needed	Complete by
IR3F	see text below	11/09/2024

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.**

**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

#### **Noise Complaints**

A noise complaint was received from Church View at 23:25 on the 23<sup>rd</sup> June 2024. The investigation report from the Operator states that all trailers were running on electric, however, it was noted that the trailer in Bay 3 had a noisy motor, this was subsequently switched off. The Operator stated that the trailer has been removed from site and the haulier asked not to send that particular trailer to site.

A further noise complaint from Church View was received at 23:50 on the 27<sup>th</sup> July 2024. The investigation report from the Operator states that the trailer in Bay 3 had tripped and therefore switched automatically to diesel. NRW requested further information relating to the incident. It is unclear when the trailer tripped and no checks had been completed by the Operator to ensure trailers were operating on electric after 16:30 on the 27<sup>th</sup> July.

Condition 1.1.1 states: *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.*

Condition 3.4.1 states: *Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.*

Actions relating to previous noise complaints were raised during the site visit on the 11<sup>th</sup> June 2024 (CAR NRW0044527). The Operator has completed the actions relating to

that visit which included reducing the trailer movements and operations as much as possible in the Despatch Bay area between 22:00 and 06:00. The Noise Management Plan was reviewed on the 10<sup>th</sup> June 2024 and a copy sent to NRW. This states, specifically in relation to Vehicle Loading and Despatch, that:

- *Trailers to be placed on electric supply and not running on engine in Despatch yard area*
- *No trailers running on engine past the carcass building. Engine facing towards top yard.*
- *Shunter vehicle not to have engine left running.*
- *Do not use dock 1 after 2100hrs at night which is closest to the houses. To be barriered off after 2100hrs.*
- *Ensure dock levellers are set correctly to reduce truck impact on and off.*
- *Limit speed of ride on trucks entering and coming off the trailers*
- *No shouting when coming to and from the area.*

**The Operator has not followed their noise management plan and the Operator has identified that there were insufficient personnel to undertake checks to ensure the trailers were running on electric over the weekend. This has been scored a category 3 breach of condition 1.1.1(b) against compliance criteria IR1A General Management.**

**This has also been scored a category 3 breach of condition 3.4.1 against compliance criteria IR3D Noise and Vibration as the noise had caused an off-site impact.**

**Action 1:** The Operator should provide an update to NRW as to how weekend checks are to be conducted and ensure that there is enough cover for these checks to be completed. This should be completed by the 11<sup>th</sup> September 2024.

NRW officers attended Church View at 21:30 and 22:00 on the 29<sup>th</sup> July 2024. A general factory noise was noted. There was no trailer in Bay 1 and all other despatch bay trailers were operating on electric.

Improvement Condition 16a requires the Operator to undertake a noise impact assessment following construction of the carcass building. The Operator is waiting for confirmation from NRW officers that the specification meets the requirement of the improvement condition before undertaking the monitoring. This assessment includes placing noise recording equipment in different off site locations to identify any on site noise from the installation that may be causing an amenity impact. NRW will formally respond to the Operator with any comments relating to their proposal.

### **Pest complaints**

A complaint was received on the 6<sup>th</sup> July 2024 relating to chicken parts being found in and around the installation. This included a photo of a chicken's foot on a car on Rectors Lane as well as comments relating to increased gull activity in the area. Although an inspection was undertaken by the Operator no further chicken parts were found.

*Condition 1.1.1 states: 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;*

Condition 3.6.1 states: *The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.*

The Operator stated that the responsibility for handling the feet lies with a different part of the Organisation, Amber Foods. As part of the investigation the Operator has reviewed their procedure linked to animal by-products yard waste and submitted their updated Environmental Yard Waste ABP toolbox talk (TBT). A sign off sheet for relevant members of staff in relation to the TBT was submitted to NRW on the 10th July 2024.

Section M8 of the Pest Control Procedure linked to bird control is very high level however it does state: *Good hygiene standards around the factory perimeter (e.g. keeping all waste skips covered) should be maintained to help reduce attraction.*

**A category 3 breach of condition 1.1.1(a) against compliance criteria IR1A General Management has been applied as in order for a chicken's foot to have been outside of the site boundary the TBT and Pest Control Procedure have not been followed.**

**This has also been scored a category 3 breach of condition 3.6.1 against compliance criteria IR3F Pests as evidence of chicken parts outside of the site boundary was provided to NRW officers.**

**Action 2:** The Operator should continue to undertake regular inspections of the ABP yard and off site to ensure that procedures are being followed. NRW officers will assess compliance with the TBT on future visits and review the control of birds as detailed in the Pest Control Procedure.

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.