

Compliance Assessment Report

Report ID:
CAR_NRW0036433

This form will report compliance with your permit as determined by an NRW officer

Site	Cross Hands	Permit Ref	BU8002IT		
Operator/Permit holder	Dunbia UK				
Regime	Installations				
Date of assessment	25/02/2020	Time in	13:30	Out	15:30
Assessment type	Audit				
Parts of the permit assessed	See Summary				
Lead officer's name	Davies, Ieuan				
Accompanied by					
Recipient's name/position	Katy Rogers/ Environmental Manager	Date issued	09/03/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	A	

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.
A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,
O = Ongoing non-compliance, not scored.

Number of breaches recorded	0	Total compliance score (see section 5 for scoring scheme)	0
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Attendees

- Fiona McLachlan – HSE Manager (Dunbia Cross Hands)
- Katy Rogers – Environmental Manager (Dunbia Cross Hands)
- Luke Healy – Graduate Placement (Dunbia Cross Hands)
- Ieuan Davies – Industry Regulation Officer (Natural Resources Wales)

Introduction

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A meeting was prearranged to introduce Ieuan Davies (Natural Resources Wales) to the site operator following the departure of the former inspector, Nick Jenkins, to another role within NRW. The operator provided a site overview and tour, details of their environment performance for the previous 12 months and to highlight their ongoing concerns regarding surface water emission limits (ammonia) discussions specified in the environmental permit.

Site Tour

The inspector took a guided tour (internal and external) of the permitted installation and view current operations.

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Ammonia Limitation

Dunbia has two permitted emission points to surface water (W5 and W6); emission limits only apply W5 due to the potential for contamination on the yard entering surface waters. W6 permits the discharge of rain water from roofed areas only. The inspector was made aware of an ongoing dialogue regarding emission limit of ammonia on 0.25 mg/l and the risk of failure due to "naturally occurring contamination. The inspector will review the discharge arrangements at a future visit.

It is timely that this issue has again been raised as we will shortly have an opportunity to review

and hopefully resolve this longstanding issue as the revised Food, Drink and Milk Best Available Techniques conclusions (BATc) has now been published in the EU Official Journal (available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2019:313:TOC>). Natural Resources Wales will now review your permit following publication of these revised BAT conclusions. The permit review will cover operational activities at your installation that are relevant to the applicable BAT conclusions and will also provide an opportunity to review discharge limits. In addition, this review will allow NRW to consolidate your original permit to reflect changes made through earlier variations.

Further information on this re-permitting process will be sent in due course, however we do plan to send out EPR Regulation 61 notices to all permitted food and Drink Operators within the next 2 months, requesting necessary information, including a BAT gap analysis, to carry out our permit review. You will have 6 months from the EPR Regulation 61 notice date to submit the information requested.

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Groundwater/Soil Monitoring

The inspector made enquires of progress in compliance with the requirements of condition 2.10.9.1 of the environmental permit that requires periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination. NRW records indicate that we have not received any correspondence with regard to this condition. The operator stated that a submission would be forthcoming in order to meet the requirements of the permit. An update on progress will therefore be sought at a future compliance visit.

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Annual Improvement Targets

As part of the tour the operator provided an overview of their annual performance and environmental achievements for the past 12 months. The inspector highlighted condition 4.1.5 within their permit which requires a summary report of the previous year's progress against annual improvement targets to be submitted by the end of January. A number of the targets and details of progress made had been submitted as part of the Water and Energy Consumption Annual Returns for 2019. It was noted that the waste returns for 2019 did not include details of annual targets to be achieved.

Action: Operator to confirm:

- 1. details of waste targets outlined within the company's EMS for 2019 and*
- 2. forward details of environmental targets for 2020 included as part of the EMS*

Conclusion

This was the first visit since change of inspector, its purpose to familiarise the officer with site

operations and establish links with the site management.

EPR Compliance Assessment Report

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Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.