Cyfoeth Naturiol Cymru Natural Resources Wales

Compliance Assessment Report

Report ID: CAR_NRW0032638

This form will report compliance with your permit as determined by an NRW officer					
Site	Wrexham Mill	Permit Ref	AB3492ZQ		
Operator/Permit holder	Lloyds Animal Feeds (Western) Ltd				
Regime	Installations				
Date of assessment	30/11/2017	Time in	10:00	Out	15:15
Assessment type	Site Inspection				
Parts of the permit assessed	All Below				
Lead officer's name	Ellis, Rhys				
Accompanied by	McClymont, James				
Recipient's name/position	Tim Howell/ Group Operations Manager	Date issued	22/12/2017		

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
B4 - Infrastructure - Containment of stored materials	X	
C1 - General Management - Staff competency/training	C3	1.1.1, 1.1.2
C2 - General Management - Management system and operating procedures	C3	1.1.1
F1 - Amenity - Odour	X	
F2 - Amenity - Noise	X	
F4 - Amenity - Pests/birds and scavengers	X	

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	**2**	**Total compliance score** (see section 5 for scoring scheme)	8

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

1. Present in the meeting today was Regulatory officer Rhys Ellis and Jim McClymont of Natural Resources Wales (NRM) and Tim Howells (Group Operations Manager) and Paul Jones (Operations Manager) of Lloyds animal feeds.

In the audit today we covered the following main areas of the Environment Management System (EMS) and associated permit requirements:

- Organisation
- Emergency planning
- Competence and training
- Operations and maintenance
- Noise and Vibrations plan
- Pests plan

Throughout the audit we referenced the operational risk appraisal (OPRA) profile the operator submitted to Natural Resources Wales as part of the permit application. The OPRA assessment provides a risk rating which Natural Resources Wales can use to allocate its regulatory resources and to determine how much a business will be charged for an activity.

We also audited the odour management plan which was submitted in line with your improvement condition.

The last past part of the audit covered containment of material and a general site inspection

2. **Environment management system:**

The environmental management system is an important document and is a requirement under condition 1.1.1 of your permit. It should identify and minimise 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

Summary of Findings of EMS –

• The operator does have a management system in place. However it was noted and agreed by all parties that the EMS was lacking in several key areas, this was noted particularly when referencing against the sites OPRA profile. The areas lacking were discussed in detail and noted by the operator in the audit. This CAR form will summarise the main key areas.
• Some of the documents/procedures that were in place were difficult to link and follow from the EMS and not site specific.
• It became apparent that the EMS is not accredited to ISO 14001, contrary to what was stipulated in the OPRA Profile. The operator's aim is to compile an EMS equivalent to the ISO14001 standard.
• It was acknowledged that in some circumstances the operator had implemented positive measures, required in an EMS (for example several energy saving improvements), however these were not documented or the relevant documentation or procedures did not link in to the EMS and was difficult to follow/ track.
• Staff training requirements for responsible personnel need reviewing and improvements are required to record keeping.

Specific examples:

2.1 Organisation.

The site has an environmental Policy, however, the EMS needs to cover in more detail areas such as specific environmental objectives and how are these identified, set, monitored and reviewed.

The site also need to incorporate the following into the EMS :

• Control of management of change on the installation
• Design review of new facilities engineering and other capital
• Capital approval
• Purchasing policy
• Annual reporting of environmental performance, objectives and targets and future planned improvements. The site need to detail how these are tracked and kept up to date.
• Notification to Natural Resources Wales etc.

There also needs to be more detail on personnel structure and their specific responsibility. (including the Group Operations

Manager and Site manager). The operator's organisational structure should be sufficient to ensure that permit conditions are met. This will also relate to training requirements for responsible personnel discussed further under the competence and training section.

2.2 Emergency planning

Reference was made to Emergency planning section of the OPRA profile.

The accident management plan needs to cover the following aspects of foreseeable scenarios- Likelyhood, consequence, actions to prevent, actions to take in the event it occurs.

It was shown to officers that the aspect plan/risk assessment has been completed, however, the associated procedure for those aspects which had been determined significant need to be completed and referenced in the Environmental Management System. The operator needs to ensure that they are easily followed by relevant site personnel, who should also be trained on these.

The plan should identify areas where improvements are needed and where improvements have been identified there should be an implementation programme with acceptable timescales to Natural Resources Wales. Staff training and awareness was an example of one improvement that the operator is currently actioning.

It was agreed that the written procedures would be reviewed, expanded and updated where necessary and would be referenced clearly within the Environment Management System. A flow chart system was discussed as an idea for some of these procedures

2.3 Staff competence and Training.

Permit Condition 1.1.1 stipulates that the operator shall manage and operate the activities using sufficiently competent persons and resources, and Condition 1.1.2 stipulates that records demonstrating compliance with condition 1.1.1 shall be made.

It is important that the permitted installation is supervised by staff who are suitably trained and fully conversant with the requirement of the Permit. All staff shall be fully conversant with those aspects of the Permit Conditions which are relevant to their duties and shall be provided with adequate professional technical development and training, and written operating instructions to enable them to carry out their duties.

The operator should maintain a record of the skills and training requirements for all staff whose tasks in relation to the permitted installation may have an impact on the environment, and shall keep records of all relevant training.

Reference was made to section 'Competence and Training' of the OPRA profile

In summary 'training' is a section that the operator agreed improvements are required and a plan is already in place for the implementation of a HR representative who will help with establishing individual and organisational training (Gap analysis/Training needs analysis etc) needs and ensure that they are reviewed on a regular basis linked into an appraisal and training plan system.

Relevant procedures that are required to be put in place need to be finalised and incorporated into the EMS and rolled out to relevant staff.

Although there is an element of training for staff already existing on site, the EMS lacks information on this and fails to link to training records etc.

Training dates should be recorded for each employee, with a refresher date and a system to notify when the refresher date is due is advisable.

There needs to be more detail on personnel structure and their specific responsibility. It is also important that all relevant management and operational staff receive adequate training with regards to their responsibilities under the permit. This would include the operational manager and site manager who currently hold little or no training records.

It was also discussed that delegated staff should also be fully aware of the permit and relevant EMS and operational procedures and are suitably trained with regard to their responsibility under the permit. Examples include individuals who delegate on behalf of the Site manager occasionally. There should also be a record of this.

3. Breaches of permit and actions.

3.1 C2 – Management Systems

Due to the fact that there are areas lacking in the EMS and associated management procedures it is currently inadequate to ensure full compliance with the relevant permit conditions therefore the operator is failing to meet condition 1.1.1 of the permit and for this reason a **CCS3 score of 3** is recorded under criteria C2- Management Systems.

ACTION 1: It was agreed that the site would review the EMS in accordance with the discussions during the audit, cross referencing to the OPRA profile (particularly the sections mentioned above). The EMS should be updated to meet conditions of 1.1.1 no later than 2nd May 2018

3.2 C1 Staff competency and Training.

As highlighted in the report under 'Training and competency' improvements are required on site to ensure that staff are fully

conversant with those aspects of the permit conditions which are relevant to their duties. Staff should be provided with adequate professional technical development and training and written operating instructions to enable them to carry out their duties.

Due to our observations and issues noted during the audit in regards to staff competency and in particular training, the site are breaching condition 1.1.1 and 1.1.2 of the permit and as a result have been scored a **CCS3 score of 3** under sub criteria C1 Staff Competency and Training.

ACTION 2: Refer to staff competency and training section of this report for full details of observations and recommendations. Site to cross reference against the OPRA profile and provide a response to NRW of the training needs assessment that identifies all posts for which specific environmental awareness training is required. This assessment should identify and scope the level to which such training is to be given including a brief timescale. A formal update should be submitted to Natural Resources Wales no later than 2nd May 2017, together with a reference to particular training records or planned training.

ACTION 3. As discussed there are significant discrepancies between what is stipulated in your current OPRA Profile (submitted as part of the permit application) and what the operator currently has in place.

It is therefore imperative that the operator reviews the OPRA profile to reflect the current situation. The operator should detail the document reference number for each requirement that has been ticked 'yes' and any that are currently ticked 'yes' but are not in place should be amended to 'no'. Please submit the revised OPRA to Natural Resources Wales no later than 18th January 2018.

ACTION 4. When all necessary changes and updates have been made and all relevant OPRA requirements and associated documents completed as per audit recommendation, the OPRA profile should be updated again to reflect these changes and should include details of the new document reference number.

Please submit the completed OPRA profile as soon as possible following completion of the above so we can review the records internally.

4 Pest management plan

Having a pest management plan that sets out a number of measures you will take will not necessarily mean you will comply with this condition. Your obligation is to prevent pests or use all appropriate measure to prevent pests that amount to pollution from your activities.

Having said that you advised that as part of hygiene requirements for the site, it is imperative that the site effectively manage pests. You advised that the site is regularly inspected by a professional pest controller and appropriate measures such as netting are used on site.

Your pest management plan should summarise your pest management provisions and reference any plan, reports and measures taken on site to deal with pests e.g your pest control file.

Please complete your pest management plan no later than 2nd May 2018.

5 Noise and Vibration plan

This condition requires you to take appropriate measures to prevent or minimise noise. The measures required need to be reasonable, good practice and balance the costs and benefits to prevent or minimise noise. We expect any standards of industry good practice to be met along with the recommendations in our guidance.

The operator should assess if they are likely to cause any significant noise beyond your site boundary, if this concludes yes, then you should have a written noise management plan. This should show what the sources and the risks to receptors are, the measures you will employ and how you will respond to prevent or minimise the noise. The guidance H3 Noise assessment and control and some of the activity-specific guidance notes give more guidance on noise assessment and control and how to draw up a noise management plan.

Having a noise management plan that sets out a number of measures you will take will not necessarily mean you will comply with this condition. Your obligation is to prevent the noise or use all appropriate measures to prevent a noise that amounts to pollution from your activities. You may need to update this plan with further measures to ensure that the condition continues to be met. The situation and your responsibilities for controlling noise are very similar to those for controlling odour.

6. Odour management plan.

Thank you for submitting your plan as part of improvement condition 1. A couple of comments and recommendations were discussed during the meeting, which the operator has acknowledged.
Please submit the revised odour management plan by the 31st January 2017.

7 Containment and Pollution Prevention. (

Following our last inspection on site on the 22nd August 2017 it was encouraging to see that you are currently intending to procure suitable commercially available bunded storage container(s)in which to store your stocks of IBC containers outside.

Natural Resources Wales comments regarding the pipework for the loading of storage tanks penetrating the bund wall were noted, and you have now modified and re-routed over the top of the bund wall as suggested.

It was discussed that the integrity of the bunding should be inspected by a suitably qualified engineer to ensure that overall it fit for purpose (Please refer to Containment systems for the prevention of pollution – Secondary, tertiary and other measures for industrial and commercial premises – CIRIA C736).

You advised that you are due to have an internal meeting to discuss further proposals/development on site. Having reviewed the information in regards to containment, there are a number of issues relating to the positioning of chemical storage, transportation of chemical containers across the yard, poor condition of yard surface in certain areas, storage of add blue, refuelling station, wheel wash and positioning of surface water drains and interceptors connected to foul that should be considered in these discussions.

The operator advised that you are considering a long term proposal of concreting the far end of site with the aim of storing the IBC's within appropriate bunded storage containers on that location and consideration is to be given to location of the surface water drains and foul. You are also currently considering tertiary containment i.e installation of 'shut off valves' etc, which would be an useful contingency measure in the event of spills/leaks etc, and to help address some of these concerns mentioned above.

There are useful information and Guidance for Pollution Prevention (GPPs) on the below link.

http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/

Examples include -GGP 21-Pollution incident response plans
PPG 26-Drums and intermediate bulk containers
PPG 1- Understanding your environmental responsibilities – good Environmental practices

Action 5:

Please can the site respond detailing the outcome of the meeting and the improvements that will be actioned on site in regards to the above with timescales. Please also detail what additional measures will be taken by the site in the interim to ensure that containment/ spillages are controlled adequately. Please respond no later than 18th January 2018.

Action 6.

In order to determine whether or not the vehicle wash should be included as Directly Associated Activity within your permit can you confirm in detail what is the purpose of this facility.Please respond no later than 18th January 2018.

Cyfoeth Naturiol Cymru Natural Resources Wales	**EPR Compliance Assessment Report**	**Report ID: CAR_NRW0032638**

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

Site	Wrexham Mill	Permit Ref	AB3492ZQ
Operator/Permit holder	Lloyds Animal Feeds (Western) Ltd	Date	30/11/2017

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.

In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.

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			
C1	C3	Site to cross reference against the OPRA profile and provide a response to NRW of the training needs assessment that identifies all posts for which specific environmental awareness training is required. This assessment should identify and scope the level to which such training is to be given including a brief timescale. Site also to keep records.	02/05/2018
C2	C3	The EMS should be updated to meet conditions of 1.1.1	02/05/2018
B4	X	Refer to CAR form	18/01/2018
F1	X	Site to revise odour management plan to reflect discussions discussed during audit	31/01/2018
F2	X	See CAR form under Noise and Vibration Plan section	02/05/2018
F4	X	Refer to CAR form regarding Pest Management Plan	02/05/2018

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.