

## Compliance Assessment Report CAR\_NRW0037980

**Permit being assessed:** BP3630NH.

For: Llandyrnog Creamery, held by Arla Foods Ltd

At: Arla Foods, The Creamery, Llandyrnog, Denbigh, Denbighshire, LL16 4HH.

**Type of assessment carried out:** Site Inspection, Reason: Routine.

On 16/04/2021 between 10:00 and 11:45.

Parts of permit assessed: Inspection following site clearance and surrender application

**NRW Lead Officer:** Sian McGregor-Andrew.

**Report sent to:** Danielle Winspear, Environment Manager UK on 13/05/2021.

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

| Part of permitted activity assessed (criteria)                                                          | Assessment result | Permit condition |
|---------------------------------------------------------------------------------------------------------|-------------------|------------------|
| B2 - Infrastructure - Closure and decommissioning                                                       | Assessed (A)      |                  |
| D1 - Incident Management - Site security                                                                | Assessed (A)      |                  |
| G2 - Monitoring and Records, Maintenance and Reporting - Records of activity, site diary/journal/events | Assessed (A)      |                  |

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

| Total number of non-compliances recorded | Total non-compliance score |
|------------------------------------------|----------------------------|
| 0                                        | 0                          |

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?

No action required.

### 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.

**At this time, we do not intend to take any further action.**

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

**Site inspection following surrender application.**

Site meeting and inspection with Steve Power of EHS Projects on behalf of Arla UK on 16/04/2021 following receipt of a surrender application on 07/04/2021 and confirmation that the site has been cleared of plant and equipment related to the permitted activities.

The inspection was undertaken to ensure that no potentially polluting materials remained on site and that the closure and decommissioning plan was complete. Photographs were taken to record the physical state of the remaining infrastructure that may impact on emissions from the site.

**Decommissioning works**

All silos and storage tanks and ancillary pipework related to the permitted activities has been removed including the milk intake area and storage tanks, the effluent treatment plant, fuel tanks, bulk chemical storage and cleaning and refrigeration systems. The final milk silo tank visible in the photolog of site decommissioning activities submitted with the surrender application had also been removed the day prior to the inspection and was loaded onto a trailer awaiting removal from site.

Two general waste skips and a scrap metal skip remained on site for material generated during the final stages of site clean-up.

Refrigeration and air handling equipment from the process have been removed. The large cold store buildings and processing areas were all empty. The upper floor of the main building was not visited.

The effluent treatment plant and associated chemicals storage area had been completely cleared, removal included the control units and all tanks and ancillary pipework, only the below ground drains from the ETP bund sump remained in situ. The dosing chemical tanks were removed by the supplier. The grassed areas behind and adjacent to these areas were inspected and showed no sign of impact or contamination and the bund walling was visually intact.

Further information on the remaining empty bund and management until site sale was provided with photographs by email on 21/04/21.

Generally the site was very tidy, all drains and bund sumps were empty and residual waste confined to the designated skips.

**Site observations**

An inspection was made of the stream entering the site which is then culverted beneath the site from the boiler house area to the front entryway. The stream was clear and the trash screens at the upstream end of the culvert were clear. A photograph was taken of the final manhole of discharge from the site to the surface water offsite, the manhole in the site entryway contained flow from the culverted Nant Simon and site surface drainage. The water was flowing clear with no evidence of contamination visible.

An area of damage to concrete flooring in the indoor chemicals store was further investigated following the visit, additional photos received of excavation around the damaged area after the inspection was provided, showing an additional layer of concrete beneath. Damage to the top layer possibly caused by removal of racking stanchions.

Report received by email 21/04/2021. No further action required.

**Boreholes**

During the inspection photos were taken of the flow meters on two groundwater abstraction boreholes on site - point A and B within Abstraction Licence permit 24/66/1/0047. No decision has been made as yet on the fate of the on-site boreholes. logs have been made of the meter readings and the above-ground borehole infrastructure has been left intact and will remain so as part of the sale of the site. Advice on decommissioning boreholes has been previously provided and contact should be made with Natural Resources Wales regarding the transfer, or surrender of the Abstraction Licence once a decision is made.

**Monitoring**

NRW records do not show an annual return submission for 2020 which should normally be submitted by 31st January each year. The site was not operational during 2020 therefore would largely be a nil return, however a copy of the 2019 return has been emailed to the Arla site contact and a submission for 2020 and 2021 to the date of sale or surrender has been requested.

Photographs taken during the inspection are attached in a separate document.

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.

**What are suspended scores?**

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 and Waste action criteria (used in section 1 and 2):****A: Permitted activities**

- A1 Specified by permit

**B: Infrastructure**

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

**C: General management**

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

**D: Incident management**

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

**E: Emissions**

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

**F: Amenity**

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

**G: Monitoring and records, maintenance and reporting**

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

**H: Resources efficiency**

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

## Enforcement response

Any permit condition non-compliance 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 20 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 – 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.