

Compliance Assessment Report

Report ID:
CAR_NRW0032364

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

Site	Dolwen Abattoir EPR/GP3235GH		Permit Ref	GP3235GH	
Operator/Permit holder	Randall Parker Foods				
Regime	Installations				
Date of assessment	17/10/2017 - 18/10/2017		Time in	22:10	Out 11:55
Assessment type	Check Monitoring/Sampling				
Parts of the permit assessed	Noise				
Lead officer's name	Frost, Julia				
Accompanied by	Ross, Stuart				
Recipient's name/position	Gareth Gower/ Technical Manager		Date issued	13/11/2017	

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
F2 - Amenity - Noise	C2	3.5.1

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	1	Total compliance score (see section 5 for scoring scheme)	31
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

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

- On 17/18 October 2017 Natural Resources Wales carried out a noise monitoring exercise.

The weather conditions were dry, still and cloudy during the monitoring.

Monitoring was carried out between 23:40 and 23:56 on 17 October.

Monitoring was carried out between 10:41 and 11:12 on 18 October.

Monitoring was carried out between 22:20 and 22:50 on 17 October.

Monitoring was carried out between 11:16 and 11:46 on 18 October.

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It was noted during the monitoring exercise that the established trees along the boundary near to location B had been removed. Replacement trees were being planted when we arrived on the 18 October. This work was not underway during our monitoring therefore did not impact on the sound levels recorded.



A proxy background sound level was taken at 23:18 on 17 October from location C as shown above. This point was at a higher elevation than the nearest sensitive receptor to the site. The road and animal noise were influencing the sound levels recorded. During this time the LAeq was 38dB and the LA90 was 31dB

Permit condition 3.5.1 requires "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".

Observations made by Natural Resources Wales Officers on 17 and 18 October 2017 concluded that the activities are still causing a pollution outside the site and therefore this permit condition is still not being complied with. **Breach of permit condition which is considered to be an on-going amenity issue is classified as a category 2 breach in line with NRW guidance.**

Natural Resources Wales have reviewed the response to the Regulation 36 Notice. The response included a number of improvements to be carried out over the coming months. However, no monitoring data was provided as part of the response therefore we are unable to validate the assumptions and priorities made.

Step 3 of the enforcement notice required you to "...provide Natural Resources Wales with details of proposed improvements and anticipated impact on off-site noise...". The response received to date does not specify the likely reduction in sound from the proposed improvements at nearby receptors.

The outstanding information should be provided to Natural Resources Wales by the end of November 2017 to allow a full review of the Regulation 36 response and assess permit compliance.

A second Regulation 36 Notice may be issued in due course requiring improvements to be made on site to secure compliance with permit condition 3.5.1.

EPR Compliance Assessment Report

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Operator/Permit holder	Randall Parker Foods	Date	17/10/2017

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
F2	C2	See text in CAR form	30/11/2017

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.