

Compliance Assessment Report CAR_NRW0040663

Permit being assessed: AB3298HZ.

For: Project Yellow Recycling, held by Project Yellow Recycling Limited

At: Tynewydd Farm, Pendoylan Road, Groesfaen, Pontyclun, Rhondda Cynon Taff, CF72 8NE.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 09/11/2022.

Parts of permit assessed: Emissions from noise

NRW Lead Officer: Laoni Tye.

Report sent to: Tom Prichard, George Harvey, Howard Oakes and Carl Holder, Director, TCM, Operations manager and site manager on 09/11/2022.

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

| Part of permitted activity assessed (criteria) | Assessment result | Permit condition |
|--|-------------------|------------------|
| F2 - Amenity - Noise | Action only (X) | |

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?

| Criteria | Action needed | Complete by |
|----------|-----------------|-------------|
| F2 | See body of CAR | 22/12/2022 |

Action 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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This CAR is a review of the NIA's submitted to NRW on the 21st July 2022.

1 Introduction

1.1 The Industry and Waste Operations team requested that the Air Quality Modelling and Risk Assessment Team (AQMRAT) review a resubmitted noise monitoring assessment in response to a request by NRW to monitor the impact from the site under specific meteorological conditions.

1.2 The operator currently holds an existing environmental permit for operation of a recycling centre.

1.3 The monitoring report has been prepared to assess the impact of the operations on nearby sensitive receptors and to assess the performance of recently installed mitigation. The report has been prepared by the operator at the request of the NRW operations team to confirm the impact at receptors during certain meteorological conditions.

1.4 The site is located in a predominantly rural area in Pontyclun, the nearest noise sensitive receptors are approximately between 165m – 300m of the site.

2 Conclusions

2.1 Our checks and conclusions are based solely on the information provided in the submitted report, this includes all plant specification, location of plant and operational timing.

2.2 Following a request from NRW, the consultant has carried out additional noise monitoring at a number of sensitive receptors. Two reports have been submitted and we have assessed these two reports. One assesses the impacts at receptors (SSR 1(A) & SSR 2(B)) when there are easterly winds and the other report assess the impact at receptors (SSR 3(C) & SSR 4(D)) when there are westerly winds. The assessment therefore captures the impacts at receptors from the site under all likely wind directions, this appears reasonable.

2.3 Overall, impacts of external free field noise at sensitive receptors resulting from equipment and activities associated with the proposed development have been reviewed in accordance with the assessment criteria of BS 4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sounds”.

2.4 Previous reports predicted large exceedances of the background sound levels at all receptors, as such the operator has made a number of changes on-site. These changes have been explained in the submitted reports.

2.5 The monitoring reports assessed the impact of noise from the site, equipment and activities associated with the operation of the proposed facility at 4 locations (SSR 3 & SSR 4 for westerly winds and SSR 1 & SSR 2 for easterly winds. The assessment has been carried out for the daytime period only due to the site operating hours, this is acceptable.

2.6 For the easterly wind monitoring the consultant predicts an exceedance of 6-9dB above the background sound level at measurement position A (SSR 1) and 4-6dB above the background sound level at measurement position B (SSR 2) indicating a potential adverse impact.

2.7 For the westerly wind monitoring the consultant predicts 7-10dB above the background sound level at measurement position C (SSR 3) and 9-11dB above the background sound level at measurement position D (SSR 4) indicating a potential significant adverse impact. The consultant also repeated the measurement at position D, when the direct mount attachments had been installed on the mobile plant, this resulted in a slightly lower measurement, however it was still 7-9dB above background, indicating a potential adverse impact.

2.8 Our assessment assumes that final performance of all plant, mitigation measures and enclosures meet or exceed those indicated in the submitted report and are maintained

accordingly.

3 Comments

3.1 BS 4142:2014 assesses the likelihood of significant adverse impact by subtracting the measured background noise level from the rating level:

- A difference of around +10 dB or more is likely to be an indication of a significant adverse impact.
 - A difference of around +5 dB is likely to be an indication of an adverse impact.
 - The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact.
- 3.2 Since the initial assessment in 2019 a number of mitigation measures have been carried out on-site to reduce impact, these include reducing Spaleck source levels by modifying the item of plant, the operator has reduced the total number of items of plant on-site and has installed additional bunding to screen stationary plant. The report also states that; *“direct mount attachments had been fitted to excavators with the aim of reducing impulsive noise events, see repeat survey in Section 7.”*

Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact.

3.3 The site is operational between the hours of 0700-1800, with machinery starting up at 0800, as such the operator has only assessed the daytime reference period. This is acceptable.

3.4 Monitoring during the period of easterly winds was carried out from Thursday 28th April 2022 (0945) to Friday 29th April 2022 (1630). Monitoring during the period of westerly winds was carried out from Wednesday 4th May 2022 (0915) to Thursday 5th May (1700). The consultant has used the same measurement locations as in previous assessments, these represent the nearest sensitive receptors.

3.5 As part of the additional noise monitoring there was a temporary plant shutdown for 45 minutes on the 29th April 2022 for the easterly wind monitoring and again on the 4th May 2022 for the westerly wind monitoring. These values obtained have then been compared to the values obtained during previous monitoring campaigns in 2019/20, positions A, C & D are comparable, however the background sound levels obtained for position B are lower than initially measured in 2019/20, the lower background levels have been used in this assessment.

3.6 Both reports confirm that during the monitoring for both wind directions all on-site plant was operational, however for the repeat measurement at SSR 4 (position D), the report states that; *“During set up of the equipment on the morning of Monday 4th July 2022, the crusher and spaleck weren’t running. Continuous plant noise was audible with bucket noise impulses perceptible at both positions. There was also a squeak coming from one of the loading shovels buckets. We understand that a part was on order for this to be repaired however until it arrived, regular oiling of the part was being undertaken. Activity picked up in the afternoon, with all plant running simultaneously by 1355hrs.”* Both reports contain a log of what plant was operational and when (Appendix B).

3.7 Table 5.1 details the equipment used in the noise survey, the table shows that the sound

level meter, microphone, and acoustic calibrator used for the noise monitoring were calibrated within the 12 month and 2-year periods recommended by BS4142.

3.8 Section 5.3 of both reports summarises the weather conditions during the respective monitoring surveys. This is in accordance with BS4142, further the consultant has provided full details of the meteorological conditions over the entire survey period in Appendix B of both reports.

3.9 Figure 5.1 of both reports, show the location of all items of plant at the time the survey was carried out. Tables B.1 – B.4 in Appendix B of both reports, present the activity logs for all equipment used on site and all HGV movements during the survey.

3.10 Table 8.1 of the easterly winds report presents the specific sound levels at receptor SSR 1 (position A). The levels at SSR 2 (position B) have not been provided. A number of measurement periods have been excluded from the assessment as the residual noise levels are <3dB of ambient noise levels. This appears reasonable; however, it should be noted that the measurements do not need to be excluded, just explained. However, in this case, the measurements that have been excluded are the lowest hourly ambient measurements.

3.11 The consultant states that there is no tonal component attributed to the site noise, however there is evidence of impulsivity, as such the consultant has included acoustic corrections for impulsivity of between +2 and +4dB at receptors SSR 1 and SSR 2.

3.12 In the the easterly winds report, the consultant states that the noise impact at SSR 1 will be between 6-9dB above background and between 4-6dB above background at SSR 2, this indicates a potential adverse impact.

3.13 For context at SSR 1 the consultant states; *“Plant noise levels indicated around 52dB LAeq1hr. The existing ambient noise climate at this location contains significant contributions from road traffic noise which provides a level of masking noise. The overall (plant + road) noise level also indicated to fall below the 55dB outdoor amenity space upper guideline value in World Health Organisation ‘Guideline for Community Noise’ and BS 8233:2014. Levels are also indicated to be within 2-3dB of the residual noise climate.”* It should be noted that even though the ambient levels may provide some ‘masking’ for the plant noise, the plant is still audible at receptors, in addition, the WHO values mentioned above are not relevant for this assessment. The assessment and predicted impact of the operations should be as described by BS4142, which shows potential adverse impact.

3.14 The context argument for SSR 1 further states; *“The outdoor amenity spaces at these receivers all appear to be located to the west of the dwellings, meaning that dwellings themselves provide screening to the gardens, further reducing noise levels. Internally, assuming a 15dB loss through a partially open window, noise levels from plant are indicated at 37dB LAeq, falling in the 35-40dB LAeq daytime criteria range for habitable rooms in BS 8233:2014.”* Again, for internal spaces this argument is not valid as BS4142 states an impact in excess of 5dB above background indicates a potential adverse impact.

3.15 Tables 10.1, 10.3 and 11.1 of the westerly winds report, present the specific sound levels measured at the receptors SSR 3 (position C) and SSR 4 (position D). Tables 10.1 and 10.3 state that a number of measurement periods have been excluded from the assessment as the residual noise levels are <3dB of ambient noise levels. This appears reasonable, however, as

stated in paragraph 3.10 of this report, they don't necessarily need to be excluded, only justified.

3.16 The consultant states that there is no tonal component attributed to the site noise, however there is evidence of impulsivity, as such the consultant has included acoustic corrections for impulsivity of between +4 and +6dB at receptors SSR 3 and SSR 4 (including the repeat measurement taken due to additional mitigation employed).

3.17 In the westerly winds report, the consultant states that the noise impact at SSR 3 will be between 7-10dB above background and between 7-11dB above background at SSR 4 without the direct mount attachments on the excavators, this indicates a potential significant adverse impact. With the direct mount attachments installed on the excavators, the results show that the specific level is between 7-9dB above background, this indicates a potential adverse impact.

3.18 Again, for context at SSR 3 and SSR 4 the consultant has used the WHO Guideline for Community Noise' and BS 8233:2014 limits, as previously stated the WHO values are not relevant for an industrial noise impact assessment. The assessment and impact of the operations should be as described by BS4142.

3.19 In addition, for SSR 3 and SSR 4, the consultant has again used the argument of receiver amenity and states; "*The outdoor amenity spaces at this receiver appears to be located to the east of the dwelling, meaning the dwelling itself provides screening to the garden, further reducing noise levels. Internally, assuming a 15dB loss through a partially open window, noise levels are indicated at 34dB LAeq, falling just below the 35-40dB LAeq daytime criteria for habitable rooms quoted in BS 8233:2014.*" As stated in paragraph 3.14 of this report, this is not a justifiable argument to use in an industrial noise impact assessment.

3.20 Section 9 of both reports contains modelling of the potential impacts at the receptors, using measured sound power levels of the on-site plant and compared to the measured levels. We have not reviewed the modelling files as part of our assessment.

3.21 For the easterly winds report, section 10 (conclusions) states that, due to the context argument put forward in section 8, adverse impact is less likely, however it should be noted that the measurements have shown that background sound levels will be exceeded by 6-9dB at SSR 1 and 4-6dB at SSR 2, whilst adverse impact is less likely at SSR 2, the same may not be true for SSR 1. As mentioned in paragraph 3.13 and 3.14 of this report, the WHO guideline values and receiver amenity space are not relevant, therefore the context argument hinges on the other aspects mentioned in the submitted report.

3.22 For the westerly winds report, section 10 (conclusions) states that, due to the context argument put forward in section 8, the impact can be modified and could be assessed as an adverse impact, the measurements in the submitted report show that background sound levels will be exceeded by 7-10dB at SSR 3 and 7-9B at SSR 4, this appears reasonable as the impacts do not exceed +10dB as stated in BS4142, however an adverse impact is still likely based on the results presented in the submitted report.

3.23 It should be noted that improvements have been made on site since the initial noise

monitoring/modelling report was submitted to NRW. With impacts at the receptors originally between 9-19dB above background, to an interim level of between 7-12dB above background to levels now at between 4-11dB above background, potentially 4-9dB above background if the direct mount attachments are installed on the excavators. However, the current levels still indicate an adverse and possibly significant adverse impact at receptors.

Further comments on context

Section 13 conclusions of the reports states 'With context taken into consideration, we would advise the impact can be modified and could be assessed as an adverse impact, based on the absolute noise level of plant, location of outdoor amenity space, reasonable daytime operating hours of the site and historical site uses.

We do not agree with this context argument, the outdoor amenity space surrounds these properties at the front and the back. In regards to daytime operating hours, we understand that local residents are often in their homes throughout the day and using any amenity spaces. We also understand that the site is much busier than it was historically and information from local residents that it was not historically an issue.

In regards to the additional argument for easterly winds, the road traffic noise has already been considered as part of the background and this is not therefore to be considered as a context argument. The levels are showing as adverse above background level.

Going forwards

We understand that the outcome of the report will be disappointing, however, additional measures are going to need to be considered. We recommend re-looking at the most dominant noise sources, rating and focusing on these, to reduce their impact further. We believe there are additional things that can be considered, such as further reducing items of plant, reducing throughput, installing rubber grommets, sound proofing materials and/or mobile sound barriers (close to the source or receptor) such as those used in the construction industry. There are for example areas where the bund is not reducing the line of sight, improvements in these could assist further. These are suggestions to assist but the onus is on the operator to further consider.

Action: We are not setting specific actions or timeframes at this point but would welcome correspondence from you on any proposed actions to bring this element of the site back into compliance.

If you have any questions please let your regulatory officer Laoni Tye know. We can arrange a meeting to discuss but may struggle this side of Christmas, email correspondence would therefore be preferred in the interim.

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 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

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.