

Compliance Assessment Report CAR_NRW0040973

Permit being assessed: BV8016ID.

For: Kelloggs EPR/BV8016ID, held by Kellogg Company of Great Britain Ltd

At: Kelloggs Bryn Lane , Wrexham Industrial Estate, Wrexham, Clwyd, LL13 9UT.

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

On 22/12/2022.

Parts of permit assessed: Improvement Condition 11

NRW Lead Officer: Jamie Blythin.

Report sent to: Darran Edwards , Environment, Health and Safety Manager on 06/02/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	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
G4	Action 1: Complete IC11 by the agreed deadline - 30/06/23.	30/06/2023

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.

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

Following the issue of permit variation (EPR/BV8016ID/V008) on 14/02/22, the operator is required to complete Improvement Condition 11 (IC11):

'Following successful commissioning and establishment of routine steady operation, the Operator shall undertake noise monitoring at the nearest local receptors. This shall include:

- A full noise monitoring survey and assessment meeting the BS4142:2014 standard*
- 1/3rd octave and narrow band (FFT) measurements to identify any tonal elements or low frequency noise*
- Reference to the Welsh Government Noise and soundscape action plan 2018-2023.*

Upon completion of the work, a written report shall be submitted to Natural Resources Wales for approval.

Operator to review the noise management plan and update where necessary incorporating the changes to emissions to air and the new equipment with associated noise controls.'

The original deadline to complete IC11 was within 9 months of commissioning (14/11/22). However, following a meeting with Natural Resources Wales (NRW) on 10/10/22 to discuss IC11, the operator formally requested an extension for completion of IC11 until 30/06/23. The reasons given by the operator for the extension request were:

- Further discussion and clarity required relating to BS4142:2014 (related to letter from third party noise consultant which accompanied extension request)
- [Kellogg's] third -party noise consultant has advised that conducting environmental noise assessments during the winter months, has potential to impact/ obscure noise measurements due to adverse inclement weather conditions
- Ongoing construction work activities relating to the new Net World Sports facility adjacent to the North/East boundary of our site, would impact / obscure noise measurements.

After reviewing the letter from the third-party noise consultant (INVC) which accompanied the extension request, we have the following comments:

There appears to be some confusion on INVCs part as to the reason why a BS4142 assessment is required. As the permit was varied to introduce new plant and equipment an Improvement Condition was introduced to specifically require a BS4142 assessment. The addition of new sources is a trigger for such an assessment as detailed in the standard.

- Conducting a BS4142 assessment during the winter months can be challenging but is by no means unachievable, comments relating to ongoing construction work adjacent to the site may be relevant but little detail is provided as to how significant an issue this is for the assessment, i.e. when that construction work will end and when the facility will become operational and potentially contribute to the sound scape.
- INVC anticipate that it will be difficult to obtain the residual and background sound levels due to potential site shutdowns not aligning with suitable weather conditions. INVC state that *'site shutdowns are usually planned weeks, if not months in advance'* so at face value monitoring during a plant shutdown may not be out of the question and it should not be assumed that the weather conditions will be

unfavourable during such periods.

- Assuming the residual and background sound level cannot be derived during a site shutdown, then a surrogate location can be used as set out in the BS4142 standard. INVC have identified 7 possible locations in close proximity to the site and do not consider any to be suitable.
- If the use of a surrogate locations is to be pursued then we suggest INVC considers other locations around the Industrial Estate, potentially further away from the Kellogg's site. With reference to subclause 8.1.2 of the ANC BS4142 Technical Note v1.0, the choice of alternative locations should be justified with as much detail as is considered necessary to explain why it is considered acoustically similar to the assessment location. It is self-evidently important to get the choice of location as right as possible, but it is recognised that a 'perfect' location is unlikely to be available in most instances. It is therefore important to consider and explain the effect or consequence of how the alternative location might differ from the assessment location. As far as it possible, this should be factored into the consideration of uncertainty.

[ANC BS 4142 Technical Note v1.0 \(association-of-noise-consultants.co.uk\)](http://association-of-noise-consultants.co.uk)

- NRW does not set 'noise limits' in Environmental Permits as this is not in accordance with the application of Best Available Technique for the prevention and minimisation of noise.

On 28/10/22 we responded to the operator and agreed to extend the deadline for completion of IC11 until 30/06/23 on the understanding that there are no ongoing noise complaints and that a full assessment in line with the BS4142:2014 standard will be provided by that date.

Action 1: Complete IC11 by the agreed deadline - 30/06/23.

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.