

Compliance Assessment Report CAR_NRW0041640

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 03/04/2023.

Parts of permit assessed: Review of noise assessment proposal submitted to NRW
07/03/23

NRW Lead Officer: Jamie Blythin.

Report sent to: Darran Edwards , Environment, Health and Safety Manager on 06/04/2023.

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	Action1: Please review the noise assessment proposal submitted to NRW on 07/03/23 and address the points raised in the comments above before re-submitting the proposal to NRW.	09/05/2023

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

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In 2021, the UK Environmental Regulators (Environment Agency, Natural Resources Wales, Scottish Environment Protection Agency and Northern Ireland Environment Agency) produced noise guidance [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits) to help holders and potential holders of environmental permits apply for, vary, and comply with their permits. We did this as we have duty to regulate noise from certain industrial processes to protect and improve the environment, public health and wellbeing.

The methodology we stipulate in the guidance for quantifying the level of environmental noise impact from industrial processes is BS 4142: Methods for rating and assessing industrial and commercial sound' and both the methodology and our guidance are clear as to the requirements for determining that impact i.e. Excess of Rating level over Background sound level, considering context.

The method for establishing the Background sound level is outlined in our guidance - 'Step 2: off-site monitoring survey' and it is clear that when conducting measurements of the Background sound level that it is not influenced by site noise. If this is not possible e.g. due to the operation being continuous then an alternative (surrogate) location **must** be used and justification provided for the choice of location.

Further clarification is provided in the following paragraph –

'When you apply for a variation, do not include noise from the existing site (before changes) as part of the background or the residual sound levels. Your noise impact assessment must consider all the noise resulting from the proposed variation – the existing site and the variation together. Show both components clearly and then add them together to give a new total for site noise at the receptors. The impact assessment will be based on this new value, known as the 'specific level' in BS 4142.'

With reference to the guidance referred to above, we have reviewed the noise assessment proposal submitted to NRW on 07/03/23 and have the following comments:

1. noise measurement during the day and night time with the factory operating as normal, but 5141-D4020 and 5141-D407 turned off to determine the background and residual levels

This will provide a component of the Ambient sound level and not the Residual/Background sound level as required to fulfil our guidance. For a Residual/Background sound level to be measured, this must be done without the influence of the site and if this is not possible then a surrogate location must be used and justification provided as to why it was chosen. This location can be agreed with you prior to commencement of monitoring to ensure that it satisfies our guidance and BS4142. An example of the use of a surrogate location is provided in Annex A Example 10 of BS4142.

2. noise measurement during the night time only with the factory operating as normal, but 5141-D4020 and 5141-D407 both turned on together to determine the specific level and identify any tones or other acoustic features. The night time is the most critical period, and the lower background level will help to assess the specific level with more accuracy. We are also going to assume that the new equipment is always operating the same way regardless of the time of the day,

hence its specific level determined during the night time will be assumed to be the same as during the day time.

This will provide the Specific sound level that is inclusive of the proposed sound from the variation and is a component of the assessment.

3. it is very likely that it will not be possible to determine the specific level of the new equipment with enough confidence as it might be masked by the residual level. So we will also perform some measurements close to the new equipment and if required, calculate its contribution to the specific locations of interest. This can be done during the day time as it will be safer to walk on the roof and as we are assuming that its operation does not depend on the time of the day. It will also allow us to calculate the specific level of each piece of equipment separately.

This is a suitable approach and in line with BS4142 ensuring uncertainty is minimised and reported in accordance with the methodology and our guidance.

4. determination of rating level and comparison with background level during the day and night.

This approach is in line with BS4142 ensuring that the Rating level and Background sound level are measured/calculated according to BS4142, our guidance and the points raised above.

5. Proposed monitoring locations

We are satisfied with the proposed monitoring locations.

Essentially, the assessment hinges on the measurement of a representative Residual/ Background sound level in the absence of the influence of the site. The noise assessment proposal submitted to NRW on 07/03/23, does not exclude the site noise from the measurement and therefore could contribute to Ambient Creep.

Action1: Please review the noise assessment proposal submitted to NRW on 07/03/23 and address the points raised in the comments above before re-submitting the proposal to NRW.

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.