

Compliance Assessment Report CAR_NRW0041943

Permit being assessed: FP3893SF.

For: Recycling and Recovery Facility, held by Derwen Recycling Ltd.

At: Neath Abbey Wharf, Skewen, Neath, SA10 6BL.

Type of assessment carried out: Site Inspection, Reason: Incident Response (Incident number 2302827).

On 21/05/2023 between 20:00 and 23:30.

Parts of permit assessed: Noise

NRW Lead Officer: Sally Wakeford, accompanied by David Ellar.

Report sent to: Stuart Hanford, Operations Manager on 08/06/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F2 - Amenity - Noise	C3 Minor	3.3.1

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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	- Investigate the activities being undertaken during this period of monitoring and provide the findings of the investigation to NRW. - Provide to NRW the current Environment Management System for night-time operations. - Provide to NRW the current Noise Management Plan containing the appropriate measures for night-time operations or confirm the NMP from the planning permission submission is current and contains all measures implemented. - Improve Operations on site to ensure they are performed in compliance with your EMS and NMP. - Provide evidence to NRW of the improvements undertaken to the operations.	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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

On 21 May 2023 between 20:00 and 23:30 hours, NRW Officers Sally Wakeford and David Ellar attended at Neath Abbey Wharf following a number of noise complaints to Environmental Health at Neath Port Talbot Council from local residents. Officers were aware that there was the potential of a number of premises or activities in the area which could have been responsible for the noise complaints. Officers were in attendance to understand the sound profile of the area and identify the source and characteristics of any audible sounds from any site. Subjective assessment was carried out alongside noise monitoring using a handheld Bruel & Kjaer Sound Level Meter.

At the time of the assessment Derwen RRF was the only business or activity visibly operating in the area. It was found that noise from Derwen RRF operations could be heard offsite.

During a 15-minute monitoring period on the road outside the Derwen RRF premises a vehicle with reversing alarm operating in the yard area of the site, by the enclosed external bays, this was believed to be a forklift. Scraping and banging was also present and originating from the direction of the building, along with a continual mechanical drone and another siren/alarm.

NRW officers did not attend onto the site itself, but attended at Carndonnel Road, Castle Street and Bendle Close in Skewen. These areas are representative of the locations from which complaints have arisen. Periods of monitoring with the Sound Level Meter were also undertaken, with two 15-minute periods at Carndonnel Road and Castle Street.

At all three off site locations the mechanical drone described above was perceived by officers. At Bendle Close and Carndonnel Road the alarms and scraping/banging were also audible above the A465 road noise.

Following the monitoring, a telephone call with Stuart Hanford on 06 June, identified the sounds observed. The mechanical drone was likely the front-end feeder sizer, and the siren/alarm as the audible warning of the plant starting up.

NRW officers consider the level of noise from site observed during this period of night-time monitoring to be a pollution and suitable appropriate measures for night-time operations have not been implemented. As such **this is a Category 3 breach of permit condition**

3.3.1.

It is understood the planning permission for 24-hour operations is for internal operations only, and the site must be operated in accordance with the Noise management Plan (NMP) submitted during the planning application. This NMP contains appropriate measures for night-time working arrangements. This document does not include any appropriate measures for external operations, only internal operations, between the hours of 19:00 and 07:30 hours.

ACTIONS:

- Investigate the activities being undertaken during this period of monitoring and provide the findings of the investigation to NRW.
- Provide to NRW the current Environment Management System for night-time operations.
- Provide to NRW the current Noise Management Plan containing the appropriate measures for night-time operations or confirm the NMP from the planning permission submission is current and contains all measures implemented.
- Improve Operations on site to ensure they are performed in compliance with your EMS and NMP.
- Provide evidence to NRW of the improvements undertaken to the operations.

END

Any compliance criteria not highlighted in the above summary should be considered as not assessed.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.

You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.