

## Compliance Assessment Report CAR\_NRW0042050

**Permit being assessed:** BW9999IG.

**For:** Chirk Particleboard Factory, **held by:** Kronospan Ltd

**At:** Chirk Particleboard Holyhead Road , Chirk, Wrexham, Clwyd, LL14 5NT.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 30/06/2023.

**Parts of permit assessed:** Improvement Condition IC40.

**NRW Lead Officer:** Stuart Ross, accompanied by Paul Challender.

**Report sent to:** Chelsey Barker, Deputy HSE Manager, on 03/07/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	C3 Minor	2.4.1 (IC40)

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

Total 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
IR2E	Refer to details section.	31/10/2023

Compliance 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

This Compliance Assessment Report follows a review of the operator's response to Improvement Condition 40 as set out in Environmental Permit reference EPR/BW9999IG.

### **1. Improvement Condition 40 (IC40)**

*'The Operator shall update and submit the written Noise Management Plan describing the operating techniques employed. The noise management plan shall be structured in line with the Environment Agency online guidance "[Noise and Vibration Management: Environmental Permits](#)" and shall also address the delivery of all relevant [Production of Wood-based Panels BAT Conclusions](#). The written report will be incorporated into Table S1.2 of this permit as existing operating techniques. NB: The response to this IC should have consideration of comments made by WCBC in letter dated 8/06/2022.'*

For ease of reference, the Wrexham County Borough Council (WCBC) comments are as follows.

*'Environmental Health have recently completed a review of night time noise data recorded from an outdoor noise monitor situated in 2 resident's gardens and this indicates night-time noise impact from the Kronospan facility. Additionally, a review of noise reports carried out for Kronospan also indicates that there has been an increase in night-time environmental levels between 2016 and 2021, particularly at Maes Y Waun and Shepherds Lane.*

*As a result, Public Protection would recommend that a detailed acoustic survey (using narrow band frequency analysis and noise cameras) be carried out during the night to determine which specific pieces of plant and equipment are contributing to the night-time noise climate in Chirk. It is recommended that this survey be required as part of Kronospan's Noise Management Plan detailed in the consolidated environmental permit (NRW IC40).'*

### **2. Noise Management Plan Review**

The response to IC40 comprises a new Noise Management Plan (NMP) produced by Fichtner Consulting Engineers Limited on behalf of Kronospan Ltd.

Having reviewed the report, Natural Resources Wales (NRW) has identified a number of issues and omissions that prevent IC40 being discharged. This constitutes a breach of permit condition 2.4.1 and attracts a non compliance score of C3. You have been issued with a warning.

The primary reasons for this breach have been set out in the sections below, but please note this is not an exhaustive list.

It should also be noted that the review of the NMP is at a time when NRW continues to receive regular noise reports from residents in the vicinity of the installation. Night-time sound level monitoring exercises conducted by NRW in May 2023 identified noise emissions from the installation. These emissions as perceived by authorised officers of NRW, are at levels likely to cause pollution outside the site. The findings of these exercises have been communicated to the operator in CAR\_NRW0041822 and CAR\_NRW0041887.

### **3. Noise Management Plan Content and Structure**

The first component of IC40 requires that the 'Operator shall update and submit the written Noise Management Plan describing the operating techniques employed. The noise management plan shall be structured in line with the Environment Agency online guidance "[Noise and Vibration Management: Environmental Permits](#)"

The NMP covers some of the minimum requirements (components) as set out in the guidance. These components are copied below, underlined text denotes areas that we consider to be deficient or absent.

1. a clear statement that you understand and accept your responsibilities for controlling noise impact, and that you will regularly review the effectiveness of your NMP;
2. a commitment that either you, or your contractors or subcontractors, will make sure that any noise control equipment is designed, operated and maintained appropriately so it controls noise effectively at all times;
3. a risk assessment of noise problems from normal and abnormal situations, including worst case scenarios due to, for example, weather, temperature, breakdowns and accidents
4. details of the appropriate controls (both physical and management) needed to manage the identified risks [refer comment in Section 4 below]
5. confirmation of the level of monitoring that should be in place
6. details of the actions you will take, contingencies, and responsibilities, when problems arise (it is particularly important that you include expected actions resulting from exceptional circumstances or where serious pollution may occur)
7. confirmation of the procedures in place to consider reducing or stopping operations to avoid serious noise pollution
8. a procedure for engaging with neighbours to minimise their concerns and respond to complaints

In addition, specific areas that require attention are as follows;

1. Procedures for the control of contractors (to include haulage, despatch operations etc). For example, NRW has witnessed the use of vehicle horns during the night time.
2. Procedures for the management of change with regard to noise control measures, and consideration of low noise options when installing or renewing potentially noisy plant.
3. Details of the time restrictions in force for specified activities, as required by planning permissions and to ensure BAT is met. To include restrictions on maintenance activities that are likely to give rise to an adverse impact at noise sensitive receptors.
4. Confirmation as to all environmentally critical equipment for the prevention and minimisation of noise emissions being identified. Such plant should be recorded in a register and subject to planned preventative maintenance.
5. Clearly define the purpose of the EHS team noise monitoring exercises and how findings will be used for the purposes of noise remediation and continuous improvement.
6. NRW recommends that periodic noise impact assessments are carried out to assess the

effectiveness of installed control measures and that this is carried out by holders of either an Institute of Acoustics Diploma in Acoustics and Noise Control or Certificate of Competence in Environmental Noise Measurement with relevant experience.

7. Recent night time visits by NRW officers have identified that the despatch operations constitute a significant source of night time, off-site noise pollution. In particular, impulsive sounds from the sound of forklift trucks (FLT's) traversing the despatch yard. Furthermore, horn usage, shouting, hard driving of the diesel fuelled FLT's and vehicles left idling have all been witnessed by NRW officers. These practices were not challenged by night time senior management. Verbal communications with the operator indicates that these are practices that should not occur due to site procedures. The NMP makes no reference to the controls and procedures in place to control such activities.
8. Noise is subject to legal controls as applied by environmental and planning legislation. Specific planning conditions in relation to noise have been applied but no reference to the methods implemented to comply with planning conditions are listed.

As a general point, it should be noted that the NMP forms part of your Environmental Management System (EMS) and should therefore be designed and written in a way that robustly ensures permit compliance. For example, broad, high level descriptions of physical and managerial controls should be avoided to ensure site personnel are clear as to the NMP requirements and to avoid incorrect interpretation. References to other relevant operating procedures should be included in the NMP, or where appropriate incorporated into the document itself.

#### **4. Best Available Techniques (BAT)**

The second component of IC40 requires that the NMP *'shall also address the delivery of all relevant Production of Wood-based Panels BAT Conclusions'*.

The NMP provided lists potential noise sources at the installation within Section 3.3 and later in Section 4.2.2 includes a breakdown of the relevant BAT conclusions (BAT4) and a short high-level description as to how the operator considers they meet these requirements. Tables within Section 4.2.3 go onto to list some of the control measures for the potential noise sources.

The level of detail provided, however, is insufficient to allow any meaningful demonstration as to whether BAT is in place to prevent and minimise noise emissions, particularly for the most significant noise sources at the installation.

Where noise is possibly causing an impact, the operator must carry out an assessment to determine the level of impact and how much work needs to be done to prevent or minimise noise pollution. Without having determined the items of plant and operations that are giving rise to an offsite impact at noise sensitive receptors, a meaningful BAT assessment cannot be made.

As detailed in section 2 above, NRW considers that the installation is causing an offsite impact. Kronospan has a legal obligation to prevent significant noise pollution and also to comply with the requirement to use BAT to prevent or minimise noise pollution.

The BAT justification relies upon;

- an understanding of the installations noise impact at sensitive receptors.
- the identification and quantification of emissions from the noisiest items of plant and operations (which can be ranked by contribution at the receptor locations).

- A detailed examination of the existing control measures, other techniques available and the determination of what level of control is achievable. Where upgrades are identified, the operator must state the predicted impact and commit to completion timescales. Particular attention should be given to BAT4, items d – k.

A Noise Impact Assessment (NIA) must be undertaken to inform the BAT assessment. Detailed information on the four steps of a NIA can be found in the guidance.

It is noted that Kronospan intends to carry out a 'full site survey planned for Quarter 2 2023'. The scope of this survey is unknown to NRW.

### **5. WCBC Letter**

The improvement condition requires that *the response shall give consideration to comments made by WCBC in letter dated 8/06/2022*. Section 5.2.1 of the submitted NMP makes reference to the WCBC letter. This section is deemed insufficient to satisfy the terms of the letter as applied by IC40.

The letter indicates that “...*detailed acoustic survey (using narrow band frequency analysis and noise cameras) be carried out during the night to determine which specific pieces of plant and equipment are contributing to the night-time noise climate in Chirk.*”

Section 5.2.1 of the NMP states that if the methodologies stated in Section 5.2 of the NMP identified an increase in noise pollution, then this would trigger a detailed noise survey. The methodologies stated in Section 5.2 of the NMP only assess sound level and not frequency.

Section 5.2.1 also states “*In addition, a full site survey is planned for Q2 2023*”. This statement does not indicate the methodology for this survey or a clear statement that narrow band frequency analysis will be conducted.

In addition, the stated survey is planned for a date in the future. Therefore, the requirements of IC40 have not been satisfied.

**Action** - Kronospan Ltd is required to resubmit the Improvement Condition 40 (IC40) response. Kronospan Ltd must demonstrate the delivery of all relevant BAT Conclusions and to complete steps 1 – 4 as detailed in the ‘Noise and vibration management: environmental permits’ guidance. This must include the completion of a Noise Impact Assessment (NIA). The NIA must include a night time, narrow band frequency analysis as part of a wider determination of the specific items of equipment that are contributing to the night time noise climate of Chirk. This survey must be carried out by suitably qualified and experienced persons and be subject of a report submitted to NRW.

Resubmission of IC40 and NIA shall be completed by 31/10/23.

Kronospan Ltd should seek to discuss this action with the regulating NRW officers, if further advice and guidance is required to complete this improvement condition.

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.

**If your assessment result in Section 1 is suspended, what does this mean?**

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 compliance criteria (used in section 1 and 2):**

**1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

**2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

**3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

**4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

**Enforcement response**

Any non-compliance with a permit condition 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 twenty 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 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto: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](mailto: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.