

Notice of request for more information

Environmental Permitting (England and Wales)
Regulations 2016

Notice requiring further information

To: Maelor Foods Limited
Salisbury House
Vulcan Road
Bilston
West Midlands
WV14 7HT

Application number: PAN-020892 (EPR/AB3591ZQ/V004)

Natural Resources Wales, in exercise of its powers under paragraph 4 of Part 1 of Schedule 5 of the above Regulations, requires you to provide the information detailed in the attached schedule. The information is required in order to determine your application for a permit, dated 11/05/2023. The information requested should be sent to the following address by **27/07/2023**.

Information should be sent to:

Wales Permitting Centre
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP

Name	Date
Lucinda Hall	22/06/2023

Authorised on behalf of Natural Resources Wales

Schedule

We have reviewed your responses to this notice received 25.07.2023 and 27.10.2023. You have not satisfactorily answered the question. You have not provided a revised Noise Impact Assessment which meets published guidance.

Other questions where your initial response is satisfactory will have included a comment such as 'Based on the information provided to date there are no further comments at this time.' You need to ensure that your responses to the outstanding queries do not alter your compliance against these questions as they are not formally signed off until the entire notice is satisfied.

Submit to NRW:

- A revised Noise Impact Assessment (NIA) which assesses the impacts from the changes proposed to your installation. Your noise assessment must meet the standards set out within the Environment Agency's guidance, which NRW continue to follow: [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits). The assessment should be carried out by a qualified person.

A revised NIA has not been provided, but rather a supplementary noise assessment submitted. The supplementary assessment does not meet the standards set out within our guidance referenced above.

- Should the outcome of the above NIA identify adverse impact, submit a subsequent Noise Management Plan (NMP) in line with the above guidance.

We acknowledge that a NMP has been provided, however an updated NMP is likely to be required once the above request has been satisfied.

We would expect your revised Noise Impact Assessment to address (but not be limited to) the following:

- It is not clear if the site was operational during the noise survey, as the report from 2020 suggests that plant noise was audible during the measurement. It is a requirement of BS4142 that background sound measurements should be recent and should not be influenced by site noise. Additional background sound measurements should be undertaken, in accordance with BS4142 guidance, whilst the plant is not operational or additional justification needs to be provided for the background sound measurements used in the Noise Impact Assessment.

We acknowledge that an additional background survey was completed whilst the site was shut. By arrangement the plant was shut down Sunday 24 September 2023 @ 2pm through to 10am Monday 25 September 2023.

Provide the time series data and statistical analysis used to determine the background sound levels (LA90) at all receptors.

- We note there are other nearby noise sensitive receptors that have not been included in the assessment. All nearby noise sensitive receptors should be considered within the Noise Impact Assessment. The Noise Impact Assessment needs to include all nearby noise sensitive receptors, or additional justification provided for the receptors chosen and why they are deemed representative for the assessment.

Based on the information provided to date there are no further comments at this time other than the point raised above.

- The context in which a noise occurs is critical to assessing the severity of the pollution. Not every noise sensitive receptor will have the same response to the same noise pollution. Additional justification is required for the context argument presented in the Noise Impact Assessment report, due to the exceedances predicted at these receptors.

We are unable to accept the argument presented within Section 7 of the report as the justification presented is based on the previous Environoise modelling, which we have already stated that we cannot accept, as it does not meet the guidance: [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits).

Further justification may be required for any context argument presented following the completion of the revised Noise Impact Assessment which must assess plant noise as a whole site, compared against the measured background sound levels (in the absence of the site).

- All noise sources should be included in the modelling assessment as BS4142, and current guidance requires whole plant noise to be assessed. It appears

from the Noise Impact Assessment report and modelling files submitted that this is not the case. The Noise Impact Assessment needs to include all noise sources, or additional justification provided for the sources used.

The consultant has not assessed whole plant noise or followed the published guidance, which states: *“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.”*

You must provide an assessment of whole plant noise and compare it against the measured background sound levels (in the absence of the site).

- Section 4.3 of the submitted Noise Impact Assessment provides information related to acoustic penalties and concludes none are required. BS4142 and current guidance states that you should *“Record whether any character corrections are appropriate under BS 4142. Where neither tonal nor impulsive corrections apply, the environment agencies will generally expect a +3dB ‘other’ correction to be applied for readily distinguishable industrial noise, unless you can demonstrate this is not justified.”* As the plant is audible at receptors, a +3dB penalty should be applied in-line with current guidance. An updated Noise Impact Assessment should be submitted having included a +3dB penalty into the modelling or provide further justification as to why this is not required.

Provide additional justification for the choice of penalties used in the submitted report and justify the absence of tonality and intermittency penalties, as our own observations show a tonal element is present within the vicinity of the site.

- The results presented in the Noise Impact Assessment report (Tables 4.2 and 4.3) do not correspond with the consultants own modelling files. There is also a discrepancy between the results in the Tables referenced above and paragraph 4.4.6. within the report. Clarification is required over the discrepancy in data and the results tables updated to reflect the results of the model.

Based on the information provided to date there are no further comments at this time.

- The noise modelling assesses the impact from the plant and the HGV movements on-site separately. The predicted impact from the plant itself (including all sources) and HGVs should be combined to give a total specific level at receptors. Updated noise modelling files and Noise Impact Assessment report should be submitted which assess predicted impact from *all* sources from the plant and HGV movements combined within the same model.

Please see points above regarding the assessment of whole plant noise.

- The Noise Impact Assessment only provides information relating to HGV pass by's. No information has been provided regarding potential noise sources from HGV's unloading/idling on site during delivery/collection. Comprehensive information should be submitted in relation to how the lorries are loaded/unloaded, duration, the processes that take place during this time and include any noise sources associated with this process in the Noise Impact Assessment.

Based on the information provided to date there are no further comments at this time.

- Section 6 of the Noise Impact Assessment report includes details of proposed mitigation, however there is little information provided except "*A noise attenuation system capable of providing 8dBA reduction where the plant is to operate during the night-time (23.00 - 07.00hrs) should be installed to the open vents at the side of the condenser unit, as these are the primary source of noise*". Submit full details of your proposed mitigation measures, and how the predicted impact will be appropriately mitigated. It should be noted that the predicted specific level exceeds 8dB above background. The guidance does not allow for the dB value to be lowered by context, only the classification (adverse/significant adverse). You will need to rigorously demonstrate that you are using appropriate measures to prevent or, where that is not practicable, minimise noise in accordance with guidance.

Provide additional clarification for the results presented in section 6.0 of the submitted report. The results only highlight the proposed variation sources and have been taken from the Environoise report. We previously stated that the predicted results presented in the Environoise report were not adequate for a full assessment as they only considered new noise sources associated with the variation and not whole site noise, as required by our published guidance. In addition, there is no consistency in the reported results in Section 6.0 (6.2 – 6.19), 6.23, 6.25 and Section 9.0 (Table 9.1), as it appears different background sound levels are used throughout these sections, which results in different impacts at receptors.