

## Compliance Assessment Report CAR\_NRW0042962

**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:** 01/12/2023.

**Parts of permit assessed:** Improvement Conditions.

**NRW Lead Officer:** Paul Challender.

**Report sent to:** Chelsey Barker, HSE Manager, on 07/12/2023.

### 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	Permit Condition 2.4.1

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	Resubmit the NMP ensuring its measures are informed by a suitable NIA and BAT assessment. In addition, address the bullet-pointed comments listed in Part 4 of this CAR form in relation to the current version (01 November 2023 Noise Management Plan S2376-0270-0017RSF) of the NMP.	01/03/2024

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 (CAR) has been raised to comment upon the recently resubmitted Noise Management Plan (NMP) required by Improvement Condition 40 (IC40) of EPR/BW9999IG. The NMP is a much improved document from the last version submitted to Natural Resources Wales (NRW) which, details and assesses potential noise sources and describes controls, abatement, and potential improvements.

NRW does not however, consider the submission sufficient to satisfy the requirements of IC40. Namely the NMP should be informed by a suitable Noise Impact Assessment (NIA) performed by suitably qualified and experienced persons (SQEPs) which should in turn inform a Best Available Techniques (BAT) assessment and then the NMP. An NIA has not yet been conducted.

**Score:** IR2E – Improvement Programme. Permit Condition 2.4.1. Compliance Score C3.

**Action:** Resubmit the NMP ensuring its measures are informed by a suitable NIA and BAT assessment. In addition, address the bullet-pointed comments listed in Part 4 of this CAR form in relation to the current version (01 November 2023 Noise Management Plan S2376-0270-0017RSF) of the NMP.

NRW is aware of the issues that the operator experienced in acquiring SQEP independent noise/acoustic consultants within the timeframe necessary to meet the deadline for NMP resubmission. An NIA has been arranged by the operator and is scheduled to capture the relevant data imminently within a suitable weather window.

It should, however, 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. Further ad-hoc noise assessments have taken place in the interim in response to noise reports and in general observations in the locality. These emissions as perceived by authorised officers of NRW, are at levels likely to cause pollution outside the site. Although Kronospan Ltd has abated a noise source which, appears to have resolved a noise issue for one local resident; further visits to reporters have established that noise issues still impact upon some local residents as perceived by NRW officers.

### **01 November 2023 Noise Management Plan S2376-0270-0017RSF comments:**

#### **Section 3 Noise impact assessment**

Section 3.2 outlines excerpts from earlier NIAs. The listed excerpts, however, appear to only have assessed proposed new developments on the site rather than a side wide assessment.

The scope of these new development NIAs is not sufficient to develop a suitable NMP as required by IC40.

- The operator must ensure that the NIA utilised to inform the revised BAT assessment and NMP must be a site wide assessment.

#### **Section 4.1 Responsibility for the implementation of this plan**

The final paragraph of this section refers to procedures for the control of contractors in regard to the minimisation of noise impacts. These procedures have not been made available to NRW for review.

- The operator must provide procedures that minimise noise generated from contractor activities to NRW for review upon the submission of the revised NMP.

#### **Section 4.2.1 Permit requirements**

This section refers to permit condition 3.2 of EPR/BW9999IG as being the permit condition that applies to noise pollution generated by the installation, it also lists the text of that permit condition. This is erroneous. The section of the permit that applies to noise and vibration is 3.4 which contains permit conditions 3.4.1, 3.4.2(a), 3.4.2(b) & 3.4.3.

- The resubmitted NMP must reference the correct permit conditions.

#### **Section 4.2.2 Planning requirements**

This section lists relevant planning permissions containing noise conditions. Not all planning permissions containing noise conditions are present.

- Liaise with Wrexham Borough Council to create and maintain a consolidated list of planning permission noise conditions. Update section 4.2.2 of the resubmitted NMP with planning permission noise conditions.

#### **Section 4.2.3 Appropriate measures and best available techniques (BAT)**

Listed in item (b) of BAT 4 of EU BAT 'Reference Document for the Production of Wood-based Panels' is the statement "*Individual projects, as part of the planning application process, require a noise assessment. In most cases, and where possible, a standard of 75 dBA at 1 m from the exterior of any building is applied.*"

- As part of the new NIA the operator must assess and justify if the standard of 75 dBA at 1 m from the exterior of any building is sufficient to control noise pollution generated by the installation.

Listed in item (c) of BAT 4 of EU BAT 'Reference Document for the Production of Wood-based Panels' in this section is Kronospan Ltd document KC/EHS/PRO/017. This document has not been supplied with the NMP.

- Submit to NRW the document KC/EHS/PRO/017 with the resubmitted NMP.

#### **Section 4.3 Noise Risk Assessment and mitigation**

This section states that the noise sources have been assigned a perceived overall risk by utilising the Environment Agency's H1 guidance and assigns perceived risk as 'insignificant', 'not significant' or 'significant' and the assessment listed in Tables 2 to 13. This is counter to the requirements of the guidance document [Noise and vibration management: environmental permits](#). Furthermore, no noise sources in these tables have been assessed as significant and/or have been grouped in an inappropriate manner e.g. MDF1 and MDF2 cyclones have been assessed together although only one is an abated system.

- The new NIA must be conducted in line with the requirements of the guidance document [Noise and vibration management: environmental permits](#)

### **Section 5.2 Noise monitoring**

This section refers to KC/EHS/TEM/004 the *environmental incident form* it is unclear if this is presented in Appendix C.

- Clarify if document KC/EHS/TEM/004 is presented in Appendix C. If not submit document KC/EHS/TEM/004 with the resubmitted NMP.

This section outlines the twice monthly monitoring carried out by the EHS Team. NRW wishes to accompany a member of the EHS team during one of the night-time assessments.

- Arrange a suitable date for NRW officers to accompany the Kronospan HSE team member conducting a night-time assessment. Night-time is taken to be as defined by BS4142: 2014+A1:2019 i.e. 2300 hrs – 0700 hrs.

#### **Section 5.2.1 Specific requirements**

This section states that the twice monthly monitoring conducted by the EHS team is being utilised to satisfy the requirements of the Wrexham County Borough Council (WCBC) letter dated 08/06/22. NRW does not consider the Kronospan EHS team members SQEP to fulfil the intentions of this letter. The requirements of the WCBC letter must be conducted by SQEP personnel including noise survey and data interpretation.

- Kronospan must ensure that the requirements of the WCBC letter dated 08/06/22 are covered in the imminent NIA.

### **Section 6 Reporting and complaints response**

This section relies upon procedure document KC/EHS/PRO/016. This document has not been submitted with the improvement condition response.

- Submit to NRW the document KC/EHS/PRO/016 with the resubmitted NMP.

### **Appendix D**

Appendix D is an excel spreadsheet listing many identified noise sources within the installation boundary. Many items of plant have been listed with the majority subject to a qualitative assessment and a small number subject to a quantitative analysis. NRW understands that this document will be revised and updated in light of the imminent NIA.

- Update and revise Appendix D based upon the findings of the new NIA. Submit the

revised Appendix D with the resubmitted NMP.

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.