

Our Ref: EPR/XP3830UR

Mr Neil Shawcross
The First Milk Cheese Company Limited
Haverfordwest Creamery
Pembroke Road
Merlin's Bridge
Haverfordwest
Pembrokeshire
SA61 1JN

Date: 16th January 2024

Dear Mr Shawcross

EPR- XP3830UR First Milk (Haverfordwest Creamery) Improvement Conditions Review

Thank you for submitting First Milk's response to discharge the requirements of Improvements Condition (IC) 6 of the environmental permit EPR/XP3830UR.

- Email received on 22/05/2023 from Neil Shawcross (First Milk) with response to IC6.

Documents received from First Milk:

- SHE-POL-016 Noise Management Plan v1.pdf.

As you are aware, ICs were included as part of a recent permit review and variation (V006 issued 08/04/2022) following the publication of the revised Best Available Techniques (BAT) Reference Documents (BREF) for Food, Drink and Milk Industries. Improvement Conditions have been included to bring the site up to the necessary standard.

During the permit variation V006, a Noise Management Plan (NMP) was not provided as part of the requested information. Therefore, IC6 was included in the environmental permit requiring a NMP to be submitted to NRW for review.

IC6 - The Operator shall submit to Natural Resources Wales an updated written procedure(s) following additional investigative work describing how they intend to meet the following BAT requirements in accordance with requirements specified within:

• BAT Conclusion 13 of the Food, Drink and Milk Industries BRef Document (EU 2019) – In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to set up, implement and regularly review a noise management plan, as part of the environmental management system that includes all of the following elements:

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- *a protocol containing actions and timelines*
 - *a protocol for conducting noise emissions monitoring*
 - *a protocol for response to identified noise events e.g. complaints*
 - *a noise reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.*
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NMPs should demonstrate your competence and commitment to controlling noise pollution. It should be clear that you understand the noise pollution potential of any process, and that you have systems in place to manage that risk effectively.

We have reviewed the response provide in relation to IC6 with assistance from NRW's Air Quality and Noise Team (AQNT).

Our review has been undertaken using relevant guidance including: the Best Available Techniques Reference Document for the Food, Drink and Milk Industries (2019); Environment Agency guidance (GOV.UK published guidance) – Guidance “Noise and vibration management: environmental permits” (January 2022), section specifically relating to NMPs.

The NMP (SHE-POL-016 Noise Management Plan v1.pdf.) contains insufficient detail to discharge IC6. Please see the following comments for your consideration (an updated NMP will be required):

1. Responsibilities and review

The NMP is lacking details in relation to responsibilities and review of the NMP. The NMP must include:

- Details of the wider review of the NMP (not just a review of noise monitoring) including its effectiveness and a schedule for such review. You are required to regularly review your NMP (typically once a year).
 - Details of who is responsible for the regular review and maintenance of the NMP.
 - 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. Section 1.1 of the submitted NMP refers to “...good operational practices.” as the primary method of noise control with no reference regarding a requirement for noise mitigating equipment.
 - The submitted NMP makes no mention of training provision to staff and/or contractors to ensure operations are carried out in accordance with the stated aim of the NMP, i.e. undertaking site activities in a manner which minimises risk of generating a noise complaint. There is no other explicit mention or expansion in the NMP of any procedures to
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ensure that good operational practice is integrated into normal practice, e.g. training records, internal audits/reviews etc.

2. Sources

- You must ensure all noise sources on site are identified including clear description of each noise source. While Section 5.2.1 of the submitted NMP summarises the main noise sources, the specific risk(s) associated with each item of plant and operation(s) have not been identified.
- A risk assessment of noise sources/problems from normal and abnormal situations, including worst case scenarios due to, for example, weather, temperature, breakdowns and accidents must be completed.
- Should an abnormal operating scenario be identified, confirmation that either noise from such operations will not present any additional noise risk or include suitable description(s) of the specific risks associated with abnormal operations and suitable mitigation measures.

3. Site and receptors

Section 5.2.2/Table 1 includes a list of potential noise receptors (R1-R5).

- Receptor R1 for Pembroke Road does not identify the receptor category in terms of land use (residential, commercial etc). It is noted there are residential properties, retail/business along this road in close proximity to the site.
- Other sensitive receptors within close proximity to the site have not been identified. For example, it is noted that Lynnefield rest home is located South west of the site. Please review receptor list and update accordingly.

4. Noise monitoring and mitigation

- Details of the appropriate controls (both physical and management) needed to manage the identified risks. While Section 5.3 and Table 2 in the submitted NMP details mitigation measures for each identified noise source/activity, no specific risks associated with each item/activity have been identified (see previous comment in “sources” section above). Noise mitigation measures listed in the NMP should reflect identified noise risks from the risk assessment. Noise mitigations should be in line with Best Available Techniques (BAT).
- The NMP must contain 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).

The submitted NMP does not include any contingencies for abnormal operations or actions in the event of specific problems outside of normal operation which may result in additional noise issues from the site.

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- Identify conditions that are likely to constitute abnormal operation if applicable (alternatively state that abnormal operations are not expected to occur). Should an abnormal operating scenario be identified, confirmation that either noise from such operations will not present any additional noise risk or include suitable description(s) of the specific risks associated with abnormal operations and suitable mitigation measures.

You must identify responsible individual(s) and any appropriate actions which will be taken (where applicable) in the event of any problems which fall outside the scope of normal or abnormal operating conditions, and which may result in additional noise impacts at receptors. E.g., degradation in plant performance resulting in increased noise risk due to unexpected component wear/failure etc.

- The NMP must also detail procedures in place to consider reducing or stopping operations to avoid serious noise pollution. The submitted NMP does not identify any scenarios outside of normal operations which may result in a serious noise pollution incident or any associated contingency plan for ceasing operations should such an event arise.

State whether cessation of operations in the event of a serious noise pollution incident has been considered as a potential mitigation measure or confirm that this would not be necessary to mitigate a verified noise issue in any identified scenarios.

- The NMP should also include noise monitoring and reporting form templates and record keeping details. Where documents sit under the wider Environmental Management System (EMS) please provide reference to the relevant documents.

5. Engagement with neighbours and complaints/noise reporting

The NMP must have a procedure for engaging with neighbours to minimise their concerns and respond to complaints.

- Section 5.6 of the submitted NMP includes a detailed procedure for dealing with complaints. It would be beneficial to consider including a pre-emptive engagement strategy to reduce concerns following any complaints. Does the site inform neighbours about planned and unavoidable noisy activities?
- While Section 4.A.1 indicates that the responsibility for notifying NRW in the event of issues or complaints lies with the SHE Manager, Section 5.6.3 states that verified complaints will only be “... *discussed in the next appropriate management meeting and any potential actions to minimise the noise discussed and agreed.*”. The NMP does not include an explicit procedure to notify NRW in the event that any verified complaints received by the site. You must submit a Schedule 5 Notification to NRW in the first instance.

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- The NMP states neighbours can contact First Milk by phone, letter etc but doesn't include these relevant details and how the neighbours would know the phone number etc. Include details of any reporting form templates complainants can use.
 - You should investigate complaints promptly and take appropriate remedial action (timeline not clear in NMP, e.g. immediately investigate upon receipt of complaint, within 2 hours for reporting to NRW etc). You should tell the complainant, and anyone else likely to have been seriously affected, what has been done or still needs to be done, with timescales. You should record details of the complaint and actions taken.

Please review the comments above and update the NMP as necessary. You will need to review and submit a response/updated document to NRW by the 16/02/2024 (unless otherwise agreed in writing with NRW).

Yours sincerely



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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.