

## Compliance Assessment Report CAR\_NRW0044470

**Permit being assessed:** CB3195HG.

**For:** Jennings, **held by:** Jennings Building & Civil Engineering Limited

**At:** Plas Gwilym Quarry, 78 Llysfaen Road, Old Colwyn, Colwyn Bay, LL29 9HE.

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

**Reason:** Other.

**On:** 21/06/2024.

**Parts of permit assessed:** See below.

**NRW Lead Officer:** Sarah Walton.

**Report sent to:** Danny Jones, Technically Competent Manager / Director, on 21/06/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3D - Waste - Emissions and monitoring - Noise and vibration	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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
W3D	Review and make changes to Noise Management Plan, as per table below.	30/08/2024

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.

**At this time, we do not intend to take any further action.**

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

A Noise Management Plan (NMP) was requested for the site on 14/11/2023. This was required, following a number of noise complaints made to NRW regarding Jennings at Plas Gwilym Quarry.

The NMP was submitted on 06/02/2024.

This CAR form is a review of the NMP, which has been assessed against UK Environment Agency Noise Guidance:

<https://www.gov.uk/government/publications/noise-and-vibration-management-environmental-permits/noise-and-vibration-management-environmental-permits>

This NMP does not identify what could be causing the noise complaints noted above. A noise impact assessment has not been conducted to ascertain sound levels either on or off site.

Guidance Requirement	Operators Response	Relevant Section(s) of NMP	NRW Comments
Reference to UK Environment Agencies document 'Noise and vibration management: environmental permits.'	There is no reference to the guidance in this NMP.		<b>More information required.</b>  No reference to this guidance. The consultant should refer to the guidance when writing an NMP.

Regular review, typically once a year	There is no information relating to the review of the NMP.		<b>More information required.</b>  No mention in this NMP regarding the review frequency of the document - this should be included.
Consideration of land use around the facility and any future development.	Surrounding land uses comprise a depot to the north-west of the site with various storage and distribution companies, to the east comprises approximately 35m – 50m of the quarry overburden with open fields, residential properties and a school beyond to the south comprises approximately 80m quarry overburden with open fields beyond and to the west is Craig Road which runs parallel to the top of the quarry which could be considered predominantly residential.  No mention of future site developments.	Section 1.2 Site Location	Acceptable.
Clear statement that you understand and accept your responsibilities for controlling noise impact	This NVMP has been produced at the request of NRW via an email to the operator on 14/11/2023, NRW have mentioned complaints have arisen due to some activities taking place on site. This NVMP will therefore assess the risks arising from operations taking place at the site and will detail mitigation measures. The measures outlined in this NVMP will be put in place by site management of Jennings Building & Civil Engineering Limited to ensure noise and vibration is controlled using Best practicable means (BPM) to ensure the receptors listed in Section 2.2 below are not affected by the above proposals.	S1 - Site history / background  Section 5.3 Key responsibilities	Acceptable
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	<b>Risk assessment Table (section 4.3) outlines how the site will mitigate noise with relation to maintaining equipment and procedures on-site to reduce noise.</b>  All employees and sub-contractors of Jennings Building & Civil Engineering Limited involved with potentially noisy operations will receive training in noise and vibration monitoring and complaint reporting.  Training will be given to all relevant persons to make sure they are competent in completing noise and vibration survey forms, noise and vibration complaint report forms and the site diary to ensure sufficient monitoring of noise and vibration can be carried out and any problems addressed correctly.  When selecting new plant and equipment, consideration shall be given to the need to meet all legislation and statutory guidance on noise levels and to minimise levels of noise from selected equipment.	Section 4.3 – Noise Management Table	<b>More information required.</b> There is no mention of noise control equipment in the submitted NMP.

<p>A risk assessment of noise problems from normal and abnormal situations, including worst case scenarios due to, for example, weather, temperature, breakdowns, and accidents</p>	<p>In the event of any unforeseen circumstances i.e. faulty equipment, the site manager will make an assessment of whether to cease activities/all operations with the main emphasis on site will be to reduce any noise impacts.</p> <p>Each noise source is identified in section 3.4 – Site processes.</p> <p>Table 4.3 outlines the risk assessment for normal operations and provides information on what controls are in place to mitigate the risks.</p>	<p>Section 4.5 – Emergencies</p> <p>Section 3.4 – Site processes.</p> <p>Section 4.3 – Noise Management Table.</p>	<p><b>More information required.</b> There is a very brief section relating to an emergency, however, no detail provided regarding different scenarios or actions, this should be included. There is no mention of abnormal situations on site or how they would be managed, this should be included. It is unclear in the risk management table (Section 4.3) how the magnitude of the noise source has been determined.</p>
<p>Details of the appropriate controls (both physical and management) needed to manage the identified risks</p>	<p>Table 4.3 outlines the management controls for the equipment/plant on-site.</p>	<p>Section 4.3 – Noise Management Table</p>	<p><b>More information required.</b> More information required where the risk has been reduced from high to low.</p>
<p>Confirmation of the level of monitoring that should be in place.</p> <ul style="list-style-type: none"> <li>• subjective assessment of noise impact</li> <li>• objective</li> </ul>	<p><b>Qualitative monitoring proposed.</b></p> <p><b>Ongoing Qualitative Assessment</b> - Site management i.e. The site manager, compliance manager or TCM will subjectively monitor noise levels in and around the entire perimeter throughout the day. Should it be deemed necessary by site management monitoring using an appropriate Type 1 Sound Level Meter will be carried out while the site is operational should it be observed that unacceptable levels of noise are being emitted from the site.</p> <p>Qualitative only proposed as reactive.</p>	<p>Section 4.4 - Monitoring and Recording.</p>	<p>Acceptable</p>

<p>sound level monitoring</p> <ul style="list-style-type: none"> <li>• recording complaints (made directly to you, the environment agencies, or to a third party such as a local authority)</li> </ul>	<p><b>Regular Quantitative Assessment</b> - Should adverse impact be identified by NRW, site staff or third parties, subsequent investigations will be undertaken by site management and an appropriately qualified acoustician in order to identify the cause of the elevated noise levels. Additional relevant mitigation will be considered, which may include, but not be limited to; repair of malfunctioning plant, enclosure of plant, amendment, erecting acoustic screening to the top of the quarry edge or amendment to the layout of the site.</p>		
<p>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)</p>	<p><b>If any noise</b> complaints are received, the relevant operator will complete a 'complaints and events log' and detailed individually on the complaints form (in Appendix II), both of which will be kept for inspection on request by NRW or third parties. Details of information to be completed are dates, nature of complaint, weather conditions at the time of the complaint, investigation details, action taken and a signature (as a minimum).</p> <p>The operator would also be required to make a note of any unavoidable events plant/equipment malfunctions in the site diary, rather than just actual complaints received. This will ensure that if complaints are received retrospectively from either NRW or third parties, any circumstances which led to that complaint as a result of elements outside of the operator's control would be able to be attributed to the cause of the complaint.</p> <p>It must be noted that the site lies adjacent to several industrial uses, so in the event of a complaint, the operator will substantiate the complaint by carrying out noise monitoring to identify whether the complaint is valid. If the complaint is valid, the site will implement the complaint procedures check and if required, amend site operations.</p> <p>If the source cannot be ascertained with 100% confidence, site management will either suspend or reduce the likely noise generating activities.</p> <p>If the source is within the site's control, site management will take appropriate action to ensure the issue has been rectified. This may take the form of the following:</p> <ul style="list-style-type: none"> <li>• Investigating the source to prevent a re-occurrence.</li> <li>• Suspending operations which are not being conducted using best-practice controls.</li> <li>• Investigate noise mitigation measures</li> <li>• Logging findings of a – c in the site diary / complaints form and also in the reporting template within the EP.</li> </ul>	<p>Section 5 – Actions when complaints are received.</p>	<p><b>More Information Needed.</b></p> <p>It is not clear what noise monitoring will be conducted to identify 'whether the complaint is valid.'</p> <p>There is no mention in the NMP of what actions would be taken for when exceptional circumstances or where serious pollution may occur, this should be included.</p>

<p>Confirmation of the procedures in place to consider reducing or stopping operations to avoid serious noise pollution</p>	<p>It must be noted that the site lies adjacent to several industrial uses, so in the event of a complaint, the operator will substantiate the complaint by carrying out noise monitoring to identify whether the complaint is valid. If the complaint is valid, the site will implement the complaint procedures check and if required, amend site operations.</p> <p>If the source cannot be ascertained with 100% confidence, site management will either suspend or reduce the likely noise generating activities.</p> <p>If the source is within the site's control, site management will take appropriate action to ensure the issue has been rectified. This may take the form of the following:</p> <ul style="list-style-type: none"> <li>Investigating the source to prevent a re-occurrence.</li> <li>Suspending operations which are not being conducted using best-practice controls</li> <li>Investigate noise mitigation measures</li> <li>Logging findings of a – c in the site diary / complaints form and also in the reporting template within the EP.</li> </ul>	<p>Section 5 – Actions when complaints are received.</p>	<p><b>More Information Required.</b></p> <p>Very limited information as to what procedures are in place in relation to reducing/stopping activities. There is no reference to written procedures in the NMP which relate to reducing or stopping operations to avoid serious noise pollution.</p> <p>We would recommend that where specific actions are identified, reference to documentation is provided.</p>
<p>A procedure for engaging with neighbours to minimise their concerns and respond to complaints including:</p> <ul style="list-style-type: none"> <li>Notification to NRW</li> <li>Investigation route</li> <li>Preparation to stop a noisy activity</li> </ul>	<p>In the event of a significant, but temporary, increase in noise and vibration from the site, neighbours will be contacted to advise them of the occurrence and action being taken to remediate the issue on site. The operator will request contact information i.e. emails from the nearest receptors and advise of them of when any potentially noisy activities are to take place. Depending on what responses come back from receptors, the operator can make a decision whether or not for this to take place at a different time.</p> <p>An open-door policy will be encouraged by the operator to enable any complaints from neighbouring premises (if received) to be dealt with immediately. The complainant will then be supplied with remedial actions taken and any procedures or measures put in place by the operator to reduce or ideally eradicate the likelihood of a subsequent complaint.</p>	<p>Section 6.3 – Liaison with neighbours.</p>	<p><b>More Information Required.</b></p> <p>Site have committed to liaising with neighbours.</p> <p>NRW's permits require operators to immediately inform us of a breach of any permit condition. It is not clear in the NMP that this mechanism for reporting is</p>

			included. It is recommended that this is considered. Very limited information relating to the investigation of a complaint or how a potentially noisy activity would stop
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### **Other comments**

- The NMP does not provide the reference to procedures in place to consider reducing or stopping operations to avoid serious noise pollution. We would recommend that where specific actions are identified reference to specific documentation is provided.
- The NMP does not provide a procedure for notifying NRW of complaints. NRW's permits require operators to immediately inform us of a breach of any permit condition. It is recommended that this is considered.

Please review the site's Noise Management Plan, in line with NRW comments in the above table.

Should you wish to discuss or query anything in this CAR form, please get in touch using the details below.

Kind Regards,  
Sarah Walton  
Swyddog Rheoleiddio Gwastraff / Waste Regulation Officer

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

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

**1. Management**

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

**2. Operations**

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

**3. Emission and Monitoring**

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

**4. Information**

- W4A – Records
- W4B – Reporting
- W4C – 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.