

## Compliance Assessment Report CAR\_NRW0045045

**Permit being assessed:** BV8016ID.

**For:** Kelloggs EPR/BV8016ID, **held by:** Kellogg Company of Great Britain Ltd

**At:** Kelloggs Bryn Lane , Wrexham Industrial Estate, Wrexham, Clwyd, LL13 9UT.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 15/08/2024 between 14:00 and 16:00.

**Parts of permit assessed:** Improvement Condition 11.

**NRW Lead Officer:** Jamie Blythin, accompanied by Paul Challender.

**Report sent to:** EHS Practitioner , EHS Practitioner, on 23/08/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2A - Installations - Operations - Permitted activities	Assessed (A)	
IR2E - Installations - Operations - Improvement programme	Assessed (A)	
IR1A - Installations - Management - General Management	Assessed (A)	
IR3D - Installations - Emissions and monitoring - Noise and vibration	Assessed (A)	

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?

No action required.

### 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

This Compliance Assessment Report (CAR) follows a site inspection at Kellogg's to review Improvement Condition (IC) 11 of the environmental permit.

IC11 requires that

'The Operator shall undertake noise monitoring at the nearest local receptors. This shall include:

- A full noise monitoring survey and assessment meeting the BS4142:2014 standard
- 1/3rd octave and narrow band (FFT) measurements to identify any tonal elements or low frequency noise
- Reference to the Welsh Government Noise and Soundscape Action Plan 2018-2023.

Upon completion of the work, a written report shall be submitted to Natural Resources Wales for approval.

Operator to review the Noise Management Plan and update where necessary incorporating the changes to emissions to air and the new equipment with associated noise controls.'

IC11 was included as part of a permit variation which involved adding two additional pieces of equipment to the site (Seven Sisters and Bran Process Rotaclone) with the aim of assessing whether they impacted on offsite noise.

The operator carried out a noise survey and assessment in line with BS4142 including a narrow band frequency assessment in May 2023. A report was produced following this assessment (Ref R101371-Environmental Noise Impact Assessment-June 2023) and sent to NRW.

The Environmental Noise Impact Assessment Report concluded that the two pieces of new equipment do not significantly contribute to offsite noise levels. However, the results of the sitewide BS4142 assessment indicate that significant adverse impacts are likely at the majority of the assessment locations.

The operator contends that the sound levels recorded at the offsite locations are similar to those recorded in the 2021 assessment, suggesting that the levels from site have not increased. The predicted contributions at the assessment locations are considered low. A large part of the impact is driven by the low residual and background levels and as the background levels are based on surrogate locations there is a high degree of uncertainty

with the results. NRW have not received any noise complaints as a result of general site operations in the last few years.

The site Noise Management Plan (NMP) has been reviewed and updated. The latest version was sent to NRW on 19/08/24 and has the following document reference- Aug24-WX-EMS-0068-EREF-Noise Management Plan.

The operator completed additional works following the completion of the BS4142 assessment (Ref R10137B Best Practicable Means Audit, January 2024) which highlighted several items of equipment that are predicted to contribute to offsite noise levels. The assessment indicates that the overall offsite noise levels are the result of a combination of multiple sources, i.e. no one source dominates. If all of these sources are successfully treated the modelling predicts there will be a reduction of 2-3 dB at the offsite locations.

The operator has reviewed the eleven items highlighted and provided NRW with a plan of proposed improvements in line with Best Available Techniques (BAT). These proposed improvements were discussed with NRW during the site inspection on 15th August 2024 which, included observing each item of equipment on site.

NRW are satisfied that the requirements of IC11 have been met and this is now considered complete.

Please keep NRW updated on the progress of the works outlined in the document IC11- Review of findings of INVC Report R10137B BPM Audit which was sent to NRW on 14/06/24.

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.