

## Compliance Assessment Report

**Report ID:**  
**CAR\_NRW0035827**

**This form will report compliance with your permit as determined by an NRW officer**

Site	Treherbert Community Recycling Centre	Permit Ref	AB3091HR			
Operator/Permit holder	Cynon Valley Waste Disposal Co Ltd					
Regime	Waste Operations					
Date of assessment	03/10/2019	Time in	13:45	Out	15:15	
Assessment type	Site Inspection					
Parts of the permit assessed	Permit, working plan & site history in accordance with current site activities					
Lead officer's name	Warwick-Brown, David					
Accompanied by	Thomas, Ffion					
Recipient's name/position	Lee Foulkes/ Operations Manager	Date issued	17/10/2019			

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
--	--------------	-----------------------

**KEY:** See Section 5 for breach categories, suspended scores will be indicated as such.

**A** = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

**O** = Ongoing non-compliance, not scored.

<b>Number of breaches recorded</b>	<b>0</b>	<b>Total compliance score</b> (see section 5 for scoring scheme)	<b>0</b>
------------------------------------	----------	---	----------

**If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response**

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

### **Compliance Assessment Report – Treherbert HWRC, RCT (EPR/AB3091HR)**

Officers David WARWICK-BROWN & Ffion THOMAS visited Treherbert HWRC on 03/10/2019 between 13:45 & 15:15 for an arranged meeting with Operations Manager Lee Foulkes. The purpose of this meeting was to review the sites CCTV footage following the continued issues surrounding reports of noise emissions at the site from a local resident. Between 01/06/2019 and 28/08/2019, NRW have requested via email that CCTV footage should be checked for specific dates/times on 12 separate occasions. Our intention was to review this previously checked CCTV footage where possible, as well as reviewing 4 recent reports that have not yet been looked at since the last request at the end of August. The weather was overcast and intermittently raining during our visit.

#### **CCTV footage review**

The site database for CCTV footage stores files for a set period (approximately 2 months) before being automatically deleted – footage was available for being reviewed from the 13/08/2019 onwards. During the visit we firstly reviewed footage for the 4 recent reports that hadn't been previously checked by the operator. The original reports and our findings from reviewing this footage are as follows:

Report details	CCTV footage log
<b>01/09/2019, 10:15</b> – 'Caller reporting noise pollution from Treherbert recycling from 7:40am -8:30am this morning. Caller then states they were dragging bins around until 10am. Caller states he would like the cameras checked'.	07:34 – operator opens gate slightly and enters site
	08:05 – main gates open
	08:08 – first skip lorry arrives at the site and commences skip changes. No significant findings of lorry dragging skips in an unreasonable manner.
	08:26 – skip lorry leaves site
<b>02/09/2019, 09:21</b> – 'Treherbert recycling dragging skips again this morning at 7:30am'.	07:32 - operator opens gate slightly and enters site
	07:40 – first skip lorry pulls up and parks outside of the site gates.
	08:02 – front gates opened, then the skip lorry and a car enter the site.
<b>15/09/2019, 09:36</b> – 'Reporter stated that the noise from the Treherbert Recycling Centre is excessive - he stated that the noise started at 07.40 hrs this morning and this was the sound of the skip lorries "going over the speed bumps". The reporter stated that he has	07:40 – first skip lorry pulls up and parks outside of the sites entrance
	07:45 – 2 operators enter site
	08:01 – main gates open and skip lorry enters site
	08:01-08:15 – skip lorry undergoes process of changing over skips without any issues

<p>also been able to hear the sound of the hydraulics on the machines changing the skips - this has been intermittent all morning and was still ongoing at the time of reporting. The reporter has requested feedback. Linked WIRS – 1906128’.</p> <p><b>15/09/2019, 11:24</b> – ‘Treherbert recycling plant- reporter called at 08:40 but still making a 'hell of a noise', like an earthquake in his house. Changing skips, dropping and pushing them into place. 11:20- reporter wants site cameras checked as they're not meant to be doing this and says it would be caught on camera’.</p>	08:17 – lorry leaves the site
	11:07 – skip lorry enters site
	11:15 – skip lorry pulls up to change skips, moving slowly and steadily over speed bumps.
	11:17 – first skip changeover – no indication of skips being dragged or dropped.
	11:20 – empty skip dragged for approximately 10m before being lifted and placed onto the back of the lorry, and then manoeuvred into a new position on the site.
	11:24 – full skip lifted and placed back down for repositioning – unclear from CCTV if the skip was lifted off the floor or not
	11:28 – empty skip placed back in position on site
	11:29 – full skip placed onto the back of the skip lorry and leaves site.

Our findings from assessing these recordings were generally not consistent with the noise emissions at the dates/times they were reported to have occurred. These reports were specifically selected for reviewing due to the early times (outside of the sites operational hours) that noise was reported to have occurred at the site.

The only significant finding from these recordings was the dragging of the skip at 11:20 on 15/09/2019. Due to the distance it was dragged (~10m), it has been assumed that this manoeuvre would have emitted a significant amount of noise and has been determined as having a significant environmental impact from external receptors. It was also noted that this skip changeover lasted a considerable amount of time (10-15 minutes) due to the positioning of the skips and the available space for the changeover process at that time. At the time these recordings were reviewed, the operator made us aware that he has logged this finding and will be notifying the skip lorry driver. Whilst a review of the CCTV has visually indicated a skip drag that could feasibly resulted in a noise emission, condition 3.3.1 states that ‘*Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.*’ As this event was not substantiated by an authorised officer off site at the time no breach of condition has been recorded.

**Action:** We recommend that the skip change over process is reviewed to ensure that there is minimal noise emitted and that there is enough space for conducting the operation.

After reviewing these reports, we then watched the available CCTV recordings on the database that had previously been checked by the operator, to confirm whether the recordings matched the operators reports. These findings are as follows:

Report details	Operators report	CCTV footage log
<b>27/08/2019, 18:44</b> – ‘Caller reporting loud noises of skips	07:55- first member of staff comes onsite	07:30 – lorry drives past site entrance towards Everest Ltd next

being dragged and dropped and also items thrown into the skips since 07:30am this morning. caller would like a call from the site regulator on 28/08/2019 if possible’.		door. No activity on site
	08:00 – main gate opened	07:39 – lorry pulls up outside site and waits
	08:02 – MoP van enters, drives around site to deposit green waste. Everest lorry passes along the approach road	07:55 – first member of staff enters site
	08:04 - Amgen skip lorry enters site	08:00 – main gates open
	08:07 – Amgen skip lorry commences change waste bin.	08:02 – van enters site and drops of green waste
	08:25 – Amgen skip lorry leaves site	08:04-08:25 – skip lorry enters site and carries out a skip change efficiently without any signs of skips being dragged or dropped.
<b>28/08/2019, 09:51</b> – ‘Treherbert recycling plant- noise been going on since 07:40 this morning, after going on all day yesterday. Noise from lorries driving over speed bumps, beeping from lorry reversing sensors, changing skips, dropping skips onto concrete floor and pushing them, changing skips, throwing materials into skips.’	07:41 - RCT staff member arrives, unlocks gate and enters.	07:41 – first member of staff enters site
	07:59 - 2nd member of staff arrives	07:46 – 2 skip lorries park up outside of the site
	08:00 - Opens gate to site	07:59 – second member of staff enters site
	08:01 - first member of the public drives in and drops off green waste. 2 x Everest lorries leave	08:00 – gates opened
	08:02 - 2 x bin lorries enter to change bins	08:01 – member of public enters site and deposits waste.
	08:18 - Bin change over complete	08:02 – 2 skip lorries enter site and undergo process of changing skips. Slight dragging seen during one of the skip change-overs at 08:15.
		08:18 – skip change over complete. Skip lorries leave site.

After reviewing these CCTV recordings against the operators reports, it was evident that they were consistent with each other, and we agree that the footage doesn’t appear to match the initially reported noise emissions at the site.

#### Site inspection

Prior to the CCTV review, we witnessed a skip changeover at the site shortly after we arrived. The manoeuvring of the skips was generally conducted in an organised manner. Loud noise was emitted during the changeover from the dragging of the skips, however, the noise only lasted for a matter of seconds and was not considered to be detrimental to the surrounding environment.

Following the CCTV review, Lee talked us through the recent upgrade to the acoustic barrier fence. As explained, a further layer of timber had been added to the fence to increase its density and therefore create a thicker barrier for noise emissions from the site. Lee stated that the recommended density for the acoustic fence was 15kg/m<sup>2</sup>, and that the density of the fence on site was 20kg/m<sup>2</sup>.

We also discussed the Waste Electrical and Electronic Equipment (WEEE) storage query highlighted during our last inspection on 12/09/2019, whereby large WEEE items were being stored outside of containers and without cover. After a further look into the permit, the requirements within the WEEE Directive, and the DEFRA Guidance on Best Available Treatment Recovery and Recycling Techniques (BATRRT) and treatment of WEEE, it has been determined that the use of waterproof covering is not required since large WEEE is not intended for reuse. However, a further issue was determined after an inspection of the Working Plan, which is outlined in the following section.

#### **Further comments**

During the meeting we briefly talked about the next appropriate steps for the site in terms of the appropriate measures assessment and the follow up noise assessment with further noise monitoring, as requested via email on Monday 29<sup>th</sup> July 2019. NRW are yet to receive an appropriate measures assessment and would like to further request that this is completed to clearly outline the extensive work that has already been conducted at the site in response to the noise complaints. Further information on the completion of an appropriate measures assessment can be found in [How to Comply](#) and the [H3 Noise Assessment Guidance](#).

**Action:** Please complete an appropriate measures assessment by **Thursday 14<sup>th</sup> November 2019**.

Regarding the further noise monitoring, we are currently awaiting a response from the Environmental Health department at RCTCBC as they have recently conducted further noise monitoring from the reporters' property. Once this has been received and analysed, we will then review the monitoring results and your appropriate measures assessment to audit compliance with permit condition 3.3.1, to determine if the measures undertaken have minimised the noise impacts off site.

Thank you for taking the time to meet with us at the site on this occasion.

If you have any issues with this report, please contact David Warwick-Brown on 0300 065 3683 or [david.warwick-brown@cyfoethnaturiolcymru.gov.uk](mailto:david.warwick-brown@cyfoethnaturiolcymru.gov.uk)

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.

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0035827**

**This form will report compliance with your permit as determined by an NRW officer**

Site	Treherbert Community Recycling Centre	Permit Ref	AB3091HR
Operator/Permit holder	Cynon Valley Waste Disposal Co Ltd	Date	03/10/2019

### Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

### Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			

## Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General information

### Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk). If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

#### Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.