

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

Site	Project Yellow Recycling	Permit Ref	AB3298HZ		
Operator/Permit holder	Project Yellow Recycling Limited				
Regime	Waste Operations				
Date of assessment	24/04/2020	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	3.3.1 Noise impact assessment				
Lead officer's name	Tye, Laoni				
Accompanied by	Saul White				
Recipient's name/position	Tom Prichard, Carl Holder and Gareth Danter-Hill/ Director, Technical Manager and TCM	Date issued	15/06/2020		

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
G1 - Monitoring and Records, Maintenance and Reporting - Monitoring of emissions and environment	X	

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.

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

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

This report is our response to the Noise Impact Assessment produced by Hunter Acoustics, report dated 30th September 2019 (received via email on the 16th October). These comments have already been provided in an email on the 5th May 2020 referenced FW: C409 - Project Yellow Recycling Operations. Date of review 24th April 2020.

1. Introduction

1.1 South East Wales operations asked the Air Quality Modelling and Risk Assessment Team (AQMRAT) to review a noise impact assessment¹ submitted by Hunter Acoustics on behalf of Tom Pritchard Contracting Limited. NRW operations requested a noise impact assessment for this site.

1.2 The report details the results of a background sound survey carried out at nearby receptors, source noise measurements of the operations and a model predicting operational noise at nearby receptors.

2. Conclusions

2.1 Our checks and conclusions are based on this information provided in the report by the consultant.

2.2 We were unable to open the modelling files submitted as we do not have the software the consultant used to build the noise model. In addition, the consultant was unable to send a .QSI file to allow us to audit the model in our software. Therefore, we have been unable to audit the actual modelling files. It should be noted though, that the consultant has predicted large exceedances of the background at the receptors which indicate a significant adverse impact.

2.3 The site operates from 0700-1800 Monday to Friday; however, machinery does not operate until 0800.

2.4 The consultant carried out background monitoring at 4 positions labelled A-D, representing the 4 receptors

2.5 The consultant's results show that the impact is +10dB above the background at all receptors, which

according to BS4142 could have a potentially significant adverse impact.

2.6 The submitted report details weather conditions including wind speed and direction.

2.7 Data including LA_{max} , LA_{eq} and LA_{90} was logged at consecutive 15-minute periods, in accordance with BS 4142:2014.

3. Detailed comments

3.1 The consultant has undertaken noise modelling using noise modelling software NoiseMap Five modelling software, referencing BS 5228: Parts 1 & 2 2009 'Code of Practice for assessing noise and vibration on construction and open sites.' AQMRAT does not have this specific piece of software so has not audited the submitted modelling files.

3.2 The consultant carried out on site source measurements on the various pieces of plant equipment and activities to gather data to input into the model. The original measurements were taken on Friday 31st May 2019 (0930-1200), to coincide with the background noise measurements, however not all the plant was operational. The consultant carried out an additional visit on Thursday 6th June (1200-1300) to capture the other plant.

3.3 Third-octave band analysis was also carried out to investigate the character of the sound and if subsequent penalties were needed.

3.4 The consultant has assessed the predicted impact using the BS 4142:2014₂ assessment methodology.

3.5 BS 4142:2014 assesses the likelihood of significant adverse impact by subtracting the measured background noise level from the rating level:

- A difference of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.
 - A difference of around +5 dB is likely to be an indication of an adverse impact, depending on the context.
 - The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.
- 3.6** The consultant carried out background monitoring at 4 positions labelled A-D, which represent the 4 receptors from 1400 on Thursday the 30th May 2019 until 1415 on Friday the 31st May 2019 to establish the existing background sound levels during proposed operational hours. The report states; *"Note: The site was operational during the monitoring however all plant was shut down during a break around 1030-1100hrs on Friday 31st May to provide a daytime period for assessing*

existing background sound levels. This is evident on the time history graphs in Appendix B.” However, the

3.6 BS4142 states the reference period for daytime monitoring is 1 hour, the consultant has used a 30-minute period to acquire the results, this is not in line with BS4142. In addition, page 12 of the report gives the background levels as LA90, 15 mins.

3.7 Background sound levels for the 4 receptors are given in Table 5.1 of the submitted report, the figures in the table correspond with the period between 1030 and 1100 when the plant was not operational. It should be noted that background sound levels may be lower earlier in the morning when the plant could be operational.

3.8 Table 5.2 gives details of the source sound levels of the plant on-site and also includes the activities and lorry movements on-site. Measurements have been taken between 5-30m from the equipment.

3.9 Table 6.1 gives proposed environmental noise limits for the plant based on the sound not exceeding 5dB of the measured background. This is not relevant as the consultant should seek to minimise noise from the operations, not look to set a noise level at the maximum allowable level.

3.10 Section 7 of the report provides details of the model. The report states that all plant on site can be operate at the same time and there can be up to 20 HGVs in a worst case 1-hour period. The consultant has modelled this to provide a worst-case scenario.

3.11 No detailed site map was provided in the submitted report. The consultant has included proposed site layout showing locations of plant and lorry movements based on observations on-site. The operator of the site should provide an accurate site plan detailing the above.

3.12 No detailed terrain information was included in the report, the consultant states on page 15 of the submitted report; *“We would request detailed topographical data showing height of bunds and positions. Our model includes for a 5m high screen/bund around the entire site perimeter (excluding haul road) to demonstrate likely levels achieved with all plant running.”* Detailed terrain data should be provided to ensure a worst-case scenario has been assessed.

3.13 Table 7.2 shows the results of the modelling assessment, giving daytime sound levels at 1.5 and 4.5m at the receptor, this represents ground floor and first floor levels and is in-line with BS4142.

3.14 Section 7.3 of the report gives the results of the modelling assessment; Appendix B of the report contains the full BS4142 assessment. Page 19 of the report gives a background LA90 at receptor B of 57dB, elsewhere in this report it is 54dB, however, the full BS4142 results in Appendix B gives the correct figure of 54dB.

3.15 No audio recording was taken at location A; however, the consultant has stated that recordings were taken at location C which is of a similar distance to position A. The analysis showed no tonality or

impulsivity, meaning no penalty was appropriate, however to be robust an addition of a +3dB penalty for 'other sound characteristic' has been added.

Audio recordings were taken at location B; the plant was not audible above road traffic noise at this location, the consultant added a +3dB penalty to provide worst case. At location D audio analysis was carried out and based on this a +3dB penalty was added for impulsivity. This analysis has not been made available as part of this submission, therefore we are unable to verify this, and the penalties applied may underestimate the impact.

3.16 Section 8.1 of the report details potential mitigation measures, the consultant states that reducing the impact of noise at source is not possible due to the type of plant. No detail has been provided, so this should be investigated further to see if the impact can be further reduced.

3.17 Section 8.2 of the report states that a 5m noise barrier around the site's boundary has been included in the modelling assessment, however, the applicant further states that this was not effective, in part due to the location and elevation of the site.

3.18 Section 8.2 states *"Local screening close up to each item of plant could be assessed, however the total permissible number of items of plant may need to be reduced (with maximum screening loss to each item of plant, the impact at SSR1 is still indicated to be significant)."* This hasn't been assessed and due to the impact from the site at local receptors, the consultant should explore this option in more detail.

3.19 In an email accompanying the submission, the idea of erecting a building on-site to reduce impact is not an option at this time. This should be justified fully, as no information has been provided.

3.20 Section 8.3 details good practice as stated by BS 5228-1:2009. The options listed appear reasonable, however as stated above further methods to reduce the noise impact should be investigated.

3.21 Appendix B specifically figures B.1 and B.2 show the approximate weather conditions on Thursday 30th May and Friday 31st May 2019 when the background measurements were carried out. This is crucial information as wind speed/direction can impact the results.

3.22 Figures B.3 to B.6 are time histories of the recordings at each of the 4 receptors. The graphs back-up the assumptions made in section 7.3 of the report, where at receptors A, C & D you can see the drop in sound level when the plant is switched off between 1030 and 1100, there was no change in sound level at receptor B, which corresponds with the observations made, that the plant isn't audible at this location.

3.23 Table B.3 gives the results at receptor 1 (Dwellings rear of Castell Mynach). A +3dB acoustic penalty has been included for 'other sound characteristic', this results in an impact of +19dB above background, resulting in a potential significant adverse impact at the receptor.

3.24 Table B.4 gives the results at receptor 2 (Dwellings on Llantrisant Road). A +3dB acoustic penalty has

been included for 'other sound characteristic', this results in an impact of +9dB above background, this means a potential adverse impact at the receptor.

3.25 Table B.5 gives the results at receptor 3 (Dwellings on edge of Groesfaen). A +3dB acoustic penalty has been included for 'other sound characteristic', the consultant has provided a background sound value of 46dB in the report, however they have used background value of 48dB assessing impact, hence underestimating the total impact. When using the background sound level of 46dB, the overall impact at the receptor is +17dB and not +15dB as stated in table B.5. This results in a potential significant adverse impact at the receptor.

3.26 Table B.6 gives the results at receptor 4a (Maendy Farm). A +3dB acoustic penalty has been included for 'impulsivity, this results in an impact of +15dB above background, this means a potential significant adverse impact at the receptor.

3.27 Table B.7 gives the results at receptor 4b (Llwynsaer Farm). A +3dB acoustic penalty has been included for 'impulsivity, this results in an impact of +15dB above background, this means a potential significant adverse impact at the receptor.

Action: We understand this document has been shared with Hunter Acoustics already. We will await a response in due course.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036680**

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

Site	Project Yellow Recycling	Permit Ref	AB3298HZ
Operator/Permit holder	Project Yellow Recycling Limited	Date	24/04/2020

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.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

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			
G1	X	Share the comments with the consultant and respond as necessary	22/06/2020

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. 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.