

Compliance Assessment Report

Report ID:
CAR_NRW0036673

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	21/05/2020 - 27/05/2020	Time in	12:10	Out	08:30	
Assessment type	Report/Data Review					
Parts of the permit assessed	3.3.1					
Lead officer's name	Tye, Laoni					
Accompanied by	Coleman, Craig					
Recipient's name/position	Tom Prichard, Carl Holder and Gareth Danter-Hill/ Director, Technical Manager and TCM	Date issued	24/06/2020			

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
F2 - Amenity - Noise	C2	3.3.1

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	1	Total compliance score (see section 5 for scoring scheme)	31
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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 CAR form has been produced in response to reports of noise on the: 21st May (WIRS 2003507); 22nd May (WIRS 2003554) and (WIRS 2003566) and 26th May 2020 (WIRS 2003640). Officers attended on the 21st and 26th May and substantiated significant noise coming from Project Yellow Recycling Ltd. Officer Laoni Tye also attended on the 27th May 2020 where noise was substantiated but as having no impact. Details of the visits and the associated breaches are outlined below. There are actions required and these are formalised in a regulation 36 notice included with this report.

F2 – Amenity – Noise. Category 2 breach.

Condition 3.3.1 states that 'Emissions from the activities shall be free from noise and vibration 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.

21st May

In response to an incident describing ongoing noise issues from site, officer Tye attended the area to the south east and east of the site between approximately 12:10 and 13:30hrs. The distances from the site to these locations are approximately 280 and 380 metres. The met office website was checked prior to the visit and wind speed and direction was noted to be westerly with a light breeze (10mph). The weather was warm and dry. Sound from the operation was clearly audible at these locations, with persistent sound of machinery and louder intermittent crashing sounds. I could see a 360 excavator on site to the south west which looked to be loading into the crusher/Screenner which is the area of the site closest to these residential receptors. In my experience of regulating waste sites, the loud bangs sounded like rock hitting metal and was likely to be the loading of machinery (crusher) and unloading of material off the lorries. What sounded like the belt (of the crusher/screenner) was persistent throughout the time I was at the receptor locations. There was the occasional sound of a white noise reversing alarm which appeared to be coming from a single front loader.

In line with the Common Incident Classification Scheme (CICS) guidance you are being scored a category 2 breach due to causing a significant impact on human senses. The noise was deemed abnormal and

prolonged enough to cause significant effect on human senses. The noise was considered disturbing due to the subjective volume, the duration and the characteristics of the sound i.e. clearly perceptible loud and intermittent bangs. The noise was significantly louder and more intrusive than the normal background sound and I would consider the sound from the operation to have the potential to impact on the ability of people to enjoy outdoor space, which includes their own gardens. This breach is further justified by the noise impact assessment completed by Hunter Acoustics[1] on behalf of the operator, which is outlined below.

26th May 2020

In response to an incident officer Coleman visited the area to the south east of the site at approximately 380 metres from the site boundary. The weather was warm, dry and according to the Met office data recorded in Llantrisant, it was a westerly wind and light breeze (10mph). The officer was in the locations between 15:25 and 16:05hrs and there was a persistent sound coming from the site. The sound was described as crunching and grinding with occasional loud bangs, with the source likely to be the loading and unloading of material on site. Officer Coleman could see the site from the location the sound was observed and it was evidently coming from Project Yellow. In line with the CICS guidance, as above, this was deemed to be having a significant impact on nearby receptors, with people unable to enjoy their outdoor recreational space. You have been scored a single consolidated breach, under this condition.

27th May 2020

Officer Tye visited the area to the south east of the site between 07:35 and 08:35hrs as part of a routine visit to assess any early morning sound emanating from site. The weather was dry and mild. On returning from site it was noted that the wind was easterly at 9 mph which was confirmed by met office data at nearby Llantrisant and therefore blowing away from the location where noise was being observed. Vehicles could be seen coming and going from the site delivering and removing material. The sounds of mobile plant could be heard, there was a 360 grabber which could be seen moving around site, likely loading material but slightly obscured from view. The sound of the grabber could be heard rattling as it was moving around (empty). Reverse white noise beeper was also heard intermittently along with a scraping sound which could also be heard intermittently. However, it was not considered at the time to be offensive or intrusive, vehicles could be heard on the A4119 at what appeared to be a similar level. It is being scored as a category 4 no impact. A Category 2 has already been scored against this condition on this CAR.

Hunter Acoustics' Noise Impact Assessment

Comments on the noise report dated 30th September 2019 (received via email on the 16th October) have already been provided in an email on the 5th May 2020 referenced FW: C409 - Project Yellow Recycling Operations and in a CAR form issued on the 15th June 2020. The report identified a significant impact at a sensitive receptor south west of the site, with a 19dB Rating level in accordance with BS 4142:2014, which is an indication of significant adverse impact'. Identical impacts were presented at the remaining three sensitive receptors located around the

site.

Noise Management Plan

The current draft noise management plan has not yet been agreed as it does not address the extent of the impacts identified by the Hunter Acoustics modelling impact assessment. We do not consider that appropriate measures have yet been taken to minimise noise as recommendations have been made to reduce the impact but have not been properly considered or implemented. Once this has been completed, the NMP will then need to be updated to reflect these measures and submitted to NRW for review.

Actions:

All appropriate measures to control sound from the site will need to be considered and where relevant, will be implemented to ensure that operational sound levels are minimised to ensure there is no pollution outside of the site boundary.

To assist this exercise, you are required to rank the dominant noise sources and address these in order of contribution, until off site sound levels are compliant with the noise conditions of your permit. [Horizontal Guidance for Noise Part 2 - Noise Assessment and Control](#) Guidance for Noise Part 2 – Noise Assessment and Control will assist.

We would recommend that this work is undertaken by suitably qualified acoustic professionals who are members of relevant organisations i.e. Institute of Acoustics or Association of Noise Consultants.

Please see regulation 36 notice for actions and steps to address the non-compliance.

[1] Hunter Acoustics Report - Noise Impact Assessment Ref 5259/NIA1

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0036673**

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Site	Project Yellow Recycling	Permit Ref	AB3298HZ
Operator/Permit holder	Project Yellow Recycling Limited	Date	21/05/2020

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			
F2	C2	See compliance notice	16/07/2020

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.