

Compliance Assessment Report CAR_NRW0037062

Permit being assessed: AB3298HZ.

For: Project Yellow Recycling, held by Project Yellow Recycling Limited

At: Tynewydd Farm, Pendoylan Road, Groesfaen, Pontyclun, Rhondda Cynon Taff, CF72 8NE.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 21/10/2020.

Parts of permit assessed: 3.3.1 Emissions noise. Reviewing response to enforcement notice

NRW Lead Officer: Laoni Tye.

Report sent to: Tom Prichard, Carl Holder and George Harvey, Director, Site manager and TCM on 21/10/2020.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F2 - Amenity - Noise	Ongoing (O)	3.3.1

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

Total number of 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
F2	Next step: A meeting to be held to discuss options to bring the site back into compliance	27/11/2020

Action 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.

You are non-compliant with your permit.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

A regulation 36 notice was issued on the 26th June 2020 with steps to bring the site back into compliance. The

deadline for compliance was the 3rd August 2020 and the information was received via email on this date: Tom Prichard Contracting - Project Yellow - Regulation 36 response. A noise impact assessment (NIA), updated Noise Management Plan (NMP) and comments in an email were provided to NRW in response to the notice.

The notice requirements

SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
3.3.1	Develop all appropriate measures to control and minimise the levels of noise from operations beyond the site boundary to levels that are acceptable in line with Horizontal Guidance for noise part 2 – Noise assessment and control (H3)	3 August 2020
3.3.1	Provide details to NRW of the appropriate measures which have been developed and justification as to how these will bring the noise levels to an acceptable level in line with Horizontal Guidance for noise part 2 – Noise assessment and control (H3)	3 August 2020
3.3.1	Provide details to NRW of how these measures will be implemented including proposed timeframes and details of how they will meet the specifications required.	3 August 2020

We have reviewed the information that has been provided and although it was submitted within the agreed timescales, the steps within the notice have not been met and the notice is therefore considered not complied with. The reasons for this and our assessment of the information are set out below.

Comments on the Noise Impact Assessment. Hunter Acoustics ref: 5259/NIA1 Rev1

SSR 1 – reduction from +19dB to +12dB above background –still potential significant adverse impact;

SSR2 – reduction from +9dB to +7dB above background – still potential adverse impact;

SSR3 – reduction from +17dB to +11dB above background – still potential significant adverse impact;

SSR4a – reduction from +15dB to +12dB above background – still potential significant adverse impact;

SSR4a – no reduction from +15dB above background – still potential significant adverse impact.

The appropriate measures developed therefore do not bring the noise from operations beyond the site boundary to levels that are acceptable in line with H3.

The resubmitted Noise Impact Assessment (NIA) includes additional information regarding mitigation. The

consultant has used the BS4142 methodology in their assessment. The report focuses on reducing line of sight, rather than reducing noise at source. The screens/bunds are proposed to be installed around the static plant. It should be noted that no detailed information has been provided regarding the acoustic properties of the bunds/screens, dimensions and distance from the source. Section 8.2 of the submitted NIA states; *"A site survey carried out by others would need to be undertaken to determine the required heights of the screens/bunds in order to remove line of sight from plant to receivers."* This should be confirmed.

One part of the context argument put forward in section 8 of the report states; *"Daytime operations only. Looking at absolute noise levels in outdoor areas at each of the SSRs, levels are indicated to meet the 55dB World Health Organisation (WHO) guidance figure."*

- SSR1 & SSR2, garden located behind dwelling
- SSR3 & SSR4a, gardens indicated at 53dB(A)
- SSR4b, marginal at 56dB(A)"

The WHO values above are not relevant as they do not apply to industrial sound. They apply to community noise, as stated in the H3 guidance. The assessment and predicted impact of the operations should be as described by BS4142, which shows potential adverse and significant adverse impact.

The revised report still states; *"Note: With no site-specific drawings showing layout of plant, the above has been drafted by Hunter Acoustics based on site observations. The above layout should be confirmed representative by the Client."* This should be addressed, as location of plant items, bunding etc. is a critical part of any noise assessment.

In the original report, the consultant recommends; *"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."* The revised NIA does not mention a 5m bund around the whole site (although the Noise Management Plan (NMP) does mention a site bund), instead individual bunds/screens are modelled around static plant.

The consultant states in section 8.3.1 that the site will follow BS 5228-1:2009 for controlling noise at source, this appears reasonable.

The consultant states in section 8.3.3 that permanent noise monitoring is being considered on-site, it should be noted that any noise monitoring carried out whether on-site or off-site should be carried out to a recognised standard.

Section 9 of the report states that the addition of a building to enclose the site and further reduce noise impacts is not technically and economically viable. However, no details or justifications have been provided as to why this would not be feasible or any evidence that all building options have been considered.

Some appropriate measures have been considered but full details have not been provided and the measures do not bring the noise to levels that are acceptable beyond the site boundary.

NOISE MANAGEMENT PLAN

In accordance with the BS4142 methodology, the submitted NIA predicts exceedances of at least 5dB above the background at all receptors, in addition, excess noise levels breach the sites environmental permit; the submitted NMP does not resolve these issues. There are discrepancies between the NIA and the NMP, the NIA mentions only the bunds/screens around individual plant items, however the NMP describes both individual bund/screens and a site bund, if this site bund is going to be present, this should be reflected in the NIA. In addition, there is no detailed site plan in either the NIA or the NMP showing the plant layout, this needs to be addressed and should include locations of all sources on-site and details of the screens/bunds

present; including exact location and dimensions.

A noise action plan with measures have been included (Table 1) however the measures themselves do not reduce the noise levels off site to acceptable in line with H3. Details on how any measures will meet the specification to reduce the levels to acceptable have not been provided.

In summary:

- The notice is not complied with because details of measures to be implemented that will reduce impacts from adverse and significantly adverse have not been provided.
- There are deficiencies and discrepancies in and between the NIA and the NMP that introduce uncertainty about what improvement, if any, the proposed measures will achieve.
- A measure with potential to make significant improvement, putting noisiest plant in an enclosure or building, is dismissed on economic and practical grounds without providing detailed assessment of why this is the case.
- A full range of measures such as scaling down or changing operations – e.g. shorter working time involving noisy activities, carrying out dominant noisy activities elsewhere have not been considered.

Proposed next step - meeting

We wish to arrange a meeting with you as the operator, any of your representatives and your noise consultant to discuss these matters and better understand the options that have been explored to bring the site into compliance with the permit. We hope that additional measures can be considered and a way forward agreed. We will be in touch to arrange this separately taking account of covid restrictions.

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.

What are suspended scores?

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 and Waste action criteria (used in section 1 and 2):**A: Permitted activities**

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance 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 20 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 – 18:00), or email 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

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.