

Compliance Assessment Report CAR_NRW0036928

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: Unknown, Reason: Incident Response (Incident number 2004623).

On 26/06/2020 - 07/07/2020 between 09:00 and 17:00.

Parts of permit assessed: Noise

NRW Lead Officer: Laoni Tye, accompanied by Hannah Goddard, Alex Bowder, Natalie Wrangham.

Report sent to: Tom Prichard, Carl Holder and George Harvey, Director, Site Manager and TCM on 12/01/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F2 - Amenity - Noise	C2 Significant	3.1.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

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

Total number of non-compliances recorded	Total non-compliance score
2	31.1

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	Regulation 36 notice information being reviewed. NRW will provide written response in due course	25/09/2020
G4	Submit missing waste returns information as detailed in CAR form to NRW	29/09/2020

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

****CAR form re-issued following unsuspension of score due to notice not being complied with****

This CAR form has been produced in response to three separate visits following reports of noise coming from Project Yellow Recycling. The visits were carried out by three environment officers on different days and the visits have therefore been separately outlined below by the attending officers. There is also an additional breach that has been recorded following a review of your waste returns.

F2 – Amenity – Noise. Category 2 breach. **Score suspended**

This score was suspended due to there being a regulation 36 notice in place at the time of the visits. The notice period has now ended (3rd August 2020) at the time of issuing this CAR form and the information submitted is being reviewed. The suspended score will also be reviewed once this process is complete and *may* be unsuspended pending compliance with the notice.

Permit condition 3.1.1 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.'

07 July 2020 observations – Officer Hannah Goddard

- Wind direction: south westerly / 27mph wind gusts / wind speed 12mph
- Site 1
ST 06835 81286 - to the west of Brofiskin Quarry
(13:31 -13:41)
 - 13:32 - noise from road in background
 - 13:34 - continual drone of machinery operating in background. Clanging noise.
 - 13:35 - clanging noise like something being dropped from a height onto metal
 - 13:37 - clanging noise
 - 13:38 - wind louder than noise from site
 - 13:39 - loud clanging sound once a minute ish
- Site 2
ST 06489 81175 - track leading to Maendy farm
(13:55-14:05)
 - 13:33 - reversing beep. clanging noise. noise from road in background.
 - 13:57 – noise similar to that of a rollercoaster
 - 13:59 - clanging noise
 - 14:00 - can hear cars pass on road through Groesfaen
 - 14:01 - clanging and reversing beeper. Saw two Tom Prichard trucks enter site
 - 14:04 - deep reversing beep of machinery
- Site 3
ST 06434 81528 – Near Maendy Farm

(14:14-14:24)

- 14:14 – droning sound in background. reversing noise low pitched. Clang of things dropping.
- 14:16 - high pitched repeated noise similar to that of a rollercoaster
- 14:17 - clanging is more high pitched
- 14:18 - constant drone like helicopter approaching from distance
- 14:20 - clanging
- 14:21 – machinery sounds very loud and loud enough to interrupt normal life.
- 14:23 - still constant background noise

- Site 4

ST 06163 81489 - Directly north east of site

(14:36-14:46)

- 14:38 - clanging is very loud. constant background noise of machinery operating
- 14:39 - clang of drop from height into metal x2
- 14:40 - scraping sounds like metal on rock
- 14:45 - scraping
- 14:46 - clang of drop from height into metal

The officers scored this as a category 2 breach in line with the Common Incident Classification Scheme (CICS) guidance: Noise abnormal and prolonged enough to cause significant effect on human senses. This includes mild noise that occurs so frequently as to cause a greater degree of disturbance than would otherwise be expected. The noise was considered disturbing and annoying by way of volume, duration and characteristics.

01 July 2020 observations – Officer Alex Bowder.

- South easterly wind.
- Arrival on site at 11:00. Noted general operational noises of screening and tipping of C&D materials on site.
- Walked around permitted area by Carl Holder at 11:20. Two screeners on site processing material and machinery adding to piles across the area. No excessive activity or noise was taking place at this point.
- I was taken to the housing estate down-wind of the site (to the East). Went to the back garden of a house where I noted a constant droning sound, typical of an inert recycling operation.

This visit was categorised as a Category 2 breach following the visit in line with CICS.

27 June 2020 – Officer Natalie Wrangham. (Category 3 breach).

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- Westerly wind. 19mph.
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- At 11:28 Officer arrived at location 220m on noise management plan map near to Llwyngaer Farm. The weather was light drizzle with a light wind. I stood outside of the car with the engine turned off. I could hear the operation of machinery quite clearly.

- At 11:41 I stopped at the Castell Mynach Inn. Here there was a more moderate wind. Following the same procedure as before, I could not hear any noise of machinery or site activity at this location, only traffic from the nearby road.
- At 11:44 I stopped on Pen-y-groes road in Groes Faen at the reported noise location. Here the weather was dry with a light – moderate wind. Following the same procedure as before, I could not hear any noise of machinery or site activity. I could only hear the traffic noise from the road going through the village.
- At 11:51 stopped at track leading to Maendy Farm. Here it was dry with a light-moderate wind. Again I could hear mainly the sound of traffic on the road, but I could also intermittently hear faint noise of machinery in the distance. I could also hear other activity in the area which I believe was coming from a different site across the road of the house.

This was not deemed to be a significant impact by the officer on the day of the visit. However, the breach has been recorded overall as a Category 2 as outlined above.

Action: A regulation 36 notice was issued at the time of the non-compliances and the information is in the process of being reviewed by NRW.

26 June 2020 – Officer Natalie Wrangham. Not substantiated.

Officer arrived outside of the site at 18:06. The site was closed and no noise was recorded.

G4 – Reporting and notifications. Category 4 breach.

Permit condition 4.2.2 states that Within one month of the end of each quarter, the operator shall submit to Natural Resources Wales using the form made available for the purpose, the information specified on the form relating to the site and the waste accepted and removed from it during the previous quarter.

We have reviewed the returns which have been submitted and we are missing the following waste returns:

Q3 (July to September) – 2019

Q1 (Jan to March) – 2020

Q2 (April-June) – 2020

You are currently being scored a category 4 breach in relation to this non compliance.

Action: Please submit all of the missing waste returns outlined above by the 29th September 2020.

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.