

Compliance Assessment Report CAR_NRW0038503

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 14/07/2021.

Parts of permit assessed: Emissions from noise

NRW Lead Officer: Laoni Tye, accompanied by Saul White.

Report sent to: Tom Prichard, George Harvey and Carl Holder, Director, TCM and Operations manager on 14/07/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F2 - Amenity - Noise	Action only (X)	

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	Review NRW comments within this report	30/07/2021

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

This CAR is an NRW assessment of the NIA 5259/NIA2 rev 1 dated 30/03/2021 produced by Hunter Acoustics, along with the sites Noise Management Plan (review date 22nd April

2021). These were submitted to NRW in response to a regulation 36 notice issued to the operator with a deadline to comply of the 30th April 2021.

1 Introduction

1.1 The Industry and Waste Operations team requested that the Air Quality Modelling and Risk Assessment Team (AQMRAT) review a noise monitoring assessment¹ and noise management plan in support of mitigation installed at the currently permitted waste recycling plant.

1.2 The operator currently holds an existing environmental permit for operation of a recycling centre.

1.3 The monitoring report has been prepared to assess the performance of a suite of recently installed mitigation on-site and was prepared by the operator at the request of the NRW operations team to confirm the performance of the mitigation.

1.4 The site is located in a predominantly rural area in Pontyclun, the nearest noise sensitive receptors are approximately between 165m – 300m of the site.

2 Conclusions

2.1 Our checks and conclusions are based on the information provided in the submitted report, this includes all plant specification, location of plant and operational timings, plus substantiated complaints received from nearby properties.

2.2 Overall, impacts of external free field noise at sensitive receptors resulting from equipment and activities associated with the proposed development have been reviewed in accordance with the assessment criteria of BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound".

2.3 The updated assessment has used background sound measurements from May 2019, before the COVID-19 pandemic, the report states that; "...as a result, road traffic noise levels MAY well have been quieter due to less cars on the road".

2.4 The monitoring report assessed the impact of noise from the site, equipment and activities associated with the operation of the proposed facility at 4 locations (receptors), for the daytime period only due to the site operating hours, this is acceptable.

2.5 To ensure a robust assessment, the operator has taken the loudest hour of measurement from the survey data and used this to assess impact.

2.6 The report concludes that the impact from the site will not exceed the measured background sound levels (LA90.15mins) at measurement positions C & D. However, it should be noted that the predominant wind direction over the survey period is from the East, as both of these measurement locations (receptors) are situated to the East of the site, the impact may be substantially underestimated. This is further confirmed by a recent complaint, when an NRW officer attended the complainant location they confirmed that plant noise was audible at this location, the wind was predominantly from a WSW direction during this time. It should be further noted that the predominant wind direction during the

2019 background survey was from the South West. Annex B of BS4142 provides details on how to reduce uncertainty during monitoring surveys.

2.7 The consultant has stated there will be a 1dB exceedance of the background sound level at measurement position B, this indicates a low impact. The consultant further predicts an exceedance of 7dB above the background sound level at measurement position A indicating a potential adverse impact. However, it should be noted that for rating levels to be calculated at position B BS4142 states that a level difference >3dB between Residual (58dB) and Ambient (59dB) will need to be observed. This isn't the case with B and should be resolved by the applicant.

2.8 Our assessment assumes that final performance of all plant, mitigation measures and enclosures meet or exceed those indicated in the submitted report and are maintained accordingly.

2.9 Due to the series of complaints and subsequent observations made by an NRW officer, the applicant should provide a set of time history graphs similar to those in Figures B.4-B.15 for monitoring positions A-D and incorporate the information from Table(s) B.1 (and B.2 if possible), the time serials should include each of the on-site noise activities/sources over the measurement period on the same plot. This will illustrate how the measured sound levels vary depending on what plant/equipment is on/off during the time of the survey.

Comments

Noise Monitoring Assessment

3.1 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.
- A difference of around +5 dB is likely to be an indication of an adverse impact.
- 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.

3.2 The background sound survey was carried out on the September 2019, this was carried out pre COVID-19, a more recent background survey showed that sound levels are significantly quieter at present and may not be representative, therefore, the results from the previous background survey was used. A regulatory position statement from NRW stated that up to August 2021 pre COVID-19 data could be used where appropriate for background sound levels, the survey was carried out within this timeframe.

3.3 Previous reports predicted large exceedances of the background sound levels at all receptors, as such the operator has made a number of changes on-site. This updated assessment assesses the impact of these changes on the sound levels from the site.

3.4 Four main changes have been made; the number of plant items have been reduced on site; the original report listed 5 screens, 1 spaleck, 1 crusher plus mobile plant, in this

revised assessment there are 2 screens, 1 spaleck, 1 crusher plus the mobile plant. The operator is in the process of creating earth bunds to remove lines of site to receptors; the report states that currently line of sight has been removed to all receptors except 1 (position A). The operator has put attenuation measures in place to the Spaleck piece of plant, this has been achieved by installing lining to the load-in-hopper with a rubber material and sound barrier matt lining to the sides and top of the machine. Finally, a number of operational measures have been put in place on the site, as outlined in Section 4.4 of the submitted report. All of these measures should be reflected in actual operations.

3.5 The site is operational between the hours of 0700-1800, with machinery starting up at 0800, as such the operator has only assessed the daytime reference period. This is acceptable.

3.6 An environmental survey was carried out from Tuesday 2nd March (1200) to Thursday 4th March (1530). The consultant has used the same measurement locations as in previous assessments, these represent the nearest sensitive receptors.

3.7 Table 5.1 details the equipment used in the noise survey, the table shows that the sound level meter, microphone and acoustic calibrator used for the noise monitoring were calibrated within the 12 month and 2-year periods recommended by BS4142.

3.8 In accordance with BS4142 the consultant recorded the weather information over the survey period, full details are provided in Figures B.1 – B.3 in Appendix B. It should be noted that the consultant used the online resource Wunderground to provide representative weather conditions at the measurement point, however Wunderground weather data is not recorded at the actual measurement points used for the survey. The report does not mention the use of anemometers or descriptive weather conditions at the actual monitoring point during manned monitoring. The report states that conditions were generally dry (with a few exceptions) with windspeeds of generally <5m/s, wind direction was predominantly from the east. The wind direction may have an impact at a number of receptors as there are sensitive receptors to the east and south of the site.

3.9 Figure 5.1 of the submitted report details the location of all items of plant at the time the survey was carried out. This should be reflected in actual operations. Tables B.1 and B.2 in Appendix B present the activity logs for all equipment used on site and all HGV movements during the survey.

3.10 Section 6.2 of the report provides the subjective assessment at each of the 4 receptors, based on the observations of the assessor. This section confirms all items of plant on site were running, this section confirms that the site is not visible at 2 receptors. This section also states that the plant was not audible at 3 of the 4 receptors. however, the plant is still audible at position A. This could be the result of the easterly wind direction that was observed throughout the monitoring survey.

3.11 Section 8 of the report presents the results of the noise monitoring survey (8.1-8.4 for positions A-D). The consultant has measured the ambient sound (LAeq.1hour) which includes all of the sound at each receptor. The residual sound has then been stated (LAeq.1hour), this is the ambient sound level minus the contribution from the plant. This residual sound level was obtained when the plant was not running, between the hours of 1800-1900. The residual sound level has been compared to the measured background

sound level (LA90.15mins - pre COVID-19 survey). Section 8.1 of the report states; “Subtracting the overall LAeq from the residual gives a plant level of 52dB(A). For reference the LA90.1hour level of this period is 51dB, showing good agreement.” BS4142 clause 7.3.5 states that – “Where it is not possible to determine the specific sound level by measurement of the ambient sound level and the residual sound level at the assessment location(s), for example, because the difference between the ambient sound level and the residual sound level is ≤ 3 dB, determine the specific sound level by a combination of measurement and calculation. Report the method of calculation in detail and give the reason for using it.” As this is the case in this instance, the consultant should address this issue.

3.12 At position A a +3dB acoustic penalty has been included due to the plant being audible at the location, this results in +7dB above background sound level respectively, indicating a potential adverse impact.

3.13 At position B, a +3dB acoustic penalty has been included due to the plant being audible at the location, this results in a potential +1dB above background sound level, indicating a low impact. However, the residual and ambient levels are within 1dB of each other. The consultant should consider remeasuring closer to site.

3.14 The report states that the plant is not audible at positions C & D, but the recordings measured significant bird song, as such the LA90.1hour levels have been used for the assessment. No exceedance of background sound levels was measured. The values in Paragraph 8.4 and Table B.6 of Appendix B for position D do not match. There are also discrepancies in the overall calculated impact, this doesn't affect the overall conclusion as the values result in an impact from the site below the background sound levels. For example, paragraph 8.4 states an overall impact of -7dB, this should actually be -11dB and Table B.6 states an impact of -9dB, this should actually be -7dB. The consultant should confirm which figures are correct. As stated in paragraph 2.6 it should be further noted that both of these receptors are situated to the east of the site, the consultant also states that the predominant wind direction during the survey was from the east, this may underestimate the impact at these 2 receptors.

3.15 Section 9 of the submitted report states; “We also understand that ongoing works to construct bunding are likely to remove line of sight from these receivers to the remaining items of stationary plant (namely the Spaleck), resulting in reduced noise levels. Once this bund work is complete, the rating level is predicted to meet the background plus 5dB target criteria discussed with NRW.” This should be confirmed with the operator and additional monitoring should be carried out once complete to confirm these assumptions.

3.16 Section 9.1 of the submitted report mentions stockpile management and operations relating to this. The report confirms that this activity took place during the monitoring survey, the operational method described here should be reflected in actual operations.
Noise Management Plan

3.17 The submitted noise management plan was supported by a quantitative noise monitoring assessment of impacts at receptors as a result of scheduled operations. This assessment included the mitigation stated in the associated noise monitoring assessment.

3.18 The submitted Noise Management Plan appears adequate in terms of possible noise

impact at receptors generated due to the onsite activities and what relevant mitigation measures will be taken if noise impact is significant according to BS4142. The Noise Management Plan has been presented in conjunction with the submitted noise impact assessment.

3.19 The consultant has followed the Environment Agency H3 guidance in preparing the management plan.

3.20 The plan contains noise source identification and a map showing the site and surrounding nearby receptors.

3.21 The noise management plan references the associated noise monitoring assessment report, this report provides details regarding on-site noise sources including both stationary and mobile, their frequency & duration and location of the activities (sources). The noise monitoring report also contains a detailed site map, outlining where the main sound sources are. In addition, the site hours are also outlined. However, these above details are not included again in the noise management plan.

3.22 The plan details the ways in which noise from the site operations will be mitigated.

3.23 The plan details the procedures to monitor the sound on-site, including site walkovers, toolbox talks and ways in which these are recorded, in addition the plan details the complaints and implementation of measures review. These appear reasonable.

3.24 The plan also includes a Noise Action Plan, detailing the ongoing and planned works on-site to reduce the impact.

Additional comments and actions

The Noise Impact Assessment is not sufficient to assess impact of noise at all receptors and this monitoring needs to be re-done. The comments above should be used to ensure that there is no uncertainty in the report.

A significant mitigation measure is the bunds, around each item of heavy plant and around the site perimeter, however details of how these will ensure sound is attenuated and mitigates against any impact on receptors has not been provided. We would expect full details of the bunds and their specification, with evidence (from an acoustic engineer) as to how these will be sufficient. This needs to be provided to NRW. Monitoring should be again completed once these are constructed.

Compliance with regulation 36 notice

Due to the issues outlined within this CAR detailed above, the regulation 36 notice issued on the 26th January 2021 with a deadline of 30th April 2021 has therefore not been complied with. This matter is going to be considered further and we will be in touch in due course along with any additional actions you will need to consider. Further compliance assessment reports may therefore follow.

In the meantime please consider the points above and let us know should you and or your consultants wish to go through these in more detail.

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.