

Compliance Assessment Report CAR_NRW0038526

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: Site Inspection, Reason: Incident Response (Incident number 2105785).

On 06/07/2021 between 14:30 and 17:00.

Parts of permit assessed: Emissions from noise

NRW Lead Officer: Laoni Tye, accompanied by Charlotte Rhodes.

Report sent to: Tom Prichard, George Harvey and Carl Holder, Director, TCM and Operations manager on 16/08/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
F2 - Amenity - Noise	C3 Minor	3.1.1

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

Total number of non-compliances recorded	Total non-compliance score
1	4

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	See body of CAR	19/08/2021

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

****CAR re-issued following an error made on the front of the CAR which should show as a category 3 breach**

not a category 2**

Environment officers Laoni Tye and Charlotte Rhodes attended site on the 6th July 2021 following an incident report of noise ref: 2105785. There was a moderate breeze with gusts from a westerly direction, heading towards the receptor to the east of site. We thank you for your time in accompanying us around site.

F2 – Amenity Noise. Category 3 breach.

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.’

Officer Rhodes arrived at the receptor at approx. 14:30, identifying noise coming from the operations. Officer Tye then arrived at the receptor at 14:50. Interim noise could be heard from the site in between the gusts of wind, along with a motorcycle which was heard at one point coming from the road.

14:58 A juddering ‘rollercoaster’ type noise could be heard, this is a noise which has been experienced in the past and has been described by complainants. 15:07 There was a whiney, screeching noise then a banging juddering noise which sounded like the bucket on a 360. The noise up to this point had been intermittent and minimal but got louder towards the end and at 15:22 we left the receptor and decided to head to site. We then stopped to the South of the site and the site was audible; a loud bang was heard.

15:50 we arrived at Project Yellow Recycling and met with Howard Oakes, site manager who arrived approximately 10 minutes later. George Harvey, site TCM arrived approximately 30 minutes later. By the time we started to walk around the site, the items of heavy plant had been turned off, in line with the operating hours in the sites management systems. Howard asked for the Spalek to be turned back on as we believed this could be the source of some of the noise substantiated off site. There was a loud juddering noise coming from this plant, which correlated to the noise substantiated off site this day (and heard on previous occasions). Howard advised that it was likely loose matting in the feed hopper and that there was a fault with the machine.

We continued around site and identified a potential noise source of the screeching type sound, which appeared to be the material rubbing against the rubber matting of the tipper trucks when unloading. We were also advised by site managers that it could be the tracking on the 360 excavators, which were working on top of the piles at the time. It was difficult to establish during the visit whether this was the case. The unloading at the time was happening in the centre of the site, away from the boundary nearest the receptor although we understand that material is unloaded in the storage area nearest the receptor, which may be the cause of some complaints.

We witnessed a tipper truck unloading a vehicle. The driver appeared to be moving away from the pile with care, slowly lowering the bed back down. The tailboard still caused a loud bang when it closed. George Harvey agreed to look into this more, to see whether additional measures could be included to make the process quieter.

Action:

- Items of plant should be kept properly maintained and inspected on a regular basis to ensure there are no faults. These should be rectified in line with your management systems.
- Training should be provided to site staff to ensure these issues are identified and flagged up.

- Noisy items of plant should be switched off once an issue is identified, in line with your NMP
- Please update NRW on any findings and action taken since the issue was identified.

Other comments – bund

The bund to the southern edge of the site was still in the process of being constructed. There was a significant volume of material there which we were advised was necessary to build the bund higher, building it out in order to go up. Due to the unpredictable weather this has been taking slightly longer than hoped.

We advised that we would be asking for additional information on the suitability of the bunds in due course. This information has since been requested in a recent CAR following the review of the noise impact assessment and noise management plan. Please provide details of this to NRW, you must ensure that the bund is suitable for its purpose, with appropriate dimensions and of suitable material. In order to be considered a recovery operation, the minimum volumes of material should also be used.

Please also ensure you have the appropriate authorisations in place to construct the bunds on site. An exemption may be appropriate, depending on the proposed volumes and the suitability of the bunds for the project. It is up to you as the operator to ensure you can comply. As advised previously, planning permission may also be required which we recommend you discuss with the local planning authority.

If you have any questions please get in touch.

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.