

Compliance Assessment Report

Report ID:
CAR_NRW0032134

This form will report compliance with your permit as determined by an NRW officer

Site	Clyne Civic Amenity Site	Permit Ref	HB3397TK		
Operator/Permit holder	City and County of Swansea				
Regime	Waste Operations				
Date of assessment	11/09/2017	Time in	N/A	Out	N/A
Assessment type	Audit				
Parts of the permit assessed	6.3.1				
Lead officer's name	Thomas, Ffion				
Accompanied by					
Recipient's name/position	Chris Fender/ Site Manager	Date issued	11/09/2017		

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
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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	0	Total compliance score (see section 5 for scoring scheme)	0
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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 Compliance Assessment Report form (CAR) has been completed following review of the City and County of Swansea (CACOS) compliance with the Regulation 36 Notice (the notice) issued in respect of Clyne HWRC due to non-compliance with condition 6.3.1.

An edited copy of the notice is provided below for ease of referencing.

This notice was served by Natural Resources Wales (NRW) due to a high volume of noise complaints received from residents of Warrick Road, which is adjacent to Clyne HWRC.

The level of complaints had led to NRW undertaking noise monitoring in 2014. Further noise monitoring was undertaken in 2015. The assessment of the 2015 noise monitoring resulted in NRW identifying a significant impact (as per NRW's then Common Incident Classification Scheme guidance).

The original notice was withdrawn and a new notice issued 14/7/16 following agreed extensions to the timeframes within the notice schedule 1.



Statutory Notice

Environmental Permitting (England and Wales) Regulations 2010
Regulation 36

ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A BREACH/ANTICIPATED BREACH OF PERMIT CONDITION(S)

To: City and County of Swansea Council
Waste Management Division
Civic Centre
Swansea
SA1 3SN

Environmental permit: EPR/HB3397TK

Regulated facility: Clyne Household Waste Recycling Centre, Ynys Newydd, Clyne, Swansea, SA2 8DY

Natural Resources Wales considers that the following condition of the environmental permit are being contravened:

- 6.3 Control of noise**
- 6.3.1** Measures shall be implemented and maintained throughout the operational life of the site, in accordance with this condition and section 6.3 of the working plan to control and minimise the levels of noise from operations on the site beyond the site boundary.

Because,
In relation to the above condition;

- Following noise monitoring in the local area of the site, Natural Resources Wales identified appropriate measures were not being taken to control and minimise noise leaving the site boundary

You are required to take the steps set out in Schedule 1 by the date specified in order to remedy the contravention

Date: 14th July 2016 Signed: [Signature]
Jonathan Willington
Team Leader
South West Waste Regulation Team

Natural Resources Wales
Maes Newydd
Llandarcy
Neath Port Talbot
SA10 6JQ
Please see over for notes.

Environmental Permitting (England and Wales) Regulations 2010
Regulation 36

SCHEDULE 1 STEPS TO BE TAKEN		
Condition number	Steps to be taken	By date
1.1.1	Submit to Natural Resources Wales an updated Environment Management System (Previously known as the 'Working Plan') to incorporate all changes to operations onsite	01/09/16
6.3.1	Submit to Natural Resources Wales a final list of measures to control and minimise the levels of noise from operations on the site beyond the site boundary	18/09/16
6.3.1	Implement the final list of measures to control and minimise the levels of noise from operations on the site beyond the site boundary, from Step 2 above	18/09/16

Timeline of Notice Schedule 1 submissions received:

31/8/16	Schedule Step 1 completed: updated EMS received (the EMS is a "living document" and further updates have been received since this date due to other operational changes)
17/8/16	Schedule Step 2 & 3 completed: Addendum to Noise Management Action Plan (NMAP) received.
5/9/16	Schedule step 3 - NRW site visit was undertaken to assess NMAP implementation and confirm compliance.

To assist in demonstrating compliance with condition 6.3.1 the following works have been undertaken:

31/10/16	CACOS undertook noise monitoring assessment after implementation of NMAP (as per the NMAP and EMS). Copy of CACOS noise report received
8/11/16	NRW assessment and response CAR_NRW0026591 requesting justification over the British Standards chosen along with other confirmation
2/2/17	CACOS justification received
31/3/17	NRW response requesting clarification
23/5/17	Joint NRW/CACOS meeting to facilitate progressing the request for BS justification.
14/7/17	CACOS further submission received to which NRW has responded and sent at the same time as this CAR form.

The submission above along with dialogue has provided NRW with CACOS' reasoning for the use of the chosen British Standards (BSs).

Whilst NRW feels BS4142 is relevant we acknowledge that aspects of BS3232 and BS5228 chosen by CACOS include relevant aspects and can prove useful.

NRW continue to feel that these chosen BSs could leave CACOS in a situation of underestimating the characteristic noise impacts, however CACOS state it is committed to demonstrating permit compliance via BAT.

These British standards are only guidance, and it is agreed that assessment of compliance of the

permit will be via an assessment of BAT during on-going compliance.

The site is not an installation and therefore no BREF and specific BAT is conditioned into the permit. Guidance document 'How to comply with your environmental permit' does provide discussion on the appropriate measures to prevent or minimise noise.

It states; "The measures required need to be what are reasonable, good practice and balances the costs and benefits to prevent or minimise noise."

The H3 noise assessment and control guidance also provides guidance on how to draw up a noise management plan. These guidance documents will be used to undertake ongoing compliance assessments of permit condition 6.3.1.

NRW in wishing to take this work forward has now reviewed compliance with the notice. All steps of the schedule have been completed and works have been undertaken to minimise noise. NRW concludes that the notice has been complied with in full.

Additional works that have facilitated making this decision:

A site visit undertaken on 13th May 2017 (unannounced on a Saturday as perceived by the officer to be a busy operational day to assess noise off site) did not conclude there to be a significant impact at that time. CAR_NRW0031655

NRW has received no incident reports of noise complaints from the site since November 2016. CACOS confirmed for 2017 that it has received only 2 report of noise directly to them, one on the 8th June 2017 described as staff shouting, however the incident was unsubstantiated. The 2nd on the 8th September 2017 of a squeaking wheel on a skip and some impact noise from the wood skip, which the operator are investigating and addressing directly with the reporter.

Future work

It is the opinion of the lead regulatory officer that a permit review is required as the noise condition has since been modernised.

END

EPR Compliance Assessment Report

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Operator/Permit holder	City and County of Swansea	Date	11/09/2017

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.

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.

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			

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.