

## Compliance Assessment Report

Report ID:  
CAR\_NRW0026591

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           | 01/11/2016 - 07/11/2016        | Time in     | N/A        | Out | N/A |
| Assessment type              | Report/Data Review             |             |            |     |     |
| Parts of the permit assessed | 6.3.1                          |             |            |     |     |
| Lead officer's name          | Thomas, Ffion                  |             |            |     |     |
| Accompanied by               |                                |             |            |     |     |
| Recipient's name/position    | Chris Fender/ Waste management | Date issued | 12/01/2017 |     |     |

### Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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 |
|------------------------------------------|--------------|-----------------------|
|------------------------------------------|--------------|-----------------------|

**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<br>(see section 5 for scoring scheme) | 0 |
|-----------------------------|---|--------------------------------------------------------------|---|

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 (CAR) form has been completed following the receipt of City and County of Swansea's (CACOS) noise monitoring assessment report number CACOS/CLYN/ENV2016 submitted to Natural Resources Wales (NRW) on the 31<sup>st</sup> October, in response to a Regulation 36 Notice which identified a non-compliance with Condition 6.3.1 relating to noise management.

South West Wales Waste Regulation team employed the services of NRW's South West Noise Team to provide expert comment on CACO's report. The SW noise team received the report on the 1<sup>st</sup> November 2016, and provided their comment back to the SW waste regulation team on the 3<sup>rd</sup> December 2016. These comments have been used to complete this compliance assessment report.

### **Background:**

In 2014 and 2015 NRW's noise team undertook monitoring assessments to establish whether complaints generated by local residents, residing close to Clyne HWRC were justified.

NRW's assessments were made using British Standard 4142 – *Methods for rating and assessing industrial and commercial sounds*, the standard was reviewed in 2014.\*

BS4142 is considered to be the primary guidance for assessing the impact of industrial sound with specific characteristics affecting dwellings\*\*. Industrial sounds containing specific characteristics will include impulse, tones, and can have an identifiable on and off period. These sounds can attract attention, can be intrusive and therefore cannot be considered anonymous sound.

The British standard 8223 has been used by CACOS in the CACOS/Clyn/Env2016 report. The report states, "A decision was made not to use BS4142:2014" but no details included of the decision making process nor justification has been included.

BS8223 *Guidance on sound insulation and noise reduction for buildings* is designed to ensure a suitable noise environment within rooms for steady external environmental noise. By steady it considers noise without character i.e. anonymous sound. The CACOS/Clyn/Env2016 report makes reference to this within pages 4 and 5.

BS8223 suggest appropriate criteria and limits for different situations which are primarily intended to guide the design of new or refurbished buildings undergoing change of use rather than to assess the effects of external noise sources.

Clause 6.5.3 of BS8223 states that where industrial noise affects residential or mixed residential areas, the methodology for rating the noise in BS4142 should be applied.

The complaints NRW have received relate to sounds with character i.e. bangs, crashes, tones and hums. BS8223 generally relates to anonymous sounds e.g transportation sound and how this will affect residents indoors.

### **Conclusions:**

Having assessed the comments made by the NRW SW noise team, the SW Waste Regulation team concur and conclude that in our opinion the incorrect methodology has been used to assess the sound from Clyne HWRC affecting local residents.

The Waste Regulation team believe BS4142 is the appropriate methodology to be used under the circumstances relevant to the site and situation (character of the noise).

No justification has been provide by CACOS for the use of BS8223.

No dialogue has been provided of the decision process followed by CACOS not to use BS4142

### **Other comments for CACOS consideration.**

#### **Sound level meter (SLM) location:**

There has been no justification over the measurement location. The exact measurement location is not included either. NRW would expect a sketch, photograph aerial photo with comments specifying the sound level meter location. This would help in orientating the location of the sound level meter to the receptor.

There is no indication of whether there was drift in the calibration of the SLM following check monitoring.

Justification as to why the SLM was placed 3m on top of the porta cabin is required and an explanation of how this may influence the sound propagation from the source.

#### **Sound level calculations:**

The calculations used to estimate the sound level at the receptor point in table 1 and table 1 are correct.

CACOS calculated the general sound at the nearest receptor to be 59dB and 50dB in 2014 and 2016 respectively. There was no inclusion of any sound characteristic penalties. Justification for the exclusion is requested.

The measurements taken in 2014 and then in 2016 by CACOS are not considered fully comparable due to the 2014 measurements being during a bank holiday where sound generated is likely to be higher than during September. CACOS has used worst case sound level data in their assessment, but this may not be comparable over the different data sets. Discussion or justification of the comparability would have assisted assessment and is requested.

The location of the sound level meter during the measurements of the compactor in 2014 and 2016 is described as "close as possible to the source" Appendix 1 of CACOS noise management action plan submitted to NRW in May 2016 suggests that the sound from the compactors was measured 2m away. As a result the sound levels are lower.

NRW agree with the calculation used to calculate the sound level reduction in removing a sound source e.g. compactor.

Table 3.0 provides 2 descriptions of onsite container movements CACOS has assumed that the measurements taken in 2013 for full waste containers removal from site is comparable to the manoeuvre of a waste container in 2016. We are unclear how this is justified and therefore how the reduction can be confirmed. It is unclear why the movement of empty skips is not considered. further detail/discussion is requested to assist assessment.

## **ACTIONS**

CACOS are requested to use BS4142 to assess the noise monitoring at Clyne HWRC. It is understood the data and information required to undertake the assessment under BS4142 is available and therefore the following timeframe has been assigned.- by 6 December or otherwise agreed in writing with NRW.

If the use of BS4142 is not undertaken CACOS are required to provide detailed justification for the use of BS8223 and the process followed in arriving at this decision. - by 30 November 2016

CACOS are requested to provide justification of their SLM location and sound level calculations conclusions. - By 30 November 2016

**END**

**Any compliance criteria not highlighted in the above summary should be considered as not assessed.**

**In this document 'Natural Resources Wales' means the Natural Resource Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012.**

## EPR Compliance Assessment Report

**Report ID:  
CAR\_NRW0026591**

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|                        |                            |            |            |
|------------------------|----------------------------|------------|------------|
| Site                   | Clyne Civic Amenity Site   | Permit Ref | HB3397TK   |
| Operator/Permit holder | City And County Of Swansea | Date       | 01/11/2016 |

### 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.

### 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 reports should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within twenty 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](mailto: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.