

Compliance Assessment Report

Report ID:
CAR_NRW0035055

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

Site	Project Yellow Recycling	Permit Ref	AB3298HZ		
Operator/Permit holder	Project Yellow Recycling Limited				
Regime	Waste Operations				
Date of assessment	25/04/2019	Time in	N/A	Out	N/A
Assessment type	Report/Data Review				
Parts of the permit assessed	Noise Management Plan				
Lead officer's name	Tye, Laoni				
Accompanied by	Griffiths, Toby				
Recipient's name/position	Tom Prichard and Gareth Danter-Hill/ Director and TCM	Date issued	30/04/2019		

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
C2 - General Management - Management system and operating procedures	X	

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
-----------------------------	---	--	---

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

We have carried out an internal assessment of the Noise Management Plan submitted to NRW in November 2018. Noise has been substantiated off site by officers on the 28th March and the 3rd April 2019 at receptors to the North East and South/South East of the site. It is apparent that the NMP is not sufficient and required updating further in light of this. You have not been breached, we are providing advice and guidance on the plan which we trust will be of benefit.

NRW Review of Noise Management Plan, April 2019

Permit Ref: EPR/AB3298HZ

Project Yellow Recycling Ltd dated 26th November 2018

The H3 Noise Guidance provides a template for a Noise Management Plan (NMP) in Appendix 4. The plan submitted includes some of the features of the template, such as the identification of noise sources, receptors and mitigation measures. However, there are several areas which require improvement.

Ranking and Mitigation

The report states that: *“Operations on site are limited and so the creation of noise, in particular excessive noise, is only emitted by certain activities being undertaken:*

- *Loading vehicles with material*
- *Unloading vehicles*
- *Crushing operations*
- *Screening operations*

- *Vehicle movements*
- *Hydraulic hammer use.....”*

Clearly, this indicates that there are several sources of noise. If noise is stated to be “excessive” then measures need to be taken to mitigate these. Sources of sound have been identified, however there is no supporting evidence to enable them to be ranked in order of dominance. This is where sound level monitoring, by a qualified acoustician, using noise monitoring equipment is strongly recommended.

The use of “white noise” reversing alarms for site vehicles is acknowledged and is good practise.

The hierarchy for noise control (H3, Section 3.3.1)

The hierarchy for noise control should be referenced in the NMP:

1. Prevent generation of noise at source by good design and maintenance.
2. Minimise or contain noise at source by observing good operational techniques and management practice.
3. Use physical barriers or enclosures to prevent transmission to other media.
4. Increase the distance between the source and receiver.
5. Sympathetic timing and control of unavoidably noisy operations.

Mitigation measures in the NMP are primarily based on 3, 4 & 5 of the hierarchy. i.e. physical barriers, distances and timings. Some aspects of the hierarchy of control have been referenced, however more emphasis should be given to improving operations using 1 and 2 of the hierarchy. i.e. addressing the sources of noise. Generally, steps 1 and 2 are also more cost-effective ways of dealing with noise.

Noise monitoring

The plan refers to noise monitoring by staff. However, it should be noted that this is a qualitative assessment, rather than measured values. While this is a useful approach, the lack of quantitative measurements makes it difficult to determine the true impact of activities. The perception of noise is variable depending on many factors, therefore relying on site staff to determine the acceptable level of sound is not a robust approach. NRW recommends that Project Yellow consults with an acoustician, qualified to advise on environmental noise.

The impact of tonal, impulsive, low frequency and intermittent sounds are not included in the plan. All 3 of these features are likely to be present given the operations listed in the plan. The impact of tonal and low frequency sounds can impact at greater distances and are difficult to mitigate with barriers etc (low frequency sound will travel around barriers). This is where prevention at source is a key consideration.

The maintenance of equipment referred to in the report is good practice (point 1 of the hierarchy); however, with inherently noisy equipment, it is not possible to infer that maintenance alone will reduce noise to acceptable levels. Quantitative monitoring would help to target the main sources of noise for improvement.

There are no background sound level measurements of the area. These would help to establish the impact of site activities on neighbouring receptors, and determine which sources require mitigation, based on the highest risk first. Sound measurements at the receptors while the site is operating is also recommended to determine which activities create the highest sound levels off site.

Location

Tree screening and hedgerows have been suggested as sound mitigation. However, it is known that trees will not provide significant attenuation, unless dense, fully established and covering a large area. In this case, tree planting would at best, provide a visual screen only. The effectiveness of mitigation measures should be evaluated based on methodology such as modelling. NRW can provide guidance on what should be included in acoustic modelling.

While wind direction has a significant influence over noise propagation, we would advise against relying on it as a mitigation measure. Instead, noise should be mitigated at source where possible.

The 150m / 180m deep valley described is not obvious from referring to local maps. This should be clarified.

Modelling using sound power levels (LWA) derived from actual monitoring, or manufacturers data should be considered. This would allow the mitigating effects of terrain and barriers (bunds) to be evaluated. It is possible to measure sound pressure levels (SPL) to enable LWAs to be calculated. (Note that if manufacturers data are used, sound levels may be significantly higher when processing material, compared to test data.)

Complaints

Although useful, the presence or absence of complaints should not be used as an indication of

un/acceptable levels of sound. As complaints *have* been received, it is important to clearly identify the sources causing the complaints and mitigate them based on quantitative evidence.

We recommend the operator undertakes a full acoustic assessment of the operation. Should the operator decide to do this, the appropriate standard is BS4142:2014 – Methods for rating and assessing industrial and commercial sound. Predictive modelling using established acoustic software can also be used to assess the effectiveness of mitigation options. Frequency analysis (to identify tonal elements) is also recommended.

ACTION: Please provide NRW with a proposal to get the Noise Management Plan updated and any considerations to our recommendations.

If you wish to discuss in more detail or have any questions please get in touch.

EPR Compliance Assessment Report

**Report ID:
CAR_NRW0035055**

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

Site	Project Yellow Recycling	Permit Ref	AB3298HZ
Operator/Permit holder	Project Yellow Recycling Limited	Date	25/04/2019

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			
C2	X	See comments in main body of CAR form. Update to be provided to NRW on proposed course of action.	31/05/2019

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.