

## EPR Compliance Assessment Report

Report ID: 104043/0251456

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

|                                        |                                               |               |              |             |            |                 |       |
|----------------------------------------|-----------------------------------------------|---------------|--------------|-------------|------------|-----------------|-------|
| Site                                   | Soil Screening And Recycling Facility         |               |              | Permit Ref  | 104043     |                 |       |
| Operator/ Permit holder                | Green Circle Sustainable Developments Limited |               |              |             |            |                 |       |
| Date                                   | 12/11/2015                                    |               |              | Time in     | 14:00      | Out             | 15:30 |
| What parts of the permit were assessed | EMS, NMP, noise reduction plans               |               |              |             |            |                 |       |
| Assessment                             | Audit                                         | EPR Activity: | Installation | Waste Op    | X          | Water Discharge |       |
| Recipient's name/position              | Robert Harry, Joe Gatley                      |               |              |             |            |                 |       |
| Officer's name                         | Alan Calver, Rhys Hughes                      |               |              | Date issued | 20/11/2015 |                 |       |

### Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). 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                    |                                                      |    | Condition(s) breached |
|-------------------------------------------------------------|------------------------------------------------------|----|-----------------------|
| <b>a) Permitted activities</b>                              | 1. Specified by permit                               | A  |                       |
| <b>b) Infrastructure</b>                                    | 1. Engineering for prevention & control of pollution | N  |                       |
|                                                             | 2. Closure & decommissioning                         | NA |                       |
|                                                             | 3. Site drainage engineering (clean & foul)          | N  |                       |
|                                                             | 4. Containment of stored materials                   | N  |                       |
|                                                             | 5. Plant and equipment                               | A  |                       |
| <b>c) General management</b>                                | 1. Staff competency/ training                        | A  |                       |
|                                                             | 2. Management system & operating procedures          | A  |                       |
|                                                             | 3. Materials acceptance                              | A  |                       |
|                                                             | 4. Storage handling, labelling, segregation          | A  |                       |
| <b>d) Incident management</b>                               | 1. Site security                                     | N  |                       |
|                                                             | 2. Accident, emergency & incident planning           | NA |                       |
| <b>e) Emissions</b>                                         | 1. Air                                               | N  |                       |
|                                                             | 2. Land & Groundwater                                | N  |                       |
|                                                             | 3. Surface water                                     | N  |                       |
|                                                             | 4. Sewer                                             | NA |                       |
|                                                             | 5. Waste                                             | N  |                       |
| <b>f) Amenity</b>                                           | 1. Odour                                             | A  |                       |
|                                                             | 2. Noise                                             | N  |                       |
|                                                             | 3. Dust/fibres/particulates                          | A  |                       |
|                                                             | 4. Pests, birds & scavengers                         | A  |                       |
|                                                             | 5. Deposits on road                                  | A  |                       |
| <b>g) Monitoring and records, maintenance and reporting</b> | 1. Monitoring of emissions & environment             | N  |                       |
|                                                             | 2. Records of activity, site diary, journal & events | N  |                       |
|                                                             | 3. Maintenance records                               | N  |                       |
|                                                             | 4. Reporting & notification                          | N  |                       |
| <b>h) Resource efficiency</b>                               | 1. Efficient use of raw materials                    | NA |                       |
|                                                             | 2. Energy                                            | NA |                       |

**KEY: C1, C2, C3, C4 = CCS breach category (\* suspended scores are marked with an asterisk), A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored**

**Number of breaches recorded**

0

**Total compliance score**  
(see section 5 for scoring scheme)

0

**If the Total No Breaches is greater than zero, then please see Section 3 for details of 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 (e.g. 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 suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Site attended by NRW Regulatory Officer Alex Carter, NRW Team Leader Rhys Hughes, Site Operator Robert Harry and Site Consultant Joe Gatley.

In recent months there have been a number of complaints from members of the public regarding noise and vibration coming from Langcross Farm. The last inspection report was sent to site on 10th September 2015 and requested that an updated Environmental Management System (EMS) and a Noise Management Plan (NMP) be submitted to NRW by 10th October 2015. NRW received these documents on 21st October 2015 after agreeing to a deadline extension. NRW has reviewed these documents and have the following comments.

### EMS

1. Throughout the EMS reference is made to the Environment Agency, this needs to be corrected to Natural Resources Wales.
2. Section 1.4 refers to Site Management. You will need to include details regarding the length of time the Technically Competent Manager will be on site.
3. Please provide the address and contact details for the Barry Office as it holds documentation relating to this site.

### NMP

1. Unfortunately, neither the noise management plan nor the noise monitoring assessment have been completed to the required standards. Further work is needed to improve these. Reference should be made to the H3 Guidance Note (particularly Appendix 4) for the noise management plan. Link: <https://www.gov.uk/government/collections/horizontal-guidance-environmental-permitting>
2. For the noise assessment, the correct standard to be used is BS4142:2014.
3. The noise monitoring should be carried out by persons who have as a minimum, a qualification from the Institute of Acoustics (IOA)(or equivalent).
4. Noise equipment should meet the requirements of the standard. i.e. IEC 61672-1 : 2002 Class 1 sound level meter.
5. Activities have been ranked according to their noise level, which is a good start, though it is not clear whether this was based on monitoring data. This should be clarified.
6. No background measurements (LA90 ) have been recorded, hence it is not possible to quantify the impact of the activities using a comparison (as required under BS4142).
7. Components within the sound environment such as tones, impulses, impact noise or other acoustic features have not been accounted for.
8. Tree planting (Section 1.5.3 of the report) may provide an effective visual screen, however in this case it would not afford any measureable reduction in noise.
9. NRW recommends that the Operator seeks advice from a qualified noise professional (member of IOA or similar) with regard to noise control options. This would ensure that any improvements are targeted at the correct activities and that the correct mitigation measures are chosen. Ideally, a noise survey should be carried out prior to any improvements to set a baseline for comparison after improvements have been implemented. The current survey is not to the required standard.

Some noise reduction measures have been proposed as follows:

- More effective waste acceptance procedures to prevent foreign materials

- “Quieter handling” of materials
  - Use of impact deadening materials
  - Limiting the operation of certain equipment (i.e. the noisiest should be prioritised)
  - Moving to newer quieter equipment
  - Soil sound barriers (advice should be sought on the design and position of acoustic barriers)
- Barriers need to be close to the noise source to be effective.
- Plant maintenance and subjective assessments of elevated noise
  - Operating time restrictions

## **Conclusion**

Further work is needed to improve the noise management plan and the noise monitoring assessment. However, in the interim, NRW considers that some of the above measures could be trialled to determine if there is a subjective reduction in noise, and associated reduction in noise complaints received by NRW. However, advice should be sought from qualified acoustic professionals before implementing complex and/or expensive measures. NRW will review the situation again on 18th December 2015.

## **Site Meeting**

During the site meeting the following points were discussed:

- The creation of permanent bunds at the site perimeter and around the screeners.
- Reduction of operating hours.
- Maintenance of existing plant to reduce noise including the installation of a rubber hopper.
- Improved management of the site, including more controls over third party vehicles.
- Recording and investigating noise complaints that NRW forward on and providing NRW with the results of the investigation within 5 working days.
- Marking out the permitted site boundary so as to prevent waste escaping site.
- Reviewing the situation on or after 18th December 2015.

|                                                                                          |                                               |                           |
|------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------|
|          | <b>EPR Compliance Assessment Report</b>       | Report ID: 104043/0251456 |
| <b>This form will report compliance with your permit as determined by an NRW officer</b> |                                               |                           |
| Site                                                                                     | Soil Screening And Recycling Facility         | Permit 104043             |
| Operator/ Permit                                                                         | Green Circle Sustainable Developments Limited | Date 12/11/2015           |

|                                                                                                                                                                                                                                                                                                                                                 |                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>Section 3- Enforcement Response</b>                                                                                                                                                                                                                                                                                                          | <b>Only one of the boxes below should be ticked</b> |
| 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.                                            |                                                     |
| In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.                                                            |                                                     |
| We will now consider what enforcement action is appropriate and notify you, referencing this form.                                                                                                                                                                                                                                              |                                                     |

| <b>Section 4- Action(s)</b>                                                                                                                                                                                              |              |                         |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------|----------|
| Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done. |              |                         |          |
| 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 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 which could have a <b>major</b> environmental effect       | 60    |
| C2           | A non-compliance which could have a <b>significant</b> environmental effect | 31    |
| C3           | A non-compliance which could have a <b>minor</b> environmental effect       | 4     |
| C4           | A non-compliance which has <b>no</b> 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 fulfill 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 (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 and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information 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 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 the officer's line managers. 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.