



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

|                                        |                                               |               |              |   |             |                 |            |       |
|----------------------------------------|-----------------------------------------------|---------------|--------------|---|-------------|-----------------|------------|-------|
| Site                                   | Runcorn ERF EPR/XP3005LB                      |               |              |   | Permit Ref  | XP3005LB        |            |       |
| Operator/ Permit holder                | Viridor Energy Limited                        |               |              |   |             |                 |            |       |
| Date                                   | 01/06/2021                                    |               |              |   | Time in     | 19:30           | Out        | 23:00 |
| What parts of the permit were assessed | Noise Management                              |               |              |   |             |                 |            |       |
| Assessment                             | Check monitoring/sampling                     | EPR Activity: | Installation | X | Waste Op    | Water Discharge |            |       |
| Recipient's name/position              | Technical EHS Manager                         |               |              |   |             |                 |            |       |
| Officer's name                         | Phil Goodwin, Rachel Burton & Christine Bryan |               |              |   | Date issued |                 | 16/06/2021 |       |

### Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). 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 |
|------------------------------------------------------|------------------------------------------------------|----|-----------------------|
| a) Permitted activities                              | 1. Specified by permit                               | N  |                       |
| b) Infrastructure                                    | 1. Engineering for prevention & control of pollution | N  |                       |
|                                                      | 2. Closure & decommissioning                         | N  |                       |
|                                                      | 3. Site drainage engineering (clean & foul)          | N  |                       |
|                                                      | 4. Containment of stored materials                   | N  |                       |
|                                                      | 5. Plant and equipment                               | N  |                       |
| c) General management                                | 1. Staff competency/ training                        | N  |                       |
|                                                      | 2. Management system & operating procedures          | C2 | 1.1.1;                |
|                                                      | 3. Materials acceptance                              | N  |                       |
|                                                      | 4. Storage handling, labelling, segregation          | N  |                       |
| d) Incident management                               | 1. Site security                                     | N  |                       |
|                                                      | 2. Accident, emergency & incident planning           | N  |                       |
| e) Emissions                                         | 1. Air                                               | N  |                       |
|                                                      | 2. Land & Groundwater                                | N  |                       |
|                                                      | 3. Surface water                                     | N  |                       |
|                                                      | 4. Sewer                                             | N  |                       |
|                                                      | 5. Waste                                             | N  |                       |
| f) Amenity                                           | 1. Odour                                             | N  |                       |
|                                                      | 2. Noise                                             | C2 | 3.4.1;                |
|                                                      | 3. Dust/fibres/particulates & litter                 | N  |                       |
|                                                      | 4. Pests, birds & scavengers                         | N  |                       |
|                                                      | 5. Deposits on road                                  | N  |                       |
| g) Monitoring and records, maintenance and reporting | 1. Monitoring of emissions & environment             | N  |                       |
|                                                      | 2. Records of activity, site diary, journal & events | N  |                       |
|                                                      | 3. Maintenance records                               | N  |                       |
|                                                      | 4. Reporting & notification                          | N  |                       |
| h) Resource efficiency                               | 1. Efficient use of raw materials                    | N  |                       |
|                                                      | 2. Energy                                            | N  |                       |

**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

**MSA, MSB, TCM** = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).

|                             |   |                                                              |    |
|-----------------------------|---|--------------------------------------------------------------|----|
| Number of breaches recorded | 2 | Total compliance score<br>(see section 5 for scoring scheme) | 62 |
|-----------------------------|---|--------------------------------------------------------------|----|

## 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.

On the 1st June 2021 the EA carried out noise monitoring in a local residents back garden, located to north east of the Runcorn ERF (site) between Westfield Rd and the anti-clockwise bound slipway off Picow Farm Road onto the Expressway (A557). This was in order to establish if there was any noise pollution, which we now confirm was present. This was part of follow up work based on our comments recorded on the CAR form for the night of 10 February 2021.

The wind direction was from the east but within acceptable speed limits for monitoring noise and it was also dry and warm.

We had officers stationed on Picow Farm Road to observe operations at site and also in the residents back garden where the noise monitoring equipment was located. This was to corroborate noises that could be detected at both locations and rule out noises that were not from the site. The noise recorder and meter was on continuously from before the evening waste train arrival until unloading/loading operations ceased. We received information the waste train was passing through Runcorn Station via the local resident network.

We observed the south crane in operation that night and the north crane did not move. Again this is similar to our observations on the night of 10 February 2021. The activity of unloading and loading the waste train began on the southern end of the railhead at just before 20:30 hours.

We have sent Viridor (the operator) graphical and tabulated results of the findings from this exercise under a separate e-mail dated 16/06/21 which gives details of banging (impulse) noises measured, recorded and heard from 21:42 hours. This timeframe is when the Halton Fabrications building would appear to offer no barrier affect for the noise from the Railhead activities at the site to the residents house. This was corroborated both visually and audibly. The activity of unloading and loading continued at the northern end until ~22:35hours.

Our observations were that the activities of unloading/loading waste containers at the railhead were not free from noise and was at a level considered as pollution. The operator has failed to take appropriate measures to minimise noise. The permit condition breached is the noise condition 3.4.1. This has been scored as a CCS CAT 2 - significant effect on human senses. An explanation for this score is as below:

The human reaction to noise is very subjective, and is influenced by volume, duration, time of day, the nature of the noise source, and its characteristics. Although noise does not accumulate in the environment, the annoyance it causes can be cumulative, leading to mental and physical stress. The noise is assessed as being abnormal and prolonged enough to cause significant effect on human senses. This includes mild noise that occurs so frequently as to cause a greater degree of disturbance than would otherwise be expected.

The noise was disturbing and annoying by way of volume, duration, and characteristics (the bangs) could not be mistaken.

Abnormal means that the noise that is significantly louder or more intrusive and offensive than the normal operational noise climate and the railhead activities dominated the evening environment that

night and it was judged to be affecting people either inside or outside noise sensitive premises. People have the right to enjoy their garden in the evening summer time. Noise can be measured to give a numerical level and a description of its frequency characteristics; however, this does not always give an accurate impression of how annoying a noise can be to the receptor. However the tables and graphs provided of the noise to the operator sufficiently back up EA officer observations

This is also a breach of the management condition 1.1.1. The operator has not operated in accordance with a management system that identifies and minimise the risk of noise pollution despite this being drawn to the attention of the operator through complaints and EA observations. Again this is scored as a CCS CAT 2 as failure to act can be more damaging.

As two breaches of the permit has taken place, action must be carried by the operator to minimise the noise impact. The action is below and is repeated in the action box:

Action - Activities of unloading and loading waste and empty waste containers by crane north of the Halton Fabrication building must stop between the hours of 9pm at night and 8am the following morning from midnight 30 June 2021. This may only recommence subject to the operator submitting an action plan with suitable noise mitigation measures in place and the operator must obtain written agreement to it by the EA.

### Section 3- Enforcement Response

Only one of the boxes below should be ticked

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.

*\*Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

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.

X

### Section 4- Action(s)

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 |              |                                                                                                                                                                                                                                                                                                                                                                                                                          |              |
| C2                  | C2           | Activities of unloading and loading waste and empty waste containers by crane north of the Halton Fabrication building must stop between the hours of 9pm at night and 8am the following morning from midnight 30 June 2021. This may only recommence subject to the operator submitting an action plan with suitable noise mitigation measures in place and the operator must obtain written agreement to it by the EA. | 30 June 2021 |
| F2                  | C2           | As above                                                                                                                                                                                                                                                                                                                                                                                                                 | 30 June 2021 |

## 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.

● A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

### See our Enforcement and Civil Sanctions guidance for further information

*\*A breach of permit condition **MSA**, **MSB** & **TCM** is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

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.

**MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR**

**MSA** requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

**MSB** requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

**TCM** requires the submission of technical competence information.

## Section 6 – General Information

### Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency 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 Environment Agency 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 Environment Agency 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 28 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?

You must notify your local officer within 28 days of receipt if, you wish to challenge any part of 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 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the [customer contact](#) team or send an email to [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#), phone their helpline on 0345 015 4033.