



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

Site	Runcorn Energy from Waste Facility - EPR/XP3005LB				Permit Ref	XP3005LB		
Operator/ Permit holder	VIRIDOR ENERGY LIMITED							
Date	22/02/2024				Time in	08:00	Out	10:45
What parts of the permit were assessed	Noise prevention and minimisation							
Assessment	Report/data review	EPR Activity:	Installation	X	Waste Op	Water Discharge		
Recipient's name/position	Plant and Operations Managers							
Officer's name					Date issued	22/02/2024		

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	A	
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	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	N	
	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	N	
	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	A	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	A	
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	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.

This form is to set out the action required following the submission to the Environment Agency (EA) on the 12 December 2023 of the post abatement noise survey report, referenced as SLR Ref No: 403.06489.00001 October 2023 (**report**). This report produced was an action required on Viridor Energy Limited (the operator) to assess the significance of the noise at Clarks Terrace following the agreed mitigation measures, namely noise dampening packing above the cooling tower basin and noise attenuators fitted to the turbine hall fans. The EA have previously pointed out that whilst there may be an offsite noise pollution it is not a breach of the permit providing the operator is using appropriate measures. The EA continue with the position that whilst all investigations, improvements and assessments are being progressed to improve the situation for the residents of Clarks Terrace then it considers the site is taking appropriate measures. This is because of context.

Context - It would be wrong not to state that the situation the operator is addressing now is not the same situation that needed to be addressed during the design and build stages of the facility. During the planning application process and subsequently the initial environmental permit application it is noted that the background noise levels used in the noise assessments at Clarks Terrace were much higher than the current noise surrogate (proxy location) at Mersey View. The proxy location is the geographical position that was agreed would mimic the facility being switched off at Clarks Terrace. In effect the background noise being used in the current assessments to assess the impact of site noise is much lower than it was when this site was originally given permission. Even if the site was switched off then the sheer existence of the structure would make it impossible to recreate similar circumstances of pre-site build. This has a significant affect when assessing the noise from the operators site and the assessments now tend to be more favourable from a resident's perspective.

Having set out the context above the EA must make it clear that the EA and the operator have agreed a proxy location, and it is this that will determine the end point of the appropriate measures assessment for noise minimisation at the operator's site regarding the impact on Clarks Terrace.

The EA refer the operator to the report section 6.3 where it states 'The results of the BS4142:2014 +A1:2019 assessment are shown in Table 6-2. In accordance with the standard, the rating levels and the representative background sound levels have been rounded to the nearest decibel.

The report then states below table 6.2 (referring to the results):

'Clarks Terrace Daytime: The difference between the baseline background sound level and the mitigated rating level is 13dB(A) above the baseline background sound level at Clarks Terrace. This is an indication of a significant adverse noise impact in accordance with BS4142.

Clarks Terrace Night-Time: The difference between the baseline background sound level and the mitigated rating level is 10dB(A) above the baseline background sound level at Clarks Terrace at a height of 1.5m. This is an indication of a significant adverse noise impact in accordance with BS4142. At 4m there is also a similar reduction in the difference between the rating level and the baseline background sound level from plus 17dB(A) to plus 14dB(A).'

The EA also acknowledge that the operator states 'that the above results are an improvement on

before the noise mitigation measure were used.' The EA must however refer you to the reports Table 3.1 NVM assessment. The top row of this table clearly points out that the next stage for addressing significant adverse impact is that the operator '**must take further action or you may have to stop operations.**'

Action required on the operator as follows:

The operator shall undertake an investigative noise assessment to determine the dominant noise sources on site e.g. to find out where the noise is coming from that is affecting Clark's Terrace. The operator shall use the information from the investigation to calibrate any noise model that is relied upon. When the extent of noise pollution from each source is established the operator shall target the polluting sources with quantifiable noise control measures. Example measures may be targeting fans by moving them or making them more aerodynamic, altering RPM and adding silencers.

The operator shall provide written details to the EA on the next investigative stage and timetable to address the issues raised in this form by the 15 March 2024.

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.

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			

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 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.

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?

A permit holder can challenge any part of the CAR form by writing to the Environment Agency office local to the site within 28 days of receipt. If the issue cannot be resolved by the local office, a permit holder may request an appeal of the regulatory decision by emailing enquiries@environment-agency.gov.uk within 14 days of receipt of the outcome.

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.