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Maelor
FOODS

Acoustic Impact Assessment:
Report on Post-Noise Mitigation Measures

APPENDICES

25 June 2026

Appendix 1: Measurement Instrumentation

Bruel & Kjaer Type(s):

2250 G4 Analyser / Sound Level Meter s/n 3027786

4189 Pre-polarised Free-field ½" Microphone Type 4189 s/n 1869166

DANAK Accredited Certificate of Calibration No. CDK2600002 05 January 2026

4321 Acoustics Calibrator s/n 228802

DANAK Accredited Certificate of Calibration No. CDK2508239 29 December 2026

Windshield UA1650

Meteos Type:

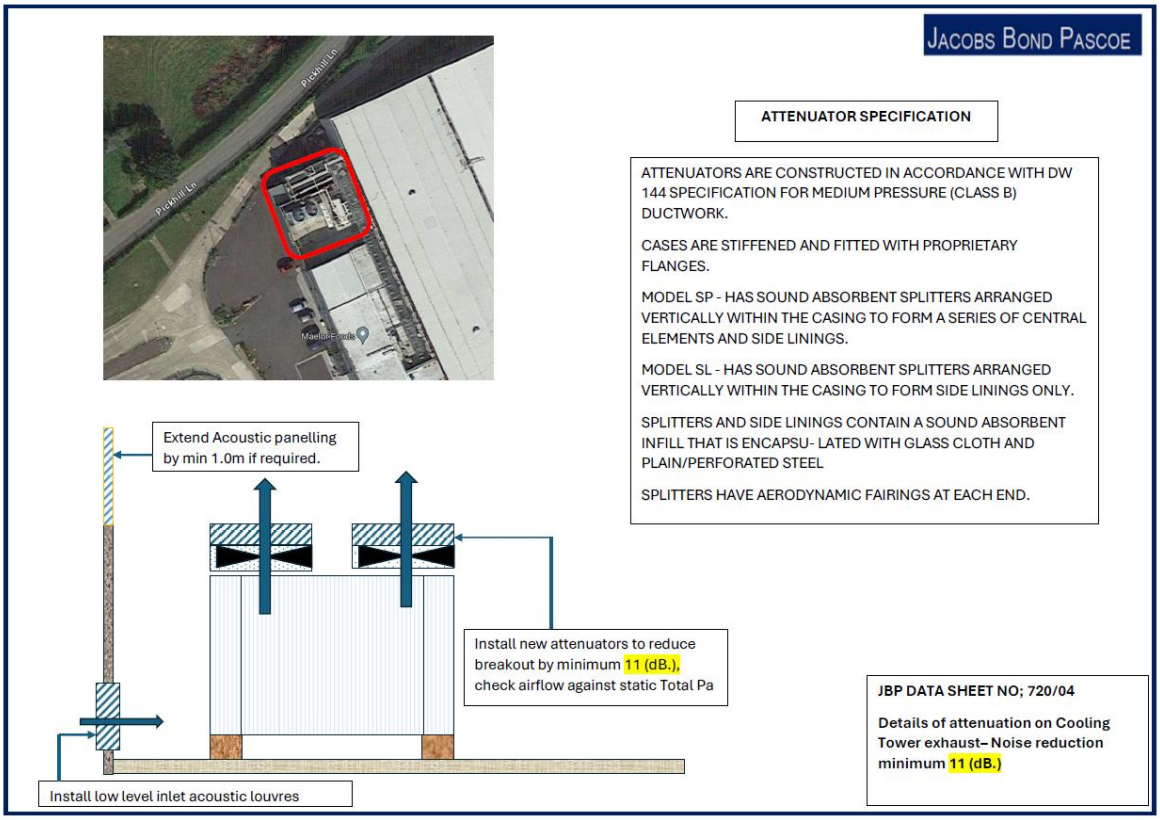
Skywatch Thermo-Anemometer

Appendix 2: Noise Mitigation Scheme

A2.1 Measures to reduce noise impacts associated with increased production capacity:

A2.1 Cooling & Refrigeration Plant Exhausts
A2.2 Plant Façade
A2.3 HVAC Units
A2.4 Effluent Treatment Plant
A2.5 Installation Boundary Acoustic Screening
A2.6 Scrubber Unit Attenuation

A2.2 Cooling & Refrigeration Plant Exhausts

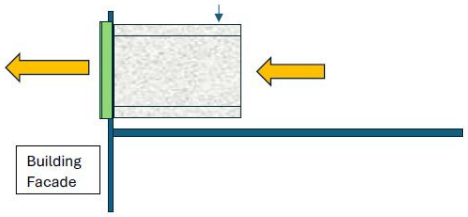


A2.3 Plant Façade

JACOBS BOND PASCOE



All exhaust and supply louvres to be attenuated with minimum 20 (dB.) Reduction



ATTENUATOR SPECIFICATION

ATTENUATORS ARE CONSTRUCTED IN ACCORDANCE WITH DW 144 SPECIFICATION FOR MEDIUM PRESSURE (CLASS B) DUCTWORK.

CASES ARE STIFFENED AND FITTED WITH PROPRIETARY FLANGES.

MODEL SP - HAS SOUND ABSORBENT SPLITTERS ARRANGED VERTICALLY WITHIN THE CASING TO FORM A SERIES OF CENTRAL ELEMENTS AND SIDE LININGS.

MODEL SL - HAS SOUND ABSORBENT SPLITTERS ARRANGED VERTICALLY WITHIN THE CASING TO FORM SIDE LININGS ONLY.

SPLITTERS AND SIDE LININGS CONTAIN A SOUND ABSORBENT INFILL THAT IS ENCAPSU- LATED WITH GLASS CLOTH AND PLAIN/PERFORATED STEEL

SPLITTERS HAVE AERODYNAMIC FAIRINGS AT EACH END.

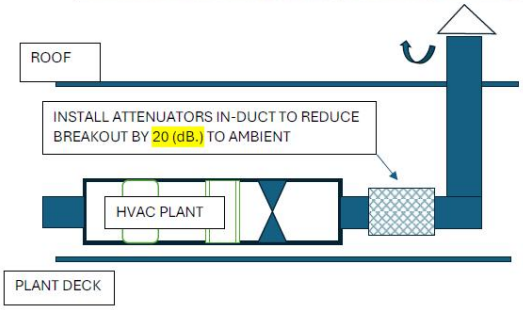
JBP DATA SHEET NO; 720/02

Details of attenuation on Supply and Exhaust louvres – Noise reduction minimum 20 (dB.)

A2.4 HVAC Units

JACOBS BOND PASCOE





ATTENUATOR SPECIFICATION

ATTENUATORS ARE CONSTRUCTED IN ACCORDANCE WITH DW 144 SPECIFICATION FOR MEDIUM PRESSURE (CLASS B) DUCTWORK.

CASES ARE STIFFENED AND FITTED WITH PROPRIETARY FLANGES.

MODEL SP - HAS SOUND ABSORBENT SPLITTERS ARRANGED VERTICALLY WITHIN THE CASING TO FORM A SERIES OF CENTRAL ELEMENTS AND SIDE LININGS.

MODEL SL - HAS SOUND ABSORBENT SPLITTERS ARRANGED VERTICALLY WITHIN THE CASING TO FORM SIDE LININGS ONLY.

SPLITTERS AND SIDE LININGS CONTAIN A SOUND ABSORBENT INFILL THAT IS ENCAPSU- LATED WITH GLASS CLOTH AND PLAIN/PERFORATED STEEL

SPLITTERS HAVE AERODYNAMIC FAIRINGS AT EACH END.

JBP DATA SHEET NO; 720/03

Details of attenuation on supply and extract HVAC systems – Noise reduction minimum 20 (dB.)

A2.5 Effluent Treatment Plant

JACOBS BOND PASCOE



KEY

- New acoustic chamber around Existing water treatment pumps
- New acoustic chamber around proposed water treatment pumps



Jacobs Bond Pascoe - Acoustic housing specifications:

- High performance acoustic louvre air inlet
- Exhaust air attenuator (left side of the enclosure)
- Lockable double access/service doors
- BS or RAL painted colour.
- Internal absorption
- Roof with a fall back to front
- Reduces noise up to 34dB Rw

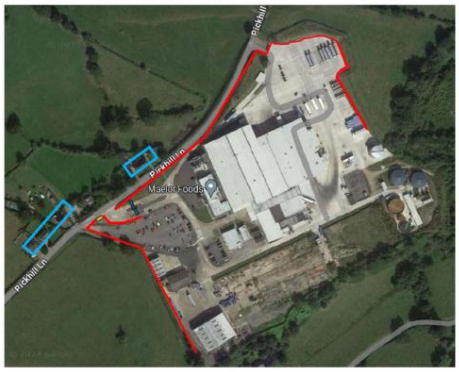
JBP DATA SHEET NO; 720/05

Details of Acoustic Housing around Effluent treatment plant.

Noise reduction up to 34dB Rw

A2.6 Installation Boundary Acoustics Screening

JACOBS BOND PASCOE



KEY

- Ultra-sound absorbent panelling
- Ultra-sound absorbent security gates
- Standard automated security gates.
- Nearest residential receptors



Ultra noise reduction panelling designed and installed to blend into the background with different finishes to planning approval requirements - Reduction by (11 (dB.)





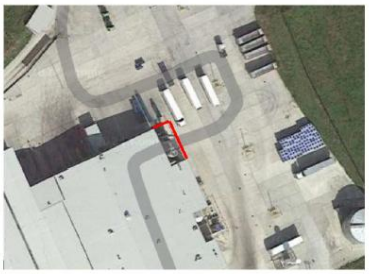
SPECIFICATION	
Materials	Solid pine wood, Steel frame, ROCKWOOL sound absorbing stone wool, and PE netting on the stone wool's surface.
Surface treatment	Impregnation User Class III according to EN 335:2013
Sound insulation	21dB according to EN1793-2(B2)
Sound absorption	11dB according to EN1793-1(A3)
Surface	PE netting (Polyethene)
Wind resistance	Maximum load 1.02 kN/m2 according to EN1794-1
Cleaning	Low maintenance , high pressure segment
Application	Industry, roads, public spaces.

JBP DATA SHEET NO; 720/01

Details of Ultra noise reduction perimeter panelling – Noise reduction minimum 11 (dB.)

A2.7 Scrubber Unit Attenuation

JACOBS BOND PASCOE

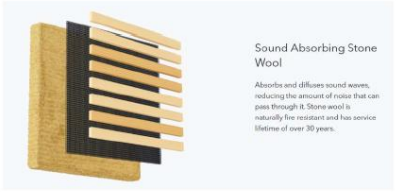


Acoustic Panelling around scrubber – Reducing Noise Breakout By 11. dBA



Ultra noise reduction panelling designed and installed to blend into the background with different finishes to planning approval requirements - Reduction by (11 (dB.)

Details of Acoustic panels around the Scrubber unit.



SPECIFICATION	
Materials	Solid pine wood, Steel frame, ROCKWOOL sound absorbing stone wool, and PE netting on the stone wool's surface.
Surface treatment	Impregnation User Class III according to EN 335:2013
Sound insulation	21dB according to EN1793-2(B2)
Sound absorption	11dB according to EN1793-1(A3)
Surface	PE netting (Polyethene)
Wind resistance	Maximum load 1.02 kN/m2 according to EN1794-1
Cleaning	Low maintenance , high pressure segment
Application	Industry, roads, public spaces.

JBP DATA SHEET NO; 720/06

Details of Ultra noise reduction perimeter panelling – Noise reduction minimum 11 (dB.)

Appendix 3: Measurement Survey Results

Site A: Marlbrook House

Site A: **Marlbrook House, Pickhill Lane** **Daytime**		**Date:** **Monday 23 March 2026**
Ref.01		
Start Time 12:00	**$L_{Aeq\ (1\ hour)}$, dB**	**$L_{A90\ (1\ hour)}$, dB**
	56.7	43.5
Commentary		
Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Chiller plant occasionally just audible at entrance to Maelor site.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	14.1 @11:45	1.8
	13.8 @12:40	1.3
		Wind Direction
		S/SW
Dry. Cool. Negligible wind. Overcast. Cloud cover $^{8}/_{8}$ Oktas clearing to $^{5}/_{8}$ Oktas. Occasional slight breeze.		
Ambient Sounds		
A525 road traffic constant. Bird song/calls/chirping. Vehicle pass-bys on Pickhill Lane highly notable. Aircraft. Soundscape routinely dominated by vehicle pass-bys on Pickhill Lane.		
Calibration		
13:01	New Sensitivity	48.37 mV/pa
	Deviation from last	-0.02 dB
	Nominal value	94 dB
14:38	New Sensitivity	48.59 mV/pa
	Deviation from last	0.04 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Daytime**		**Date:** **Monday 23 March 2026**
Ref.02		
Start Time 13:30	**$L_{Aeq\ (1\ hour)}$, dB**	**$L_{A90\ (1\ hour)}$, dB**
	54.5	42.3
Commentary		
Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Chiller plant occasionally just audible entrance to Maelor site.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	13.2 @12:40 hrs	Still
	17.0 @14:38 hrs	Still
		Wind Direction
		S/SW
Dry. No appreciable wind. Overcast changing to sunny and bright by 14:28 hrs. Cloud cover $^{8}/_{8}$ Oktas clearing to $^{5}/_{8}$ Oktas.		
Ambient Sounds		
A525 road traffic constant. Bird song/calls/chirping. Vehicle pass-bys on Pickhill Lane highly notable. Cows in nearby field. Soundscape regularly dominated by vehicle pass-bys on Pickhill Lane and aircraft flyovers.		
Calibration		
13:01	New Sensitivity	48.37 mV/pa
	Deviation from last	-0.02 dB
	Nominal value	94 dB
14:38	New Sensitivity	48.59 mV/pa
	Deviation from last	0.04 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Daytime**		**Date:** **Monday 30 March 2026**
Ref.03		
Start Time 11:04	**$L_{Aeq\ (1\ hour)}$, dB**	**$L_{A90\ (1\ hour)}$, dB**
Period 1 hour	58.3	42.9
Commentary		
Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Vehicle access gates to Maelor site open – undergoing repair.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	11.5 @ 13:08	3.0 to 7.3
	12.6 @ 12:08	Wind Direction
		NW
Dry. Overcast. Low cloud cover $^{8}/_{8}$ Oktas clearing to $^{5}/_{8}$ Oktas. Occasionally breezy.		
Ambient Sounds		
A525 road traffic audible. Birds chirping. Soundscape dominated by vehicle pass-bys on Pickhill Lane and aircraft flyovers. Distant tone – not Maelor Foods Ltd.		
Calibration		
11:03	New Sensitivity	48.55 mV/pa
	Deviation from last	-0.01 dB
	Nominal value	94 dB
13:08	New Sensitivity	48.55 mV/pa
	Deviation from last	-0.03 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Daytime**		**Date:** **Monday 30 March 2026**
Ref.04		
Start Time 12:07	**$L_{Aeq\ (1\ hour)}$, dB**	**$L_{A90\ (1\ hour)}$, dB**
	58.8	43.7
Commentary		
Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Vehicle access gates to Maelor site open – undergoing repair.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	12.6 @ 13:08	3.0
	14.3 @13:08	7.8
		Wind Direction
		NW
Dry. Sunny & cool. Cloud cover $^{3}/_{8}$ Oktas at 13:08 hrs. Occasional breeze.		
Ambient Sounds		
A525 road traffic audible. Birds chirping. Soundscape dominated by vehicle pass-bys on Pickhill Lane and aircraft. Neighbouring residential activities (banging).		
Calibration		
11:03	New Sensitivity	48.55 mV/pa
	Deviation from last	-0.01 dB
	Nominal value	94 dB
13:09	Sensitivity	48.55 mV/pa
	Deviation from last	-0.03 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Daytime**		**Date:** **Friday 17 April 2026**
Ref.05		
Start Time 19:05	$L_{Aeq\ (1\ hour)}$, **dB**	$L_{A90\ (1\ hour)}$, **dB**
	53.9	41.1
Commentary		
Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Vehicle access gates to Maelor site open.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	11.9 @ 19:00	1.2
	10.2 @20:06	1.9
		Wind Direction
		SW
Dry. Bright. Broken cloud cover $^{2}/_{8}$ Oktas @ 19:00 hrs.		
Ambient Sounds		
A525 road traffic audible. Soundscape dominated by vehicle pass-bys on Pickhill Lane and aircraft. Bird song/calls. Tonal sound from the south-west prominent (not Maelor Foods). Church bells audible (Bangor-on-Dee). Cows.		
Calibration		
19:01	New Sensitivity	48.43 mV/pa
	Deviation from last	-0.02 dB
	Nominal value	94 dB
22:30	Sensitivity	48.66 mV/pa
	Deviation from last	0.04 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Night-time**		**Date:** **Sunday 19 April 2026**
Ref.08		
Start Time 23:12	$L_{Aeq\ (20\ min)}$, **dB**	$L_{A90\ (20\ min)}$, **dB**
Period 20 mins	50.6	30.9
	46.8	31.5
Commentary		
Maelor production/poultry processing suspended. Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Distant, continuous industrial sounds from north/north-west.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	3.0 @ 23.00	0.2
	1.5 @ 00:18	0.6
	0.4 @ 01:21	0.6
		Wind Direction
		N
Dry. Cold. Star-lit skies. Very still. Overcast. Cloud cover $^0/_8$ Oktas.		
Ambient Sounds		
A525 road traffic audible. Birds chirping. Soundscape dominated by vehicle pass-bys on Pickhill Lane and aircraft flyovers. Owls.		
Calibration		
23:00 (19-04-2026)	New Sensitivity	48.22mV/pa
	Deviation from last	-0.08 dB
	Nominal value	94 dB
03:02 (20-04-2026)	New Sensitivity	48.08mV/pa
	Deviation from last	-0.03 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Night-time**		**Date:** **Monday 20 April 2026**
Ref.09		
Start Time 00:00	**$L_{Aeq\ (1\ min\ 40s)}$, dB**	**$L_{A90\ (13\ min\ 40s)}$, dB**
	40.6	30.7
Commentary		
Maelor production/poultry processing suspended. Maelor production shutdown. Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Distant, continuous industrial sounds from north/north-west. Measurement interrupted.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	1.5 @ 00:18	0.6
	0.4 @ 01:21	Wind Direction
		N
Dry. Cool. Star-lit skies. Very still. Overcast. Cloud cover $^{0}/_{8}$ Oktas.		
Ambient Sounds		
A525 road traffic audible. Soundscape dominated by vehicle pass-bys on Pickhill Lane and aircraft flyovers. Owls.		
Calibration		
23:00 (19-04-2026)	New Sensitivity	48.22mV/pa
	Deviation from last	-0.08 dB
	Nominal value	94 dB
03:02 (20-04-2026)	New Sensitivity	48.08mV/pa
	Deviation from last	-0.03 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Night-time**		**Date:** **Monday 20 April 2026**
Ref.10		
Start Time 00:18	**$L_{Aeq\ (20\ min)}$, dB**	**$L_{A90\ (20\ min)}$, dB**
	38.6	31.4
	44.4	31.9
	37.6	32.1
Commentary		
Maelor production/poultry processing suspended. Measurement position – frontage to Pickhill Lane. Maelor plant inaudible at measurement position. Distant, continuous industrial sounds from north/north-west.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	1.5 @ 00:18	0.6
	0.4 @ 01.21	0.6
		Wind Direction
		N
Dry. Cool. Star-lit skies. Very still. Overcast. Cloud cover $^0/_8$ Oktas.		
Ambient Sounds		
A525 road traffic audible. Soundscape dominated by vehicle pass-bys on Pickhill Lane, aircraft flyovers and low-level broad-band sound from Maelor Foods and occasional low-level 'clangs'. Various modulating tonal sounds from N/NW identified at 299 Hz and 447 Hz. Owls. Cows.		
Calibration		
23:00 (19-04-2026)	New Sensitivity	48.22mV/pa
	Deviation from last	-0.08 dB
	Nominal value	94 dB
03:02 (20-04-2026)	New Sensitivity	48.08mV/pa
	Deviation from last	-0.03 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Night-time**		**Date:** **Friday 12 - Saturday 13 June 2026**
Ref.38/39		
Start Time 23:40	**$L_{Aeq\ (15\ min)}$, dB**	**$L_{A90\ (15\ min)}$, dB**
	51.5	31.6
	55.1	31.9
	54.9	31.9
	51.9	31.7
Commentary		
Maelor plant inaudible for the majority of the time. Measurement position – frontage to Pickhill Lane. Distant, continuous industrial sounds from north/north-west.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	12.0 @ 23:43	2.2
	11.6 @ 00:19	3.0
	10.8 @ 00:39	3.0
		Wind Direction
		W
Dry. Star-lit skies. Relatively still. Cloud cover $^1/_8$ Oktas.		
Ambient Sounds		
A525 road traffic audible. Chiller plant at times briefly just audible at Maelor site entrance and Marlbrook House. Repair/modification works in progress to provide for gates to employee's car park; temporary surface covering over excavations producing additional sounds as cars traversed (ingressing/egressing the site). Soundscape principally dominated by vehicle pass-bys on Pickhill Lane, and comprising aircraft flyovers, distant traffic (occasional very noisy cars and motorcycles), and continuous industrial broad-band sounds and an audible tone from the N/NW.		
Calibration		
23:15 (12-06-2026)	New Sensitivity	48.27mV/pa
	Deviation from last	-0.09 dB
	Nominal value	94 dB
02:51 (13-06-2026)	New Sensitivity	48.32mV/pa
	Deviation from last	0.01 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Night-time**		**Date:** **Saturday 13 June 2026**
Ref.40		
Start Time 00:41	$L_{Aeq\ (15\ min)}$, **dB**	$L_{A90\ (15\ min)}$, **dB**
	52.4	31.2
	54.1	31.4
	52.6	30.5
	47.7	30.7
Commentary		
Maelor plant inaudible for the majority of the time. Measurement position – frontage to Pickhill Lane. Distant, continuous industrial sounds from north/north-west.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	10.8 @ 00:39	3.0
	10.9 @ 01:42	2.3
		Wind Direction
		W
Dry. Star-lit skies. Relatively still. Cloud cover $^{1}/_{8}$ Oktas.		
Ambient Sounds		
A525 road traffic audible. Chiller plant at times briefly just audible at Maelor site entrance and Marlbrook House. Repair/modification works in progress to provide for gates to employee's car park; temporary surface covering over excavations producing additional sounds as cars traversed (ingressing/egressing the site). Soundscape principally dominated by vehicle pass-bys on Pickhill Lane, and comprising aircraft flyovers, distant traffic (occasional very noisy cars and motorcycles), and continuous industrial broad-band sounds and an audible tone from the N/NW.		
Calibration		
23:15 (12-06-2026)	New Sensitivity	48.27mV/pa
	Deviation from last	-0.09 dB
	Nominal value	94 dB
02:51 (13-06-2026)	New Sensitivity	48.32mV/pa
	Deviation from last	0.01 dB
	Nominal value	94 dB

Site A: **Marlbrook House, Pickhill Lane** **Night-time**		**Date:** **Saturday 13 June 2026**
Ref.41		
Start Time 01:47	**$L_{Aeq\ (15\ min)}$, dB**	**$L_{A90\ (15\ min)}$, dB**
	43.4	28.7
	51.8	28.9
	52.9	29.0
	47.8	30.0
Commentary		
Maelor plant inaudible for the majority of the time. Measurement position – frontage to Pickhill Lane. Distant, continuous industrial sounds from north/north-west.		
Weather Conditions	Air Temperature, °c	Wind Gusts ms^{-1} (max)
	10.9 @ 01:42	2.3
	10.9 @ 02:43	2.3
		Wind Direction
		W
Dry. Star-lit skies. Relatively very still. Cloud cover $^{2}/_{8}$ Oktas.		
Ambient Sounds		
A525 road traffic audible. Chiller plant at times briefly just audible at Maelor site entrance and Marlbrook House. Repair/modification works in progress to provide for gates to employee's car park; temporary surface covering over excavations producing additional sounds as cars traversed (ingressing/egressing the site). Soundscape principally dominated by vehicle pass-bys on Pickhill Lane, and comprising aircraft flyovers, distant traffic (occasional very noisy cars and motorcycles), and continuous industrial broad-band sounds and an audible tone from the N/NW.		
Calibration		
23:15 (12-06-2026)	New Sensitivity	48.27mV/pa
	Deviation from last	-0.09 dB
	Nominal value	94 dB
02:51 (13-06-2026)	New Sensitivity	48.32mV/pa
	Deviation from last	0.01 dB
	Nominal value	94 dB

Appendix 4: Author Credentials - Abridged

Academic

Master of Science Degree	Environmental Pollution Control (*Pass with distinction*). 1997.
Master of Science Degree	Acoustics, Vibration & Noise Control. 1991.
Diploma	Institute of Acoustics - Acoustics & Noise Control. 1985.
Certificate (Polytechnic)	Environmental Noise. (Pass with distinction). 1984
Diploma	Royal Society of Health - Air Pollution Control. 1983.
Certificate (University)	Air Pollution Control. 1983.

Professional Memberships & Affiliations

Institute of Acoustics

The Royal Society for Public Health

The Institution of Environmental Science

Chartered Scientist

Chartered Environmentalist

Employment

Current Positions	**Employer**	**Date(s)**
Acoustics & Environmental Consultant	Independent (Self) / Ltd. Company	1991 *to date*
Environmental Protection Manager	Walsall Metropolitan Borough Council	June 2021 - *to date*

Positions Held Within Technical Bodies & Organisations

Current Positions	**Organisation / Body**	**Date(s)**
Committee Member – EH/1/3 Residential & Industrial Noise	British Standards Institution (BSI), UK	2012 *to date*
Committee & Drafting Panel Member EH/1/3/2 BS 4142 Methods for		

rating and assessing industrial and commercial sound		
Drafting Panel Member EH/1/3/3 Revision of BS 7445 Description and measurement of environment sound		
British Standards Institution (BSI) UK Expert Representative - Working Group ISO/TC 43 SC1 WG 51 Noise from shooting ranges	International Standards Organisation (ISO)	2014 *to date*
Committee Member – Education Committee	Institute of Acoustics	2008 *to date*

Appendix 5: General Disclaimer

This report has been prepared for purposes stated herein and is for the sole use of the named client(s). It is provided firstly on a confidential basis to those responsible for commissioning this report and any professional advisor(s) to the same, unless otherwise agreed and confirmed to the contrary by those responsible for commissioning the report and Acoustics Environment Ltd.

It is assumed throughout persons using or interpreting this report for professional and/or other requirements are suitably conversant with terminology, expressions and content herein, and any associated references, texts and other documentation. Comprehensive technical explanations, interpretation and acoustic terminology may therefore be specifically omitted and the reader is directed to: relevant standards; publications; policy and guidance; and technical materials by default, for further information as and where stated, indicated, referenced, or as appropriate. For brevity, glossaries and explanations of terms used might be excluded and otherwise available on request.

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Opinions and statements are subject to information either gathered during attendance at site; and/or measurements undertaken; and/or information supplied by, or on behalf of, any person(s) commissioning the report; and/or exchanges between other parties; and/or published works; and/or professional knowledge, experience and research. If additional information or knowledge becomes available which affects any reported comments, opinions, conclusions or recommendations, Acoustics Environment Ltd. reserve the right to revise the content of this report accordingly.

Throughout this report there may be reference to '*noise*'. Considered as an both an acoustic and legal construct, noise is related to human response and is routinely described as '*unwanted sound*', or sound that is considered undesirable or disruptive (by the recipient). For the purposes of this report any reference to noise where used is treated within this context, unless it forms part of published material and is applied in regard to the same.