Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0040827

Permit being assessed: ZP3198FN.
For: Briton Ferry Shipping Services Ltd, held by Briton Ferry Shipping Services Ltd
At: Briton Ferry Shipping Services Ltd, Giants Wharf, Briton Ferry, Neath, N P T, SA11 2LP.

Type of assessment carried out: Report/Data Review, Reason: Other.
On 16/12/2022.
Parts of permit assessed: FPMP Review

NRW Lead Officer: Sally Wakeford.
Report sent to: Tony Davis, Technically Competent Manager on 16/12/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	Action only (X)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
0	0

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
C2	FPMP to be updated with required information	31/01/2023

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

A review of the Fire Prevention and Mitigation Plan (FPMP) submitted on 17 October 2022 was undertaken by NRW and Fire Rescue Service (FRS).

The table below shows each of the sections from the guidance, and if they are compliant with the guidance. Some sections of the guidance are “must haves” and some are “should haves”.

For the purposes of this assessment, if the document meets the “must haves” then it has been noted as compliant (Y) with the guidance. If improvement is required for your plan to be accepted, then this is noted with an **N**.

You can find information below the table on the various sections on where the plan needs improvement on the “must haves” and could improve on the “should haves”.

Section	**Compliant with guidance?** **Yes / No / N/A**	**Comments**
5. FPMP Contents		
5. Site Plan	**N**	See comments below – some additional info needed
6. Common Causes of Fires and Preventative Measures	Y	Meets guidance requirements
7. Storage Times and self-combustion factors	Y	Meets guidance requirements
8. Managing Waste Material Stacks and Separation Distances	Y	Meets guidance requirements
10. Baled Waste Storage	Y	All “musts” included. More info needed on sampling procedures – see comments below.
11. Enclosing Stacks Using Bays and Walls	n/a	
12. Waste Stored Within a Building	n/a	
13. Waste Stored in Containers	n/a	
14. Layout of Waste Stacks on your Site	Y	See comments below. “May need to be included”
15. Seasonality and Waste Stack Management	Y	Meets guidance requirements
16. Monitoring and Turning of Stacks	**N**	Surface heat monitoring only.
17. Fire Detection 18. Fire Suppression Systems	Y	No suppression system on site. CCTV available. See comments below.
19. Firefighting Strategy	Y	Await FRS arrival. Does not meet with guidance but is not a “must”. See comment below.
20. Water Supplies	**N**	Abstraction agreement provided. FRS Noted there are hydrants in the area see below.

21. Managing Water Run-off	Y	Drainage not noted in FPMP. Is there any drainage system?
22. Designated Quarantine Area	Y	
23. During and After an Incident	**N**	notification of site to nearby residents and businesses? decontaminate site? Steps to take to become operational?
24. Reviewing and Monitoring your Fire Prevention & Mitigation Plan	Y	

Further comments and notes:

"Must haves" requiring improvement:

5. Site Plan

The plans provided need to include all the information required in the FPMP guidance, this includes:

- Area of hazardous material i.e. fuel tanks etc.
- Other access points for FRS
- Water supplies – access point to Neath Canal
- Natural & unmade ground
- Location of plant/pollution control equipment
- Drain covers, fire water containment systems
- Off site emergency pack
- Location of key receptors within 1km.

Sensitive receptors are not noted within the FPMP, with contact information for local businesses/nursing homes etc. where practicable – notification measures must be in place.

16. Monitoring and Turning of stacks.

The equipment used to detect temperature and moisture content must be capable of operating at any depth throughout the pile – the FPMP uses a "heat gun" to measure surface temperatures only.

20. Water supplies:

Although it has been noted in comment from FRS that they do not have concerns over the canal, the amount of water is available (as stated in the abstraction agreement letter) is not guaranteed.

FRS are aware of a number of Hydrants near to the site, namely on Giants Grave Road and within a premise adjacent to Owens Row, although these are 'Reduced Supply Hydrant', there are a few normal hydrants within a water rely distance. These should be included on the plan.

23. During and after an incident.

The FPMP must include:

- Plan for notifying nearby residents and businesses
- Steps to clear and decontaminate the site
- Steps to take before the site can become operational again.

“Should haves” where additional information could be considered:

10. Baled wastes

All “must haves” are covered, however if a little more information on the methodology for the temperature measurements could be provided to ensure you cover the recommendations.

14. Layout of waste stacks on your site

Location of flammable or hazardous substances kept on site, including gas cylinders, diesel tanks etc. These “may” need to be taken into account.

17. Fire Detection & 18 Fire suppression systems.

You should consider fitting automatic detection systems. – CCTV is operational, but no other automated systems.

19. Fire Fighting strategy

Both NRW and FRS have concerns with having no firefighting capacity on site, and that the site would await the response from FRS. However, this is not a “must do” requirement of the guidance, and therefore this part of the plan is compliant with the requirements of the guidance.

The FPMP states that there will be onsite machinery to assist with the movement of Baled RDF to a quarantine area in the event of a fire. Will these arrangements be in place outside normal working hours?

21. Managing Fire Waste run-off

Confirmation that the ground water and surface water bodies must be included in the plan.

The plan should also contain more information on the drainage. Is there sealed drainage tank? Does the water pool somewhere? It is noted that sandbags could be used, but where would the rain water typically go?

Summary

Four main areas of concern have been highlighted in the table above (5, 16, 20 and 23) where NRW and FRS do not consider that the guidance has been met to an appropriate level.

All other aspects of the FPMP are appropriate and in line with the guidance.

In addressing the points raised above, it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit. ***Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 of the FPMP guidance – Reviewing and Monitoring your Fire Prevention & Mitigation Plan.***

In a future compliance assessment inspection, we will undertake an assessment of compliance with your FPMP in line with the current FPMP guidance.

END

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?
In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities
- A1 Specified by permit

B: Infrastructure
- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management
- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management
- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions
- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity
- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting
- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency
- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response
Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice
You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:
- offering or providing you with our literature or 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
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line
If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?
If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards
We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.