

Compliance Assessment Report CAR_NRW0041319

Permit being assessed: BP3090ST.

For: Potters Yard, held by James Edward Potter

At: Severn Road, Welshpool, Powys, SY21 7AZ.

Type of assessment carried out: Site Inspection, Reason: Other.

On 08/02/2023 between 14:00 and 15:30.

Parts of permit assessed: Site

NRW Lead Officer: Liz Park, accompanied by Kerry Hughes MWWFRS.

Report sent to: Kevin Pryce, Manager, TCM on 06/03/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	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
D2	Review contents of the CAR and submit an updated version of the FPMP. Please contact Liz Park should you wish to discuss further.	07/04/2023

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

Liz Park (Senior Officer - Waste Regulation) and Kerry Hughes (Mid and West Wales Fire and Rescue Service (MWWFRS - Station Officer) arrived at Potters Yard to undertake an

announced joint visit focusing on fire prevention and mitigation. Liz and Kerry met with Kevin Pryce (TCM, North Area Manager) and Richard Carter (Potters Group - Business Manager). At the time of the visit the weather was cool and dry.

Liz and Kerry first met with Kevin and Richard at the office before undertaking a site walkover. Kerry is new to the area and had not previously visited the site. Following the small fire in January 2023 and larger fire in 2021, it was considered a joint visit would be beneficial in preventing and mitigating a fire.

Site access

Potters Yard has two entrances. The main entrance off Henfaes Lane and the back entrance off Severn Road by Jack's Tyres and Welsh Border Motor Spares. In the event of a fire, it is most likely that the back entrance would be used for access by MWWFRS.

Gaining access and whilst maintaining site security following an out of hours fire was discussed and way forward was agreed.

Before arriving on site Liz showed Kerry to route to the back entrance and pointed out the location of the fire hydrant (in the ground outside Jack's Tyres)

Action: Please ensure the actions as agreed are undertaken.

Out of hours notification to site

Kerry checked that they had the correct out of hours contact on their Operational Tactical Plan. The details for Kevin are correct. It was suggested that the additional key holders were also added to the Operational Tactical Plan as Kevin may not always be available. Kerry explained it would be Fire control that would contact the site and not the attending crew.

It is unclear as to why the site was not notified in January 2023.

Action: Please ensure that at least one of the key holders is available out of hours.

Fire in January 2023

The fire in January was in the small domestic appliance storage area on the main yard. Using CCTV footage, Kevin was able to tell Kerry how long the fire lasted.

Whilst walking over the site, it became clear how close the fire was to adjacent buildings (approximately 13m at the shortest distance). Kevin and Richard are considering how to re-arrange the wastes stored on the yard to reduce the risk of fire spreading to neighbouring properties. Whilst the bunker walls are not Fire walls, it appears that they did mitigate the spread of fire to adjoining bunkers.

The guidance states that the distance away from a building will depend upon stack length (or at their ends width). As fire-fighting can only be from one side, the maximum stack width is 10 metres. Due to the nature of the stack on site it is difficult to calculate its length - as it effectively goes across the north eastern edge and down the eastern side. It is noted at the time of the visit there was very little waste in the SDA (Small Domestic Appliance) bay thereby creating a fire break but this will not always be the case.

Using the Guidance (Guidance No. 16 v2):

Figure 1 - mixed waste and Loose stack to Building

Taking stack length along north eastern edge only at 30m - the separation distance would need to be 15m.

It is not possible to take the stack length along it's length as at approximately 100m it exceeds the max length on the table.

Taking the distance from the stack to the building at 13m, the maximum stack length is 20m.

Using Figure 2 for plastic/ rubber and Loose stack to building

Taking stack length along the north eastern edge only at 30m - the separation distance would need to be 30m.

Taking the distance from the stack to the building at 13m, the maximum stack length is 6m.

The stack consists of ELVs, WEEE, plastics, tyres, solvents, glass and scrap metal. And cardboard which is not identified on the plan.

Therefore you **MUST** take action to arrange the site to reduce the risk of fire spreading to neighbouring properties and meet the separation distance in the guidance at all times.

The use of fire walls/ bunkers to reduce the stack length would decrease the separation distance. Please see pages 18 and 19 of the guidance and note the 1m freeboard requirement.

Action: Please provide a copy of the incident investigation

Action: Provide details of the changes to the site and a timescale for implementation. Please contact Liz Park should you wish to discuss this further.

Fire water management and drainage system on main transfer yard

The management of fire water was discussed. The drainage system on the site is connected to the mains sewer. However, the Welshpool Sewage Treatment works would not be able to cope with fire water which could potentially result in untreated sewage entering the River Severn.

The drainage system on the yard does have a stop valve but when Liz and Kerry visited the site access had been restricted due to skips being placed in front of the valve. This was rectified by the site that day. The FPMP site plan has been updated to show the location of the stop valve.

Action: Please ensure access is available at all times to the stop value. It is advised that its location is easily identified on site to prevent access being restricted in the future.

Access to plant and equipment.

The 2021 fire occurred in hours and staff were available to remain on site and operate the telehandler to remove the waste so it could be doused with water. It is noted that out of hours, staff may not be available to drive the plant.

Drainage mats & sand bags

Drainage mats have been provided and are currently stored in a building marked on the site plan.

New sand bags used to contain firewater have been provided.

Kevin is looking into a new storage facility that will facilitate access to the mats and sandbags in the event of an emergency.

It is noted that the new plan for FPMP v9 has the sand bags and drain mats next to each other.

Information in fire boxes

Kevin opened the fire box on the rear entrance to show Liz and Kerry the contents. There full FPMP was in the box along with an A3 laminated plan of the site. It was agreed that the A3 laminated plan would be the most useful document. Kerry suggested that the contact numbers for the key holders are added to this plan. This has been undertaken.

Site Notice board

Please ensure that there is a site notice board at each entrance showing the details as required on page 36 in How to Comply with your Environmental Permit. They can be updated following the outcome of the permit application to transfer the permit to a limited company.

FPMP - Admin

Please note section 12 After an incident refers to the adjacent landfill. As this is not the case, please correct this error in the next version.

Please also note that the footer needs to be changed to the correct version. It is currently on v7 on the v9 version (but is v8 on v8)

Water supplies

It is known that the nearby fire hydrant is unable to provide sufficient water in the event of a large fire. The current source of water is from the River Severn and this is recorded in the FPMP and MWWFRS tactical plan. Liz discussed this with Kerry and she explained that this requires time to deploy and requires high pressure volume pumps. Liz will discuss this with the NRW/ Wales FRS group next time they meet.

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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.