

Compliance Assessment Report CAR_NRW0042130

Permit being assessed: NP3699VX.

For: Former J R Steelworks, held by South West Wood Products Limited

At: Bryntywod, Llangyfellach, Swansea, West Galmorgan, SA5 7LE.

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

On 07/07/2023 between 13:30 and 14:30.

Parts of permit assessed: See Below

NRW Lead Officer: Michael Edwards, accompanied by Sally Wakeford.

Report sent to: Tom Dunn, Regional Manager on 03/08/2023.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
B4 - Infrastructure - Containment of stored materials	Assessed (A)	
C3 - General Management - Materials acceptance	Assessed (A)	

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?

No action required.

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

Unannounced site inspection undertaken by Michael Edwards and Sally Wakeford of Natural Resources Wales, accompanied on site by operations manager Chris Chaney.

Waste Storage and Acceptance (A1, B4 and C4)

During the inspection it was noted that a large volume of wood was stored on site in a single stockpile, operations manager Chris Chaney explained that this was done to allow the site to compact the wood prior to cutting in the required fire breaks as per the sites working plan as required under the below conditions of the permit.

1.1.1 (a) *The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints;*

2.3.1 (a) *The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by Natural Resources Wales*

The working plan is considered a live document and any changes to the on site practice should be reflected in the document, following the inspection a copy of the most current EMS (2128B/MS v1.1) for the site was forwarded to NRW dated July 2023.

However, under **condition 3.5.1** *The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.*

On review of the newly submitted EMS and the current FPMP there seems to be some contradiction on the sites storage and stockpiling method with the EMS stating;

- **3.11** *The precise layout of the site will vary reflecting the prevailing operational conditions and will accord with the FPMP. The maximum possible storage on site is approximately 9,000 tonnes. **As material is stockpiled it is compacted by machine to ensure a stable pile with the creation of a single pile with firebreaks constructed after the windrow is completed.***

Where as the FPMP states;

2.6 *The precise configuration of storage piles will vary reflecting operational needs but will conform to storage dimensions and duration as outlined in this FPMP.*

2.11 *Wood waste will be stored in piles or windrows sizes taking account of NRW FP&MP*

guidance/Waste document, BRE report 'Review of EA FPP' dated August 2016, storage sizes

(including 7m high piles) allowed on other permitted sites and the operational need and practicality of running the wood processing facility. The maximum piles sites are detailed in table 1 below.

Table 1: Storage Pile Sizes

				Material Type:	Unprocessed		
	Pile	Dimensions (m)			Volume (m3)	Shaped	Tonnage
		Length	Width	Height			
	A	122	24	7	20496	18446.4	3689.28
	B	117	24	7	19656	17690.4	3538.08
	C	80	16	7	8960	8064	1612.8
	D	60	40	7	16800	15120	3024
	E	83	12	7	6972	6274.8	1254.96
	F				0	0	0
	Totals				72884	65595.6	13119.12
	Separation Distance: Minimum 6m						Quarantine area at least 1400m2 is equivalent to 50% of largest pile (Pile A).
	Maximum Storage Duration: <6 months						
	Local Authority Wood Pile Storage						

The way in which the wastes were stored on site followed the procedures written in the sites management system, however the method was non compliant with the submitted FPMP. Both documents are required to be complied with under the conditions of the permit.

On this occasion, no score has been given for the non compliance with the FPMP as the storage method was in compliance with the written management plan, however this has been referred to NRW internal FPMP group for comment.

Activities on site during the inspection were in line with **condition 2.1.1** and **schedule 1 table S1.1**. with no processing of material carried out during the inspection, with all wastes stored within the permitted boundary as required under **condition 2.2.1** and **schedule 7** of the permit.

Many thanks for your time during the inspection.

Any compliance criteria not highlighted in the above summary should be considered as not assessed. In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resource Body for Wales (Establishment) Order 2012. You should note that the Natural Resources Body for Wales has been formed by bringing together the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales. The Natural Resources Body for Wales has been empowered to exercise Welsh devolved functions since 1 st April 2013 and has, generally, taken over the responsibilities of the Countryside Council for Wales, the Forestry Commissioners and the Environment Agency for Wales.

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.