

Compliance Assessment Report CAR_NRW0042871

Permit being assessed: BW9999IG.

For: Chirk Particleboard Factory, **held by:** Kronospan Ltd

At: Chirk Particleboard Holyhead Road , Chirk, Wrexham, Clwyd, LL14 5NT.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 24/11/2023.

Parts of permit assessed: Improvement Conditions.

NRW Lead Officer: Paul Challender.

Report sent to: Chelsey Barker, HSE Manager, on 07/12/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Operations - Improvement programme	C3 Minor	Permit Condition 2.4.1
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Result types are explained in more detail in the 'Important Information' section below.

Total non-compliances recorded	Total non-compliance score
4	16

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
IR2E	Resubmit the IC response for IC 44 addressing all bullet points listed in Part 4 of this CAR form.	01/03/2024
IR2E	Resubmit the IC response for IC 45 addressing all bullet	01/03/2024

Criteria	Action needed	Complete by
	points listed in Part 4 of this CAR form.	
IR2E	Resubmit the IC response for IC 46 addressing all bullet points listed in Part 4 of this CAR form.	01/03/2024
IR2E	Resubmit the IC response for IC 47 addressing all bullet points listed in Part 4 of this CAR form.	01/03/2024

Compliance 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.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

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

The operator responses to address Improvement Conditions (ICs) 44 to 47 inclusive, were received via email within the required timeframe. This Compliance Assessment Report (CAR) has been raised to comment upon the contents of the responses.

The IC responses for ICs 44 - 47 inclusive, have been deemed insufficient to satisfy the requirements of the of the ICs by Natural Resources Wales (NRW). Details are outlined below.

Improvement Conditions 44 - 46

The IC response for ICs 44 - 46 inclusive, was submitted as a consolidated document addressing all three ICs. The submitted document is titled *Document: NRW IC 44, 45, 46. Stockpile Heights, Separation Distances and Fire Walls*.

The ICs are presented in the permit as below:

IC 44: The Operator shall reduce the maximum stockpile heights, widths and lengths of all combustible materials, in line with Sections 8 and 9 of Natural Resources Wales Guidance Note 16 "Fire Prevention and Mitigation Plan Guidance – Waste Management". The density of the maximum pile size following this exercise shall also be confirmed to Natural Resources Wales in m³.

IC 45: The Operator shall review the separation distances between piles of combustible material stored (including round wood, slab wood, bark, wood chip, RCT, sawdust and boiler biomass fuel) to ensure that these materials are stored with suitable separation distance (e.g.

from other stockpiles, buildings or flammable materials and dangerous substances) in line with Sections 8, 9 and 12 of Natural Resources Wales Guidance Note 16 "Fire Prevention and Mitigation Plan Guidance – Waste Management".

IC 46: Where fire walls are used to separate piles of loose material, the Operator shall ensure that these are constructed and used in line with Sections 8, 9 and 12 of Natural Resources Wales Guidance Note 16 "Fire Prevention and Mitigation Plan Guidance – Waste Management".

The submission does not satisfy the ICs for the reasons discussed below:

- ICs 44 to 46 inclusive were written to capture all combustible materials stored on the log yard including none waste materials. The submitted document scopes out small round wood, chipped wood/wood chip and sawdust. The operator is required to apply the requirements of GN16 to all combustible materials stored on the log yard including but not limited to round wood, slab wood, bark, wood chip, RCT, sawdust and boiler biomass fuel.
- No data is provided for scoped out materials.
- Log walls are not considered to be suitable fire walls and in effect render the log yard a continuous mass of combustible material. Therefore, there are no separation distances within the log yard.
- Stockpile heights, widths and lengths of a combustible materials have not been reduced in line with GN16.
 - Stockpile heights are listed as being in excess of the 4 metre stockpile height limit.
 - Maximum widths are in excess of the 20 metre width limit.
- Document IC 44, 45, 46 relies upon further documents, KC/LOGY/WI/0052 & KC/LOGY/WI/0053. These documents control stock rotation and temperature monitoring of the stockpiles respectively. These documents were not submitted alongside Document NRW IC 44, 45, 46. NRW requires KC/LOGY/WI/0052 & KC/LOGY/WI/0053 to be submitted.
- Section 4 of KC/LOGY/WI/0054 states that records will be kept for 24 months. Permit Condition 4.1.1(d) however, states *"All records required to be made by this permit shall: (d) be retained, unless otherwise agreed in writing by Natural Resources Wales, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender: (i) off-site environmental effects; and (ii) matters which affect the condition of the land and groundwater."*
- The IC submission contains an assessment in Section 7 to deviate from NRW's GN16 based upon The Environment Agency's 2021 guidance document *Fire prevention plans: Case study examples of alternative measures*. The operator is reminded that their operation is within Wales and as such GN16 is the applicable guidance document and has been written by NRW in conjunction with the three Welsh Fire & Rescue Services. ICs 44 - 47 inclusive require the operator to align the log yard with the requirements of GN16. Deviation from these principles will have an adverse impact

on the future submission of IC48.

Improvement Condition 47

IC47 states *"The Operator shall review the location of the existing designated quarantine area for use in a fire against Section 22 of Natural Resources Wales Guidance Note 16 "Fire Prevention and Mitigation Plan Guidance – Waste Management" to ensure it is sized appropriately and used in line with the Guidance."*

The operator submitted *Work Instruction: KC/LOGY/WI/0054 Logyard Quarantine Area* in response to the IC. NRW considers IC47 not met due to the below omissions:

- KC/LOGY/WI/0054 relies upon a further document, KC/LOGY/WI/0053. KC/LOGY/WI/0053 controls temperature monitoring of the stockpiles. This document was not submitted alongside KC/LOGY/WI/0054. NRW requires KC/LOGY/WI/0053 to be submitted.
- There are no details regarding how long the train will be on the sidings during deliveries. Furthermore, there is no information relating to whether unloaded materials are conveyed directly to stockpiles, or if the quarantine area is utilised as a temporary laydown area during unloading or how long temporary storage will last for. In addition, the physical presence of a delivery train will foul the 6 metre gap on the fence-ward side of the site boundary.
- Section 4 of KC/LOGY/WI/0054 states that records will be kept for 24 months. Permit Condition 4.1.1(d) however, states *"All records required to be made by this permit shall: (d) be retained, unless otherwise agreed in writing by Natural Resources Wales, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender: (i) off-site environmental effects; and (ii) matters which affect the condition of the land and groundwater."*

Score x4: (IR2E) Improvement programme. Permit Condition 2.4.1. Score C3.

- **NB:** A score has been applied for each IC not satisfied - IC44, IC45, IC46, IC47.

Action: Resubmit the IC responses for ICs 44 - 47 inclusive addressing all bullet points listed above.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.