

Compliance Assessment Report CAR_NRW0043070

Permit being assessed: CB3495FF.

For: Kings Dock, held by South West Wood Products Limited

At: Swansea, Swansea, Swansea, SA1 8QT.

Type of assessment carried out: Report/Data Review, Reason: Other.

On 23/11/2023.

Parts of permit assessed: Fire Prevention and Mitigation Plan

NRW Lead Officer: Michael Edwards.

Report sent to: Tom Dunn, Regional Manager on 20/12/2023.

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	Review and resubmit a Fire Prevention and Mitigation Plan which is in line with the current NRW Guidance.	29/02/2024

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

Fire Prevention and Mitigation Plans (FPMP) must be produced in accordance with current published guidance (Natural Resources Wales Guidance Note 16) which stipulates the fire prevention standards you must follow when formulating a site specific FPMP for your

operation.

The adherence to this guidance note is required under permit condition 3.4.1. The standards laid out in the guidance should be in the working plan and management systems implemented on site.

Following the review of the Kings Dock, Fire Prevention and Mitigation Plan, document Reference 2205B/FPMP v1.8 dated 06/11/23. Natural Resources Wales do not agree to its use at Kings Dock, EPR/CB3495FF for the reasons outlined below:

Section 5 – Fire Prevention and Mitigation Plan Contents

- how each type of waste will be stored – detailed in Table 2. **However, proposed storage piles exceed the Guidance Note 16 limits for stack heights.**
- the maximum size of any waste pile (in m³), stipulating the maximum length, width and depth – Detailed in section 2.26 and Table 2, **however proposed heights of stacks exceed Guidance Note 16 limit.**
- techniques used to minimise the risk of fire spreading within the site or from the site – The strategy for fire fighting is detailed in sections 4.7 and 4.9. However, section 4.10 of the submitted plan states: *Where feasible cleared ground would be used to spread burning/heated material to allow more rapid cooling and reduce the duration of the fire incident. Once the material was cooled it would be removed, temporarily to the quarantine area if it is not possible to move directly off site. Any ‘moved’ unburnt material would be returned to a normal pile formation as soon as possible.*

The site must ensure that the cleared ground as stated does not make up part of the separation distances between stockpiles of waste which could cause accidental spread of fire and hinder firefighting response.

- Contact details of sensitive receptors within 1km of your site. – sensitive receptors are detailed in Appendix B however no contact details are provided. Section 4.58 of the submitted document states: *In terms of communication during an incident when a fire incident occurs the Site Manager will immediately contact the docks security and give consideration to directly notifying any human receptor locations which are downwind of the prevailing wind at the time of the incident. When the Fire Service is involved with an incident their advice will be sought on who to contact and how the communication will be undertaken.*

Where practicable the site should have contact information of sensitive receptors to hand.

Section 6- Common causes of fires and preventative measures.

- self-combustion (e.g. due to chemical oxidation) – Summary of ignition sources and their management are detailed in Table 4. Section 3.29 details additional monitoring to detect hotspots through the use of probes in stockpiles with live data, manufacturer

details provided in Appendix E.

The use of temperature probes within stockpiles is what Natural Resources Wales would consider as a standard measure that the site should consider for the monitoring of hot spots and not an additional measure. Furthermore, concerns have been raised with the accuracy of the probes in unprocessed materials by the Fire Rescue Service as there is potential that the probes are placed in air voids and provide inaccurate readings of the stockpiles temperature.

Section 7 – Storage times and self-combustion factors

- minimise stacks sizes (small stacks with appropriate separation are safer than one larger one)

The proposed stockpiles are in exceedance of the Guidance Note 16 limits, proposed at 7m high.

Section 8 – Managing waste material stacks and separation distances

- Are stack lengths and separation distances in line with **Graph 1** for general wastes such as RDF, SRF (Refuse derived fuel/solid recovered fuel - various types of fuel derived from wastes using various treatment processes), wood, paper etc. – **12m separation distances proposed in the submitted plan do not take into account the proposed increase to the stockpile heights.**
- manage all stacks to within the maximum sizes and minimum separation distances – **the proposed plan will see an increase of 75% over the allowed guidance limit for stack height whilst maintaining 12m separation distances.**

Summary

In summary, following review of the document submitted, reference – 2205B/FPMP v1.8 Natural Resources Wales does not agree to its use at South West Wood Limited, Kings Dock, CB3495FF.

Whilst improvements have been noted in the version submitted, including an increase to the quarantine areas that would see 64% capacity of the largest proposed stockpiles at 4m high. The plan proposes to increase the stockpile heights over 75% of the limits set in Guidance Note 16. The maximum limit of 4m is set to account for practicable firefighting issues and the stability of the stacks during an incident.

The use of temperature probes and CCTV for monitoring are measures that should be considered as part of a fire prevention and mitigation plan and are not considered additional measure to allow for an increase to the limits set at 4m.

The separation distances with the proposed increase in stockpile heights have not increased and remain at 12m.

Where the site wishes to use cleared ground to cool burning/heated materials you must ensure that the area does not make up part of the separation distances between stockpiles.

Whilst the plan proposes that the Fire Rescue Service will lead in communications during an incident, where it is practicable the fire prevention plan should include contact details of receptors within 1km of the site.

Following discussions with the members of the Fire Rescue Service attached to Natural Resources Wales FPMP group we believe that it will be beneficial to undertake a joint inspection of the site to further discuss the proposed fire prevention and mitigation plans proposed for the site in the new year, you will be written to separately for this to be arranged.

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.