

## Compliance Assessment Report CAR\_NRW0044728

**Permit being assessed:** HB3490HK.

**For:** Abertawe Metals Recycling Ltd, **held by:** Abertawe Metal Recycling Limited

**At:** Dyffryn Close, Swansea Enterprise Park, Swansea, Swansea, SA6 8QG.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 11/07/2024.

**Parts of permit assessed:** FPMP.

**NRW Lead Officer:** Cathy Lloyd.

**Report sent to:** James Lerner, Operator, on 19/07/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W3G - Waste - Emissions and monitoring - Fire	C3 Minor	3.4.1

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

Total non-compliances recorded	Total non-compliance score
1	4

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
W3G	Please update the FPMP taking into account the points highlighted above by 1 December 2024.	02/09/2024

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.

**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

On the 26 April 2024, Abertawe Metal Recycling provided Natural Resources Wales with a copy of the Fire Prevention and Mitigation Plan (FPMP). Following review of the FPMP in accordance with Fire Prevention and Mitigation Plan Guidance – Waste Management Version 2, August 2017 (guidance), I have the following comments and associated updates that are required to the FPMP.

The Fire Prevention and Mitigation Plan (FPMP) Guidance sets out what **MUST** be in your FPMP, and what **SHOULD** be in your FPMP. These comments have been divided into these sections. For the 'must' requirements you are required to include these in your FPMP. For the 'should' requirements please consider these, give alternatives, or explain why they may not apply to your operations.

The FPMP submitted has been written for the acceptance of metal and End of Life Vehicles (ELVs) under the Standard rules SR2012No14 Metal recycling, vehicle storage, depollution & dismantling (authorised treatment) facility.

Abertawe Metal Recycling Ltd. has also registered four waste exemptions for the site:

T9 Recovery of Scrap Metal WME090194

S2 Storage of waste at a secure place WME091597

T2 Recovery of textiles WME098198

T10 Sorting mixed waste WME098199

Additional combustible wastes accepted under exemptions does increase the overall fire risk and this should be addressed in the FPMP. Abertawe Metal Recycling Ltd. should be able to demonstrate how they will keep exempt waste separate, stop a fire potentially spreading to/from it and how they will manage that waste should a fire occur.

**The revised FPMP must also include waste that is accepted under exemptions.**

### **Section 5 – Fire Prevention and Mitigation Plan Contents**

Following review of your FPMP it does not contain the following requirements as set out as musts in the above section of guidance:

- the total amount of waste (including exempt waste) and the types and forms (e.g., unprocessed, shredded, chipped, fines or baled) that are stored on site at any one time
- the maximum size of any waste pile (in m<sup>3</sup>), stipulating the maximum length, width, and depth
- how each type of waste will be stored (including exempt waste accepted at the site)
- the maximum size of any waste pile (in m<sup>3</sup>), stipulating the maximum length, width, and depth

- minimum separation (fire break) distance between the waste piles or storage areas
- Contact details of sensitive receptors within 1km of your site. To protect sensitive receptors, include measures that will be used to raise the alarm and to inform local residents, e.g., local school, nursing home etc. These measures will be site specific. You may need to check emergency planning procedures with Local Authority.
- Locations of water supplies and firefighting equipment
- recycling firewater if it's not hazardous and it's possible to reuse
- scale and nature of the environmental hazards on site and the activities that take place on it
- type of materials you store on site, the form they're stored in and the length of time needed to extinguish a fire involving them
- local topography, weather conditions and fire scenarios that could reasonably be expected on site

You must include these requirements in your FPMP.

**ACTION:** The above requirements of the guidance must be included in a revised FPMP.

### **Section 5 - Site plan**

Following review of your site plan it does not contain the following requirements as set out as MUSTS in the above section of guidance.

- access points around the site perimeter to assist firefighting – see table in guidance for typical FRS vehicle access requirement
- the location of plant and protective clothing and pollution control equipment
- foul and surface water drains, and their direction of flow and outfall points
- the location of drain covers, and any pollution control features such as drain closure valves and firewater containment systems
- location of “off- site” emergency information pack with site plan
- location of key receptors such as critical infrastructure, schools, hospitals, residential areas, workplaces, protected habitats, and rivers within 1km of the site. This has been described in text but not shown on site plan.
- Location of the quarantine area
- compass rose showing north and the prevailing wind direction

You must include these requirements in your site plan.

**Action:** The above requirements of the guidance must be included in a revised FPMP.

### **Section 6. - Common Causes of Fires and Preventative Measures**

Following review of your FPMP it does not contain information on the following causes of fire and the preventative measures you can take to reduce the risk at your site.

- Ignition sources
- plant or equipment failure
- self-combustion (e.g., due to chemical oxidation)
- discarded smoking materials
- hot works (e.g., welding or cutting)

- industrial heaters
- Plant & hot exhausts
- damaged or exposed electrical cables
- hot loads deposited at the site
- Build up loose combustible waste, dust, and fluff
- Reaction between wastes
- Batteries within waste deposits
- Batteries in ELVs
- Leaks and spillages of oils and fuels

**Action:** you shall include information on the causes of fire and the preventative measures you can take to reduce the risk at your site in your FPMP. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

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**Action:** you shall include information on the causes of fire and the preventative measures you can take to reduce the risk at your site in your FPMP. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

### **Section 7 - Storage times and Self Combustion Factors**

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

### **Section 8 - Managing Waste Material Stack and Separation Distances**

From the information provided within your FPMP, it was not possible to assess your plan in accordance with the above section.

Not all waste types accepted at the site have been included in the FPMP.

**Action:** you must comply with this section of the guidance.

### **Section 9 - Storage of End-of-Life Vehicles**

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

### **Section 11 - Enclosing stacks using bays and walls**

From the information provided within your FPMP, it was not possible to assess your plan in accordance with the above section.

**Action** - You shall include the above information on enclosing stacks using bays and walls. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

### **Section 12 - Waste Stored Within a Building**

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

### **Section 13 Waste stored in Containers**

**Action:** Please clarify the storage location for tyres

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

### **Section 14 - Layout of waste stacks on site**

Following review of your FPMP it does not contain information in relation to the above section of the guidance.

- Location of potential ignition sources on your site
- Location/s of high-asset value equipment and plant
- Escape and evacuation routes around your site and within buildings (must not be compromised by stack layout)
- Location of quarantine areas which may contain non-conforming wastes
- Location/s of any infrastructure which may be affected by a fire, such as overhead power lines, major roads, rail lines etc.
- Permitted amounts of wastes, and types of waste, allowed on site
- Operational practicalities such as movements of vehicles & designated routes

**Action:** You shall include the above information on the layout of waste on site. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

### **Section 16 – Monitoring and turning of stacks**

Following review of your FPMP it does not contain the following requirements as set out as

should in the above section of the guidance.

- The staff must be trained to detect and manage hotspots
- Piles are monitored regularly and temperature increases and changes in moisture content are minimised
- The equipment they use to detect temperature and moisture content must be capable of operating at any depth throughout the pile.
- Explain what indicators they will use in relation to temperature and moisture content and the escalation of actions in relation to these indicators.

**Action:** You shall include information on monitoring and turning stacks. Where any of these measures have not been included justification shall be provided as to why it has not been considered or included.

### **Section 17 – Fire Detection**

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

### **Section 18 - Fire suppression Systems**

Following review of your FPMP it does not contain the following requirements as set out as should in the above section of the guidance.

When deciding what type of system to install you need to take into account that:

- the fire and rescue service may not be able to enter the building during a fire
- a suppression system may not extinguish a fire, although it may prevent a fire spreading and then allow the fire to be fought effectively by the fire and rescue service
- the water supply to a fire system is reliable and adequate at all times

You should consider fitting the following fire suppression systems such as:

- sprinklers
- manual open deluge systems
- deluge/water spray systems
- water monitors/cannons/curtains

**Action:** You shall provide information on fire suppression systems. Where any of these measures have not been included justification shall be provided as to why it has not been considered or included

### **Section 19 – Firefighting Strategy**

It is important that you design your site layout to allow for active firefighting. Active firefighting means having the resource available on site at all times to fight a fire. These resources include:

- suitable heavy mobile plant you have available that can be used to move waste around the site, for example loaders, excavators, material handlers

- the use of portable water carriers/bowsers can prove to be an essential mechanism to help extinguish fire effected waste
- finances available for additional resources
- applying water to cool unburned material and other hazards
- separating unburned material from the fire using appropriate heavy plant
- separating burning material from the fire to quench it with hoses or in pools or tanks of water
- suffocating the fire using soil, sand, crushed brick or gravel. However, you can only do this if:
  - Natural Resources Wales has agreed you can do this in the first instance, and
  - you remove and dispose of contaminated material as soon as it is safe to do so

**Action:** Consider the site layout and firefighting techniques used on site.

### **Section 20 – Water Supplies**

Mid and West Wales Fire and Rescue Service will be consulted on this FPMP in due course and will provide appropriate comments on the above section of the guidance.

### **Section 21 – Managing Fire Water Run-off**

Following review of your FPMP it does not contain the following requirements as set out as musts in the above section of guidance:

- You must explain how you will prevent firewater affecting groundwater and surface water
- Assess if there are any wells, springs, or boreholes within 50m used for the supply of water

**Action:** The above requirements of the guidance must be included in a revised FPMP.

Following review of your FPMP it does not contain the following requirements as set out as should in the above section of the guidance

- The pathway of the firewater run off, where is run off going to? If it is to sewer, a written agreement must be in the FPMP from the sewerage undertaker
- The environmental risk to the surrounding area from firewater, Groundwater/ watercourses/ habitats etc.
- Secondary or tertiary containment of fire water should be considered

**ACTION:** you shall include information on the fire water run-off and the risks to the environment in your FPMP. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

### **Section 22 – Designated Quarantine Area**

Following review of your FPMP it does not contain the following requirements as set out as should in the above section of the guidance.

- the location of this area and the volume of waste that it can hold



- the quarantine area should be within the permitted boundary area of the site
- the quarantine area should hold at least 50% of the volume of the largest stack,
- the quarantine area must have a separation distance of at least 6 metres around the quarantined waste (this can be decreased if concrete bunkers/walls will be used)
- If material is to be stored temporarily in the quarantine area, are procedures in place to move the material as soon as is practicable. These procedures should be included in the FPMP.

**Action:** you shall consider the use of a quarantine area in your FPMP. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

### **Section 23 – During and After an incident**

Following review of your FPMP it does not contain the following requirements as set out as must in the above section of the guidance.

- diverting incoming wastes to alternative sites during a fire
- having a plan for how you will notify those who may be affected by a fire, such as nearby residents and businesses
- contractors that might be used to assist with additional plant for firefighting techniques, removal of waste material, containment and removal of excess water run-off
- how you will clear and decontaminate the site
- the steps you must take before the site can become operational again

**Action:** your revised FPMP must have contingency measures in place for dealing with issues during and after a fire.

### **Section 24 – Reviewing and Monitoring your Fire Prevention and Mitigation Plan**

Following review of your FPMP it does not contain the following requirements as set out as should in the above section of guidance:

- The FPMP should be reviewed following site developments. Four exemptions have been registered for the site but have not been included in the FPMP.
- The methods and procedures you use to maintain compliance should be listed as a separate section within your FPMP

**Action:** you shall review and monitor your FPMP. Where any of these measures have not been included a justification shall be provided as to why it has not been considered or included.

### **Consultation with Mid and West Wales Fire and Rescue Service (MWWFRS)**

NRW will be consulting with MWWFRS once the above actions have been completed. Any comments from MWWFRS will be provided under a separate cover but shall be considered linked to this Compliance Assessment Report. You may be required update your FPMP following comments from MWWFRS.



**D2 Incident Management – Accident emergency and incident planning**

The FPMP submitted by Abertawe Metal Recycling Ltd. does not meet the requirements set out in the current, relevant fire prevention plan guidance.

**This is a category 3 breach of Condition 3.4.1**

Condition 3.4.1 states:

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

Action: Please update the FPMP taking into account the points highlighted above by **2 September 2024**.

*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. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body 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.

**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 Waste compliance criteria** (used in section 1 and 2):

**1. Management**

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

**2. Operations**

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

**3. Emission and Monitoring**

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

**4. Information**

- W4A – Records
- W4B – Reporting
- W4C – 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](mailto: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](mailto: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.