

Compliance Assessment Report CAR_NRW0044923

Permit being assessed: CB3495FF.

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

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

Type of assessment: Report/Data Review,

Reason: Other.

On: 22/08/2024.

Parts of permit assessed: Fire Prevention and Mitigation Plan.

NRW Lead Officer: Michael Edwards.

Report sent to: Tom Dunn, Regional Manager, on 22/08/2024.

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	Action only (X)	

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

Total 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
W3G	Ensure the FPMP is written in accordance with current NRW guidance OGN 016	30/09/2024

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

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.

Following the review of the Kings Dock, Fire Prevention and Mitigation Plan, document Reference 2205B/FPMP v1.10 dated 10/06/24. 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 – 4.10 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*'. This is accompanied by footnote 6 - This would not take place where separation distances would be compromised.

Concerns have been raised with the method proposed in 4.10 as it could result in the unintentional spread of fire.

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 with contact details for adjacent receptors detailed in Appendix C.

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.

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 and on site during the joint inspection on 24/05/24 as there is potential that the probes are placed in air voids and provide inaccurate readings of the stockpiles temperature.

Concerns were also raised by the FRS on the practicality of delivering the volume of water necessary to tackle a fire on the proposed stack sizes (27x20x7), equating to approximately 25,200 litres per minute. Concerns were also raised by the FRS on the suitability of using wetting agent by site staff and the suitability of the wetting agent on unprocessed wood stacks as it is typically used for more compacted materials.

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. – **separation distances proposed in the submitted plan do not take into account the proposed increase to the stockpile heights, the figures used in OGN016 are based on a 4m stack height to determine separation distances.**
- manage all stacks to within the maximum sizes and minimum separation distances – **the proposed plan will see an increase over the allowed limit for stack height of 4m.**
- Manage all stacks of materials that can self-combust and demonstrate suitable additional precautions if they are stored for more than 3 months – **The submitted FPMP does not provide information on how it will manage wastes should the storage period exceed 3 months.**

Section 15 Seasonality and Waste Stack Management

- During the previous inspection the site was found to be at capacity from an unexpected shutdown in Margam Energy Plant resulting in a non-compliance being recorded with waste wood also occupying the quarantine area resulting in a non-compliance.
- The FPMP also makes note of a second site in the Swansea area as contingency for capacity and incident, however during the previous inspections it was noted that the site is in the process of a permit transfer application from SWWP.

More information on the sites contingency plans must be included with current suitability of the second site and what stack management systems will be utilised should a similar issue occur with a shut down at the Margam Energy Plant or reduction

in site exports to ensure that the FPMP is followed and that the permit conditions are not breached.

Summary

In summary, following review of the document submitted, reference – 2205B/FPMP v1.10 Natural Resources Wales does not agree to its use at South West Wood Limited, Kings Dock, CB3495FF.

The plan proposes to increase the stockpile heights over the limits set in Guidance Note 16. The maximum limit of 4m is set to account for practicable firefighting issues and the health and safety of those involved 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 proposed inline with Figure 1 of the guidance do not consider the increase in stack heights from the assumed 4m in the guidance to the proposed 7m of this FPMP.

The most recent site inspection carried out identified concerns with the current stack management. More information is required on how the site will operate in future should a similar instance reoccur with the proposed second Swansea site in the process of transferring.

End.

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.

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 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.