

Compliance Assessment Report CAR_NRW0045507

Permit being assessed: CB3495FF.

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

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

Type of assessment: Site Inspection,

Reason: Routine.

On: 17/10/2024 between 10:10 and 12:05.

Parts of permit assessed: Permitted operations, waste storage and compliance with FPMP.

NRW Lead Officer: David Ellar, accompanied by Laoni Tye.

Report sent to: Tom Dunn, Regional Manager, on 29/10/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	Assessed (A)	
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2C - Waste - Operations - Operating techniques	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	Action only (X)	
W3G - Waste - Emissions and monitoring - Fire	C3 Minor	3.5.1

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
W3B	Notify Natural Resources Wales of completion of misting curtain and provide updated dust management plan	29/11/2024
W3G	you must ensure that the waste is stored within the manner described under the current approved FPMP.	29/11/2024

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.

We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.

4. Details of our assessment

This was an announced site visit made by David Ellar and Laoni Tye of Natural Resources Wales (NRW). The purpose of the inspection was to assess compliance against Environmental Permit Number: EPR/CB3495FF, and to confirm actions detailed in a previous CAR (ref: NRW0044828) had been completed.

The weather was fine and dry, however it had recently been raining and the site was very wet.

On site NRW officers were met onsite by Tom Dunn, Martin Chubb and Chris Chaney (SWWP), Lucy Binnie (Land & Mineral Management) and Robert Pain (Fuel Manger at Margam Green Energy Plant) Martin, Chris and Lucy accompanied NRW officers around the site.

Before the inspection took place, all of the aforementioned had a discussion regarding the recent submission of a new FPMP variation and its failure to be approved by NRW (as detailed in CAR_NRW0044923). The focus of the discussion was stockpile height and separation distances.

The current FPMP which SWWP must operate in compliance with is V1.5, which is in line with current guidance and approved by NRW. This FPMP notes stockpile heights with a maximum of 4m and separation distances of 12m. SWWP explained that due to the seasonality of fuel supply to Margam, the site must increase storage capacity and therefore increase stockpile height and reduce separation distances between them. Whilst we recognise this pressure on the business, we must review all of our FPMP's in line with our current approved guidance and make decisions on a risk basis. As the site wishes to increase waste volumes a permit variation would be required and an FPMP submitted as part of that application.

A permit variation has been submitted and any FPMP measures will now be reviewed as part of that process. Further correspondence will be made on this matter separate to this CAR.

Previous inspections (Actions):

CAR_NRW0044828 for a site visit on the 25/07/2024 detailed a Category 2 noncompliance against permit conditions and listed several actions that must be completed. The actions identified were:

- WA1 - Improve and implement Environmental Management System that identifies contingency plans for circumstances that result in a reduced ability to remove waste from site.

An updated EMS (Document Reference: 2205B/EMS/Vary/2022) was submitted to NRW on the 28/09/2024 and subsequently accepted. This EMS includes reference to the provision for wood to go to alternative sites either within the SWWP group or at sister group site.

- W3B - Notify Natural Resources Wales of completion of misting curtain and provide updated dust management plan.

SWWP have arranged for a specialist consultant to visit the site and provide advice as to appropriate actions which will inform a review of the Dust Management Plan. SWWP had planned to submit this to NRW by the end of September however this has been delayed and SWWP are still considering options. Compliance against this action has been extended until 29/11/2024.

- W3G - Ensure waste is stored in accordance with the approved FPMP.

Improvements in waste storage were evident during the inspection, stack heights had been reduced, separation distances had been increased, but waste storage is still not in accordance with the agreed FPMP. Further detail on this is detailed below.

Waste Operation (W2A, W2C, W2D & W2E):

Whilst on site the waste activities during the inspection were found to be in line with the condition 2.1.1 and table S1.1 of the permit. All wastes were stored within the boundary of the permit as required under condition 2.2.1. With no non-compliant wastes identified during the inspection as required under condition 2.3.2.

Emissions and Monitoring (W3B):

Whilst wood processing was not taking place at time of the visit, all dust prevention measures such as water cannons and bowsers were in place and ready to go. The broken unit noted during the last visit, had been repaired and spares were also onsite in case of future breakdown. No dust issues were identified during this visit.

Officers discussed the ongoing complaints received by NRW regarding dust and SWWP ongoing review of the dust management systems currently in place. SWWP explained that they had engaged with a specialist (as detailed earlier in this CAR) but that work was not

complete.

ACTION – Consider findings of review and submit new updated dust management plan.

Fire Prevention and Mitigation Plan (W3G) - Permit Condition 3.5.1 – C3:

Officers inspected the current stockpiles of waste wood stored on site, the height of the stockpiles were measured using a 5m measuring stick, they were found to be approximately 5m which is in exceedance of the approved FPMP (version 1.5) agreement of 4m, This however is a reduction since our last site visit where stack heights were found to be up to 6 or 7m. The fire breaks between stockpiles were free from waste material, they were measured using a tape, and found to be ranging from 8 – 10m, the requirement of the FPMP is 12m. This is an improvement from the last visit but still a permit noncompliance.

Photograph showing height of stockpiles being measured using a 5m pole:



A large pile of green waste was observed being stored on part of the quarantine area (as identified in the FPMP). SWWP explained this was only recently brought into the site and was due to be processed and removed. The quarantine area should remain clear of waste so it can be used as a designated area to place fire affected waste if required. If you use the quarantine area to store material temporarily you should make sure you can remove those wastes as soon as is practicable. In the event of a fire, you must be able to remove those wastes immediately, your FPMP should include details of the procedure you will use to do this.

Photograph showing green waste on quarantine area:



Whilst improvements in waste storage and compliance against the permit were observed, SWWP are still not operating in accordance with the approved FPMP and this is recorded as a noncompliance. Efforts to improve the situation have been noted, stockpiles have been reduced and separation distances have been extended and as such the risk of fire and the potential impact if a fire should occur have been reduced. As a result, this has been scored as a **Category 3 breach of permit condition 3.5.1**.

Thank you for your time during the inspection.

Ends.

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.

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.