

Compliance Assessment Report CAR_NRW0043300

Permit being assessed: AB3296HT.

For: Unit 12F, held by Install Waste management Limited

At: Atlantic Trading Estate , Barry, CF63 3RF.

Type of assessment carried out: Report/Data Review, Reason: Incident Response (Incident number 2308077).

On 18/10/2023 between 11:00 and 16:00.

Parts of permit assessed: fire prevention and mitigation plan

NRW Lead Officer: Magda Leonowicz, accompanied by Harry Warburton.

Report sent to: Dean Horgan, Site Manager on 09/01/2025.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	Permit condition 3.5.1 - The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.
E2 - Emissions - Land and groundwater	C1 Major	Permit condition 3.1.1 - Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C3 Minor	Permit condition 4.3.1(a) - any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;

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

Total number of non-compliances recorded	Total non-compliance score
3	95

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
D2	See the Comments section - point 1 under 3.5.1 condition of the permit - Actions	15/02/2024
E2	The site was not compliant with the FPMP Guidance and the appropriate prevention and mitigation measures were not in place. The actions referenced under 3.5.1 should be referred to.	15/02/2024
G4	No action	Already completed

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.

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

Following an incident report on the 18th of October 2023, we went to the Install Waste Management Ltd site at Unit 12F, Atlantic Estate, Barry, permit number EPR/AB3296HT.

Regulatory officer Magda Leonowicz was accompanied by the Environment Officer Harry Warburton. We arrived at the site at 11 am. The weather was dry and overcast. When we

arrived at the site, we met with Fire Rescue Services (FRS). At the time, one of the fire hoses was operating, with the water stream directed into the inside of the building. The plumes of smoke were coming out, indicating the fire was still well alight. Because of the amount of smoke, it was not possible to tell, how much waste was still in the building. The FRS informed me, that they had been at the site since 23:30.

Having discussion with FRS, we were informed that one of the firewater pumps was in operation and majority of firewater was recycled and reused, but some portion of the firewater was diverted to the combined sewer located on the road which is within the permitted site boundary.

Breaches:

1. D2 - Incident Management - accidents, emergency, and incident planning

Permit condition 3.5.1 - The operator shall manage and operate the activities in accordance with a written fire prevention plan using the current, relevant fire prevention plan guidance.

A Category 2 breach has been given for this permit condition because the following sections of the Fire Prevention and Mitigation Plan Guidance (FPMP) were not followed during the fire incident:

1.1 Firefighting strategy - the FPMP Guidance states:

Active firefighting does not mean that you or your staff have to fight the fire; no one should put themselves at risk by trying to fight a fire.

Active firefighting means having the resources available on site at all times to fight a fire.

A variety of firefighting techniques can be used together or separately to extinguish a fire. These include:

- 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*

The site manager attended the site at early hours when the fire started, but he left the site shortly after arriving. The site manager did not provide any information or support regarding the firefighting strategy to FRS. This impacted on the FRS and NRW's ability to manage the risk and impact of the fire and is a significant breach of the FPMP guidance.

According to FRS, the fact that the building walls were not fire resistant, did not stop the fire to spread across the building and other units within minutes.

1.2 Fire suppression systems - The FPMP Guidance states: *If you store waste in a building, you should seek competent advice on the potential installation of a fire suppression system. This system should be proportionate to the nature and scale of waste management activities you carry out and the associated risks. Materials must be kept a minimum of 3m below the level of the spray or sprinklers. 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*

Appropriate fire suppression systems may include:

- *sprinklers*
- *manual open deluge system*
- *deluge/water spray systems*
- *mobile foam trolley*
- *water monitors/cannons/curtains*

As far as NRW is aware, and according to your FPMP, there wasn't any fire suppression system installed in the waste storage area. Having conversation with the FRS, they confirmed that an adequate fire suppression system would have prevented a fire spread to such an extent and it would have helped the FRS suppress the fire.

1.3 Water supplies

The FPMP states: *You must have sufficient water supplies available to your site for firefighting to take place and to manage a worst-case scenario incident (e.g. one (your largest stack) or more stacks on site are on fire).*

As the site manager was not present at the site during the incident, he could not instruct the FRS on where to get the water supplies from. The FRS tried to use the fire hydrant located near the site, but it was unsuitable due to insufficient water pressure. Water supplies are an essential part of the FRS's ability to manage a fire effectively and this further delayed the response. The FRS were not able to pump the required amount of water onto the fire, which increased the amount of time the fire was alight and worsened the impact of the fire.

1.4 Managing water run-off

The FPMP guidance states:

You should be able to contain the run-off from fire water to prevent pollution of the environment.

You must take all the steps that are reasonably practicable to minimise pollution from fire water. For example, preventing fire water entering:

- *surface waters, for example rivers, streams, estuaries, lakes, canals or coastal waters*
- *into the ground If you do not manage this issue, you may be committing an offence and Natural Resources Wales may take enforcement action.*

Secondary and tertiary containment facilities for fire water run-off include:

- *impermeable bunds*
- *storage lagoons*
- *shut-off valves*
- *isolation tanks*
- *modified areas of your site such as a car park*
- *pollution control equipment such as fire water booms and drain mats to block drains or divert fire water*

You may also be able to divert fire water to your local sewers. You will need agreement in principle from the sewerage company before including this measure in your fire prevention plan (evidence of approval will need to be submitted in the plan).

Since the site manager was not present at the site during the incident, the FRS had no information on the drainage system. The NRW officer who was present at the site, instructed the FRS to direct the firewater into the combined sewer, which is located on the road next to the site and within the site boundary. As this was not accounted for in the FPMP and prior agreement not sought, then this is a breach of the FPMP guidance. It also meant that the risk of diverting the fire water had not been properly assessed and had the sewer become overwhelmed, there was a risk of overflowing into the Cadoxton River. If the FRS had a sufficient water supply which was required to manage the fire, the containment measures would not have been sufficient and would have likely discharged to watercourse causing a significant impact.

Actions:

1. The FPMP Guidance requires waste operators to have and apply contingency measures

during and after a fire. The Guidance states these measures could include:

- *diverting incoming wastes to alternative sites during a fire* – **please provide which alternative sites did you divert the incoming waste to?**
- *having a plan for how you will notify those who may be affected by a fire, such as nearby residents and businesses* – **please state whether you notified anyone who could be affected by the fire, if so, how did you notify them?**
- *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* - **Please provide the information requested above along with waste transfer notes for any waste remnants removed from the building and evidence that the drainage system had been emptied following the fire, if relevant.**

The FPMP Guidance also requires you to tell the Regulator the following:

- *How did you clear and decontaminate the site* – **Please provide this information**
- *What steps have you taken before the site can become operational again* – **Please provide this information**

2. The FPMP Guidance requires waste operators to review and monitor their FPMP after a fire. It states:

It is essential that you ensure your FPMP is kept up to date to ensure that you maintain compliance. Your FPMP should be treated as a live working document and be reviewed regularly to reflect any changes that your business experiences. Circumstances that would warrant a review of your FPMP can include:

- *Experiencing a fire incident. Following any fire it is essential that your FPMP (and overall fire management measures) should be reviewed and improved as required to address any issues/concerns.*

Once the site is cleaned up after the incident, you are required to provide an updated FPMP written in line with the FPMP Guidance.

Please provide answer to the questions stated in point 1 within 10 working days by **15/02/2024.**

Please provide the reasonable timescales when you will be able to submit a written in line

with the FPMP Guidance and an up-to-date FPMP. Please provide the date by **15/02/2024**.

Please provide all the required information to
magda.leonowicz@cyfoethnaturiolcymru.gov.uk

2. E2 Emissions – Land– Groundwater

Permit condition 3.1.1 - Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

A Category 1 breach has been given for this permit condition because of the major impact on property and infrastructure. A major damage to the commercial buildings and rendering them unusable.

The unit 12F that was occupied by Install Waste Management Ltd was a part of the building that included six other similar units, which were occupied by different businesses. As a result of the fire, the entire building was seriously damaged and became unusable. The photographs below show the scale of the damage to the building. A major disruption to commercial interests such as extended closure of an industrial sites or serious interruption of production was a result of the incident.

We understand that the building is still not safe to access, and that waste therefore remains stored within the building.

Action: The site was not compliant with the FPMP Guidance and the appropriate prevention and mitigation measures were not in place. The actions referenced above under 3.5.1 should be referred to.

3. G4 Reporting & notifications to the NRW

Permit condition 4.3.1(a) - any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution;

A Category 3 breach has been given for this permit condition because the site manager did not notify the NRW about the fire incident. The fire incident was reported by the security guard of the area to the FRS, who then notified NRW. The site manager failed to communicate with NRW during the entire length of the incident.







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.