

Compliance Assessment Report

Report ID:
CAR_NRW0036779

This form will report compliance with your permit as determined by an NRW officer

Site	Former J R Steelworks	Permit Ref	NP3699VX		
Operator/Permit holder	South West Wood Products Limited				
Regime	Waste Operations				
Date of assessment	03/07/2020	Time in	10:00	Out	12:00
Assessment type	Audit				
Parts of the permit assessed	A, B, C, D, F				
Lead officer's name	Morgan, David				
Accompanied by	Wakeford, Sally				
Recipient's name/position	Tom Dunn/ Regional Manager	Date issued	13/07/2020		

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
B3 - Infrastructure - Site drainage engineering (clean and foul)	C2	2.1.1
C4 - General Management - Storage, handling labelling and Segregation	C2	3.5.1

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	62
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

A site inspection was undertaken on Friday 3rd July 2020. The purpose of the inspection was to assess waste stack management in accordance with the Fire Prevention and Mitigation Plan for the site.

Present during the inspection were: David Morgan (NRW), Sally Wakeford (NRW), Martin Chubb (SWWP) and Lucy Binnie (on behalf of SWWP).

Waste Storage

At the time of the inspection there was a very large volume of wood waste at site. The site appeared to be over capacity. Wood waste was being stored in stacks that did not conform with the dimensions set out in the Fire Prevention and Mitigation Plan for the site.

Officers measured stacks and the following observations were made:

- One stack was 69.5m Length x 7.1m Width
- One stack was 75m Length x 16m Width
- A stack in the middle of the site was 19.1m in width, but due to ponding of water and inaccessibility, officers were unable to measure the length of this stack.
- Firebreaks between more than two of the stacks measured less than 6m.
- Two of the stacks were well above 5m in height.
- At the time of the inspection space was extremely limited and there is concern over the lack of workable/storage areas should an incident occur.

A non-compliance was recorded against Condition 3.5.1 of the permit (Category 2 – Significant) (Ref:C4)

Under this condition of the permit, the operator is required to store waste in line with a Fire Prevention and Mitigation Plan, based on current guidance.



Fire Prevention and Mitigation Plan

Other aspects of the Fire Prevention and Mitigation Plan were assessed and were found to be compliant. The following observations were made:

- At least 90% of waste on site appears to be in raw form thus reducing the potential for a fire incident caused by self-heating.
- Details were provided for numerous members of staff who operated an 'on call' rota out of normal working hours.
- There is a significant amount of plant and equipment on site to immediately deal with any potential incident.
- A review of the CCTV system was undertaken. This appeared to be in full working order and provided extensive coverage of the site. Footage from previous days was viewed.
- An incident strategy, based on current storage practices, was provided (verbally). It is suggested that this is

documented as soon as is practically possible.

It is understood that in the medium-long term, South West Wood Products wish to amend the Fire Prevention and Mitigation Plan for the site. This will include the amendment to dimensions of waste stacks. We welcome such a submission and any proposed amendments will be assessed following consultation with colleagues in the Fire Service. Based on the guidance, and advice from the Fire Service in similar scenarios, Natural Resources Wales will not agree to current storage practices under a revised Fire Prevention and Mitigation Plan.

Covid-19

It is understood that due to Covid-19, and the temporary closure of outlet sites, a backlog of wood waste has built up on site. In early April 2020, Natural Resources Wales developed a Regulatory Decision specifically requesting that operators make representations to Natural Resources Wales if it was likely that storage limits would be exceeded on sites.

We accept that informal discussions and speculative queries, relating to increased storage capacity, have been received over the last few months, but no formal representation was made to Natural Resources Wales by South West Wood Products.

Site Drainage

Site Drainage continues to be an issue on site. In previous inspections officers have suggested installing hardcore/stone to firm up tracks around site. Please refer to the Environmental Permit with regards to site surfacing and drainage requirements (Table S1.1):

Table S1.1 activities

Activity reference	Description of activities for waste operations	Limits of activities
A1 – Wood processing facility	R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced) R3: Recycling/ reclamation of organic	All waste must be stored and treated on hardstanding or an impermeable surface with sealed drainage. All areas of the site will be surfaced with clean hard core which shall be kept clear of waste at all times except for the permitted waste stockpiles which shall be stored in clearly defined areas. There shall be no surface water ponding on any surface within the permitted site.

Parts of the site are inaccessible due to poor drainage and ponding. Also, while inspecting the site, officers found that site surface water was being intentionally channelled off site.

In summarising the inspection findings on site, officers gave indication that this single issue was of relatively minor severity. However, having assessed site drainage and surfacing issues as a whole, these issues have been assessed as one significant non-compliance with the Environmental Permit.

A non-compliance was recorded against Condition 2.1.1 of the Environmental Permit (Category 2 – Significant) (Ref: B3)

There are no clear channels with hardcore surface on site and surfaces between stacks are heavily laden with wood waste. There is ponding of water, making some areas inaccessible. These issues have been raised in numerous inspections previously.

During the inspection it was noted that site surface waters had been directed off-site. To be compliant with this condition, these site surface and drainage issues must be rectified.



Natural Resources Wales is now considering issuing a notice that would require these conditions of the Environmental Permit to be complied with.

Thank you for your time during the inspection.

END OF REPORT

In this document ‘Natural Resources Wales’ means the Natural Resource Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) Order 2012.

EPR Compliance Assessment Report

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Site	Former J R Steelworks	Permit Ref	NP3699VX
Operator/Permit holder	South West Wood Products Limited	Date	03/07/2020

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

We will now consider what enforcement action is appropriate and notify you, referencing this form.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
C4	C2	Manage operations in accordance with a Fire Prevention and Mitigation Plan, based on current guidance	21/08/2020
B3	C2	Prevent site surface water leaving site. Improve site surfacing.	15/01/2021

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. 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 its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.