

Compliance Assessment Report CAR_NRW0037774

Permit being assessed: FP3095ET.

For: Locks Yard, held by South West Wood Products Ltd

At: Heol Llan, Coity, Bridgend, CF35 6BU.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 26/02/2021 between 10:10 and 11:30.

Parts of permit assessed: C4, D2, B3

NRW Lead Officer: Elysia Lovelock, accompanied by David Morgan.

Report sent to: Martin Chubb, Site Manager on 12/03/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C4 - General Management - Storage, handling labelling and Segregation	C3 Minor	2.3.1
D2 - Incident Management - Accidents, emergency and incident planning	Ongoing (O)	3.8.1
B3 - Infrastructure - Site drainage engineering (clean and foul)	Action only (X)	

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

Total number of 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
C4	Please ensure wood waste on site is stored in a way that is compliant with the Fire Prevention and Mitigation Plan guidance by Friday, April 23rd, 2021.	23/04/2021
D2	Please provide a date/reasonable timeframe for agreement with NRW within 14 days, for when you will provide an updated FPMP of v2 by Friday, March 26th, 2021	26/03/2021
B3	Please provide details on the suitability of the sites sump (cattle grid), including evidence that is sealed, within 31 days by Monday April 11th, 2021.	11/04/2021

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

A site inspection was undertaken on Friday 26th February 2021 at 10am at the regulated facility of South West Wood Products SWWP, Locks Yard, Heol Llan, Coity, Bridgend, CF35 6BU, permitted area as shown below edged in red.



Waste Regulation Officer Elysia Lovelock and Senior Waste Regulation Officer David Morgan of Natural Resources Wales NRW were met on site by John Boland of SWWP and Environmental Consultant, Lucy Binnie on behalf of SWWP.

The primary purpose of this visit by Natural Resources Wales was to assess the volumes of wood waste on site in response to the action required following a significant category 2 non-compliance scored under (C4) Storage, handling, labelling and Segregation, for breach of condition 2.3.1 on 20th November 2020 (CAR_NRW0037191 refers). With a minor non-compliance (C3) also being scored under (D2) Accidents, emergency and incident planning for breach of condition 3.8.1.

I wish to acknowledge that the operator has acted on the actions stipulated in the Compliance Assessment Report CAR by the dates required. Actions required included: an updated Dust Management Plan (submitted to NRW on February 14th, 2021), details of the sites initial findings on investigation of the suitability of the sites sump (provided on February 15th, 2021) and a clean-up be undertaken of the land on the common and for NRW notified accordingly

(notified on December 21st, 2021) and for the action required regarding breach of condition 3.8.1, an updated Fire Prevention and Mitigation Plan (submitted to NRW February 12th, 2021).

In response to the significant non-compliance (C2) for breach of condition 2.3.1 scored under (C4) Storage, handling, labelling and Segregation, the CAR also required that the operator ensure wood waste is stored on site in a way that is compliant with the Fire Prevention and Mitigation Plan guidance. This was assessed during the visit and officers' findings have been detailed below.

Sump

Due to weather conditions the operator as of yet has been unable to fully inspect the base of the sites sump in order to provide all of the information requested previously by NRW.

ACTION: Please provide details on the suitability of the sites sump (cattle grid), including evidence that is sealed, within 31 days.

DUE: Monday April 11th, 2021

Fire Prevention and Mitigation Plan v2 (February 2021)

SWWP provided NRW with a revised Fire Prevention and Mitigation Plan FPMP v2 (February 2021) in response to comments made in relation to the review of FPMP v1 (20th November 2020).

In review of FPMP v2 by NRW, it has been concluded that the proposed stockpile heights must be in accordance with the sites planning restrictions of 5 meters. Therefore, please amend the stockpile heights and if required, review the stack dimensions of the stockpiles and submit a revised FPMP. In addition, please also consider whether the sites current security provisions are sufficient. The FPMP states there is 24hr CCTV in operation, however, officers perceived there to be a risk of unauthorised access due to the lack of fencing at the front of the yard.

Once we have received a revised FPMP of v2, NRW will then consult with the SWFRS on the suitability of the revised plan and will provide comments in due course. For further details regarding actions and due dates, please refer to the 'Non-Compliance Score' section below.

Waste Storage - Volumes and Storage Layout

Officers noted a visibly significant reduction in the volumes of wood waste on site, as photographed below. Officers also observed significant improvements to the storage layout. With the storage layout now comprising of three separate stockpiles of unprocessed wood, with the third stockpile being modified to create stockpiles '3a' and '3b', and a fourth separate pile for green waste. Stockpiles '3a' and '3b' were being modified whilst officers were on site. Officers observed that the heights of the stockpiles had been reduced. This new layout is a significant development as officers directly compared this to the continuous stockpile observed on previous visits.



Officers noted that three firebreaks of approximately 6 meters have been introduced on site as a fire mitigation measure. Improving access to areas of the site previously inaccessible, as photographed below.





Separation Distances /Access Routes

Officers did observe that some areas due to operational activities on site had been compromised, as photographed below. Whilst we appreciate there is a level of disruption expected during processing, please ensure that separation distances between buildings and access around site is maintained at all times.



Emergency Access

Officers noted at the time of the visit that the emergency access route was inaccessible due to the placement of a container, as seen below. Please ensure all routes are available at all times.



Quarantine Area

Officers observed at the time of the visit that the quarantine area held equipment. Please ensure that the quarantine area (an area large enough to store 50% of the largest stack) is available at all times, as per the FPP guidance. If anything is temporarily stored in the quarantine area, please ensure a procedure is in place/documented in order to quickly clear this area, as and when required.



Green Waste – Storage and Treatment

Officers noted that green waste is now being treated on site and stored, as photographed below. This activity is not included as part of the permit, however there is a T6 waste

exemption registered at Locks Yard which permits the treatment and associated storage of treating waste wood and waste plant matter by chipping, shredding, cutting or pulverising. The exemption allows you to treat/store up to 500 tonnes of waste over any 7-day period.



Non-Compliance Score

Minor Non-Compliance Score:

For breach of condition 2.3.1 (a) states *“The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 2, table S2.3, unless otherwise agreed in writing by Natural Resources Wales.”*

We wish to acknowledge the progress made on site, in reducing the volumes and the revised layout in terms of the sites waste storage practices by the operator. However, operations on site remain outside of the requirements set out in the current, relevant fire prevention plan guidance. In doing so, this non-compliance has been scored a Category 3 (minor non-compliance) under C4 – Storage, handling, labelling and Segregation.

ACTION: Please ensure wood waste on site is stored in a way that is compliant with the Fire Prevention and Mitigation Plan guidance.

DATE REQUIRED: Please submit a revised FPMP within 6 weeks by Friday, April 23rd, 2021.

Although the storage of waste on site has improved and risk associated with wood storage has lowered, this has been a non-compliance for a prolonged period and Natural Resources Wales may issue a notice requiring compliance with the permit if this action is not completed.

Minor Non-Compliance Score:

For breach of condition 3.8.1. which 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.”*

With regards to FPMP v2 submitted by the “operator” February 2021, as the plan remains outside of the requirements set out in the current, relevant fire prevention plan guidance. Until such time that a plan is agreed by NRW, this has been scored as an on-going non-compliance under D2 - Incident Management - Accidents, emergency and incident planning.

ACTION: Please provide a date/reasonable timeframe for agreement with NRW within 14 days, for when you will provide an updated FPMP of v2.

DATE REQUIRED: Friday, March 26th, 2021

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.