

Compliance Assessment Report CAR_NRW0037843

Permit being assessed: NP3699VX.

For: Former J R Steelworks, held by South West Wood Products Limited

At: Bryntywod, Llangyfellach, Swansea, West Galmorgan, SA5 7LE.

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

On 01/04/2021 between 10:30 and 12:00.

Parts of permit assessed: A, B, C, D

NRW Lead Officer: David Morgan, accompanied by James Kinhead.

Report sent to: Tom Dunn, Regional Manager on 07/04/2021.

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	C2 Significant (Suspended)	3.5.1

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

Total number of non-compliances recorded	Total non-compliance score
1	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
C4	Adjust waste stacks in accordance with dimensions stated in site's Fire Prevention and Mitigation Plan	01/07/2021

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 routine site inspection was undertaken on Thursday 1st April 2021.

The inspection was focused on assessing compliance with the Fire Prevention and

Mitigation Plan for the site. During a previous inspection (03/07/2020), a significant non-compliance of the Environmental Permit was recorded.

During the inspection on Thursday 1st April 2021, the following observations were made:

Waste Storage

At the time of the inspection the site appeared to be at full capacity. It was noted that there were very large volumes of wood waste on site.

Wood waste appeared to be stored in one large stack and there was no clear firebreaks in the material. The lack of firebreaks in the material is a direct non-compliance with the Fire Prevention and Mitigation Plan for the site.

Natural Resources Wales officers recorded measurements of the stack:

- * Length of stack (on left side upon entering site) measured 71.5m
- * Width of the stack (rear of stack) measured 67.4m (added to no clear separation with adjacent smaller stack)
- * Length of stack (on right side upon entering site) measured 116.5m

The height of the stack was not measured but appeared to be well in excess of 7m limit stated in the Fire Prevention and Mitigation Plan

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

On this occasion, and having consulted guidance on recording non-compliance, Natural Resources Wales has decided to suspend the compliance score. **This non-compliance record will be suspended until Thursday 1st July 2021.**

While on site, on Thursday 1st April 2021, officers were provided with a document outlining the plan for de-stocking the site ('Mitigation Measures and Destocking Plan for Former JR Steel Works, Llangyfelach, Swansea').

This suspension of the non-compliance record has been agreed for the following reasons:

- * There is a plan in place to bring operations into compliance
- * As part of the plan, you have agreed to provide regular updates of improvement works to Natural Resources Wales
- * Incident management measures have been reviewed in the past (firewater provision, CCTV, site contacts and procedures etc) and have been found to be compliant
- * The site has been free from incident
- * You are actively seeking alternative solutions to better manage capacity (new sites)

It is accepted that you are seeking alternative sites to better manage waste wood storage and overall capacity in the future. However, permit applications are still in determination and should not be viewed as already granted.

You must work towards compliance with your Fire Prevention and Mitigation Plan. Failure to comply with your Fire Prevention and Mitigation Plan in future inspections may result in enforcement action being taken against you.

Incident Management

During previous inspections, Natural Resources Wales officers have reviewed site security and incident procedures. It is acknowledged there is extensive CCTV coverage of the site and that the sites has a manned presence 24hrs a day.

During the inspection on Thursday 1st April 2021, officers inspected other incident management and mitigation measures.

Officers witnessed the water abstraction system working, which appeared to be functioning well. Officers also witnessed the onsite water bowser being used and how this would work in the event of a fire being detected. The water jet was used and appeared to cover up to the middle of the stack.

Also, it is noted that access roads within the site have been improved. There is an access road around the entirety of the site and this benefits from a hardcore surface. This will improve general access and traffic movements on site.

Summary

Operations are not compliant with the Fire Prevention and Mitigation Plan for the site. On this occasion, Natural Resources Wales has decided to suspend the non-compliance record until Thursday 1st July 2021.

This decision has been made as there is a plan in place to bring the operations back into compliance, which includes regular updates of progress.

It is noted that compliance with the Fire Prevention and Mitigation Plan has been an issue in the past. Continued non-compliance may result in enforcement action being taken against you.

Thank you for your time during the inspection.

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.