

Compliance Assessment Report CAR_NRW0038517

Permit being assessed: BB3196CL.

For: Newtown Household Waste Recycling Centre, held by Sundorne Products (Llanidloe) Limited

At: Unit 4, Duffryn Industrial Estate, Newtown, Powys, SY16 3AJ.

Type of assessment carried out: Report/Data Review, Reason: Routine.

On 12/07/2021.

Parts of permit assessed: Permit condition 3.4.1

NRW Lead Officer: Ffion Quan.

Report sent to: Kevin Pryce, TCM on 22/07/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
C2 - General Management - Management system and operating procedures	C3 Minor	3.4.1

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

Total number of non-compliances recorded	Total non-compliance score
1	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
C2	Please submit an updated version of the FPMP to NRW	12/08/2021

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.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

On 12th July Ffion Quan reviewed your Fire Prevention & Mitigation Plan Version 2 submitted on the 29th June 2021 against NRW's guidance.

The FPMP guidance sets out what *must* be in your FPMP and what *should* be in your FPMP, this is set out below.

D2 Accident, Emergency and Incident Planning – Fire Prevention and Mitigation Plan – Permit Condition 3.4.1 – CCS Cat 3

The Fire Prevention and Mitigation Plan (FPMP) does not fully meet the requirement of the Fire Prevention & Mitigation Guidance – Waste Management Version 2. This is a breach of permit condition 3.4.1.

ACTION – Review and submit an updated version of the FPMP by 12/08/2021.

Section 5 – Fire Prevention and Mitigation Plan Contents.

Your FPMP does not currently (but *must*) include the following:

A site plan has been included in the FPMP but doesn't meet the requirements of the guidance. Please see section below for further detail.

Contact details of sensitive receptors within 1km of your site has been included. In the FPMP you have noted if the fire is severe, you will notify immediate neighbours that evacuation may be required and also consider notifying wider receptors such as the local school. However, the FPMP does not include the measure that will be used to raise the alarm to inform the local residents / receptors. This must be included.

Section 5 – Site Plan

Your FPMP does not currently (but *must*) include the following:

You have not made it clear where hazardous materials are stored on the site plan. This must be included.

You have noted in the FPMP that the main access route for the FRS is via the main entrance gate, but this is not clearly identified on the site plan. Along with this, access points around the site perimeter to assist fire fighting is also not identified.

Location of 'off-site' emergency information pack must be included in the FPMP and site plan.

Location of key receptors such as critical infrastructure, schools, hospitals, residential areas, workplaces, protected habitats and rivers within 1km of the site is not included in the

site plan. It is suggested that a separate site plan is produced that shows the location of key receptors.

We are aware of a repair shop – Salvage Shed, within your site boundary which is located North West of the site. Whilst it is accepted that it does not fall under the permitted activities, its presence on site is information that would be required by the FRS in the event of a fire, therefore you must make a note of this within your FPMP and needs to be identified on the site plan.

There must be a clear area around the perimeter of the site identified on the site plan. Please update your site plan accordingly.

Section 6 – Common causes of fires and preventative measures.

A list of common causes of fires is included in the FPMP, although 'Visitors and Contractors' is not listed. This should be considered to be a possible cause, being a HWRC.

Section 7 – Storage times and self-combustion factors

Guidance states that you *should* include the following in you FPMP:

Consider adopting the following as the operator is storing materials that are risk of self-combustion -

- Minimise external heating during hot weather by shading from direct sunlight

You have included that documentation must demonstrate a clear method for recording and managing the storage of all waste on site. Is this documentation outside of the FPMP? You should consider clearly demonstrating how this is going to be done within the FPMP

Section 21 – Managing fire water run-off

There is no detail in the FPMP as to how fire water will be prevented from affecting local ground water, surface water bodies and any well, borehole within 50m used for the supply of water for human consumption, including private water supplies. This must be detailed in the FPMP.

You have included in the FPMP that the run off will be through a foul sewer via attenuation tank. In this case, you must include a written agreement in the FPMP from the sewerage undertaker.

Section 22 – Designated quarantine area

You should consider including the procedures in place to move the temporary material as soon as is practicable from your designated quarantine area.

In addressing the points raised above it should not be relied upon to mean that the measures are considered to represent appropriate measures covering every eventuality through operation of the permit. **Your FPMP should be kept under constant review to ensure measures remain effective. You must also ensure that the plan is fully implemented on site at all times. The plan should be revised where necessary in accordance with Section 24 - Reviewing and Monitoring your Fire Prevention & Mitigation Plan of the guidance.**

In a future compliance assessment visit, we will undertake an assessment of your compliance with your FPMP.

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.

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.