

Compliance Assessment Report CAR_NRW0038550

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 09/07/2021 between 09:53 and 11:45.

Parts of permit assessed: C2, D2, G4

NRW Lead Officer: Elysia Lovelock, accompanied by Gareth Davies.

Report sent to: Site Manager , Site Manager on 24/08/2021.

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	1.1.1
D2 - Incident Management - Accidents, emergency and incident planning	C2 Significant	2.3.1
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.3.1

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

Total number of non-compliances recorded	Total non-compliance score
3	35.1

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 review and update the Environmental Management System to ensure operations on site are in line with the sites Management Systems and considers the information outlined in this CAR. Please provide a date/reasonable timeframe for agreement with NRW, for when you will provide an updated Environment Management System of V1, including all associated documents.	17/08/2021
D2	Please provide a suitable date/timeframe in order to return the site to compliance, which will be formalised in a Regulation 36 Notice to follow. Or if evidence of waste volumes and storage practices are now compliant with the Fire Prevention and Mitigation Plan guidance, please provide	13/08/2021

Criteria	Action needed	Complete by
	suitable evidence for review by NRW.	
G4	Please ensure NRW are notified following any future events that may affect compliance with the environmental permit.	10/08/2021

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.

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

[This CAR has been amended by the Regulatory Officer on 24/08/2021 to reflect that the Operator provided evidence of submission of information, as required by the permit, to Natural Resources Wales on 20/08/2021]

An unannounced site inspection was undertaken on Friday 9th July 2021 at 0953 hrs at the regulated facility of South West Wood Products SWWP, Locks Yard, Heol Llan, Coity, Bridgend, CF35 6BU. Weather remained dry but unsettled during the visit.

Industry and Waste Regulation Officer Elysia Lovelock and Industry and Waste Regulation Team Leader Gareth Davies of Natural Resources Wales made our presence known on arrival and signed in at reception. The Site Manager for the permitted facility was contacted by a member of staff on site and we were advised that he was on his way in order to meet us on site.

The purpose of the visit by Natural Resources Wales was to assess the sites compliance with the conditions of the environmental permit EPR/FP3095ET and address concerns raised regarding the site.

The site was last inspected on 26th February 2021 and the following actions were identified:

- Ensure wood waste on site is stored in a way that is compliant with the Fire Prevention and Mitigation Plan guidance by 23rd April 2021. Non-compliance was observed during this site visit of this action previously raised with the Operator.
- Provide a date/reasonable timeframe for agreement with NRW by 26th March 2021 for when the Operator will provide an updated FPMP of v2. It has been agreed that FPMP v3 will be submitted to NRW on 16th August 2021 for review, following comments provided by the SWFRS on FPMP v2. To assist in the review, please refer to CAR_NRW0038342 and this CAR also contains relevant information.

- Provide details on the suitability of the sump (cattle grid) including evidence that it is sealed by 11th April 2021. From the details provided by the Operator, NRW are satisfied that the sites sump is in a suitable condition. However, the information provided to date does not address the suitability of the site's sump itself and did not provide evidence that it is fit for the purpose for which it is intended, please refer to the section below on 'Site Drainage'.

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Whilst waiting for the Site Manager, we were greeted by a representative of I Wood Ltd who arrived on site. In discussion regarding the purpose of the visit, I advised NRW had received reports concerning the site and were there to establish the situation on site, as well as to conduct a routine site visit assessing compliance with the conditions of the environmental permit EPR/FP3095ET. Officers also queried their presence at the site, as I Wood Ltd are no longer the Operator for Locks Yard. The I Wood representative advised that I Wood Ltd are responsible for the processing of the wood waste on site and plant equipment and the Operator, South West Wood Products, are responsible for the wood that comes in and goes out.

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REPORTED INCIDENTS

NRW have received reports that sheep were entering the site as it was insecure. Officers were informed on site that sheep do access the site, however this is via the main gate via the cattle grid, as the perimeter of locks yard is surrounded by fencing, shrubbery and earth bunds. The operatives on site have made efforts to deter sheep from entering via the main gate however as this is a busy yard, the main gate is required to be open during operating hours to facilitate operations.

NRW have received reports concerning the blue pipes visible around site. Officers were informed they form part of the Dust Management measures. Officers were advised that the pipes are fed into the centre of the stockpiles when required to dampen the wood.

GENERAL MANAGEMENT

Dust Management

The Dust Management Plan states under Dust Controls: Storage, 'Application of water to stockpiles when conditions have the potential to general windblown dust from stockpile surfaces.' Therefore, feeding pipes into the centre of the stockpiles would not eliminate windblown dust from stockpile surfaces.

Clarification is therefore required and is likely on the next inspection, conditions permitting, I will request a demonstration on site of the pipes in use to assess this dust suppression measure to establish how it works in practice.

When Officers were on site, we observed processing to the rear of the site in close proximity to a stockpile of unprocessed wood waste. The Dust Management Plan states that 'processing takes place in the centre of the site to the south of quarantine area and east of

the workshop building.’ And ‘Processing plant site located centrally away from the site boundaries (this increases distances to receptors...’ There is a clear disparity between operations on site and what is stated in the Environment Management documents.

As the Operator, ‘South West Wood Products Ltd’ are responsible for the permit held at Locks Yard and compliance with the permit conditions. We understand that I Wood Ltd are responsible for the processing of wood waste on site. It is therefore paramount as the Operator, to ensure that operatives/I Wood, who process waste at Locks Yard, are aware of South West Wood Products Ltd Management System documents, which outline the practices to be adhered to on site.

As I Wood Ltd are responsible for the processing at the yard and the plant equipment and South West Wood Products as the Operator are responsible for the wood that comes in and goes out. We advised on site that if there is a divide of responsibilities on site, that this should be clearly outlined in the sites management systems. The Operator however is responsible for complying with the sites permit conditions and would be held responsible should any enforcement action be taken.

Officers observed during the visit a considerable amount of debris/fibres that had accumulated around site, as can be seen below. The Site Manager advised that a road sweeper attends site as and when required. Which if occurring regularly, officers would not expect to see this amount of build-up. With dry and windy weather conditions in combination with the high level of vehicle movements associated with the operations, this could lead to a significant dust problem. The Dust controls specified under 3.2 of the Dust Management Plan state ‘Roads and operational open yard surfaces will be kept free of accumulated dust/fibres. Under 3.6 Dust Control: General states’ ‘A bowser/road sweeper will be used on all engineered surfaces.’ And ‘A policy of good housekeeping will be adopted such that all ground and relevant mechanical surfaces will be kept free of accumulated dust/fibres.’

Furthermore, lorries going in and out of site are likely to pick this up in the tyre tread, causing it to escape from site, inadvertently depositing on roadways etc.



ADVICE & GUIDANCE: Please ensure operations on site are in line with the Management Systems in place, or if amendments are required to the sites operational procedures, including but not limited to the areas outlined in this CAR form, please revise the associated documents accordingly.

Site Drainage

During the visit I queried how the cattle grid, which acts as the sites sump, is emptied. I was advised that the cattle grid is pumped into the adjacent tank and is then water that would either be recirculated for dust suppression or used in the event of a fire.

For comments on the use of this water in the event of a fire, please refer to relevant section below under '*Fire Prevention & Mitigation Plan*'.

It was queried what secondary containment is in place, if both the cattle grid and adjacent tank (40,000litre) reach full capacity or fail, during a sustained period of heavy rainfall for example, or due to fire water run-off in the event of a fire. I was advised the tank would be emptied and a tanker would take this to a permitted facility. In the interim, there is a potential impact here for the sites drainage to overflow and for site run-off to escape the sites boundaries, which has occurred and been observed previously.

The Operator has previously received a warning letter for an illegal discharge that occurred on 3rd September 2020 from the site, observed by an NRW Environment Officer, escaping via the main gate, down the road and into a tributary of the Nant Crumlyn.

I also note the checklist provided for the sump, an integral part of the site drainage, does not consider factors that would impact on its effectiveness or may even cause the sump to fail, this includes the pump which empties the sump into the adjacent tank.

ADVICE & GUIDANCE: Please ensure that the regular maintenance checks of the sump/drainage consider the condition of the pump used to empty the sump, ensuring it is

working correctly and is free of debris/blockages and update all procedural documents, as necessary.

ADVICE & GUIDANCE: As there have been previous incidents, please address the sites containment issues outlined above, as our response to any future incidents would be escalated accordingly in line with relevant NRW policy.

Management System

Whilst the information provided correlates with the information found in the sites EMS, under 'Surfacing and Drainage, section 1.5', the EMS does not contain information on at what point the tank is emptied, what level/capacity does the tank reach before it is emptied and if there is regular monitoring to ensure that there is available capacity for site run-off.

The EMS does also not detail procedures for when this water is not required on site for dust suppression, particularly during the winter months, to ensure that a greater capacity is readily available in the adjacent tank, in order to contain the site run-off expected for this time of year, when the site would require a greater available capacity in order to cope with higher levels of rainfall.

The information outlined above constitutes a permit breach. This has been recorded as a category 3 breach of permit condition 1.1.1. For further information, please refer to the relevant section below under 'BREACHES & ACTIONS'.

ACTION REQUIRED: Please review and update the EMS to ensure operations on site are in line with the sites Management Systems and considers the information outlined above.

COMPLETE BY: Please provide a date/reasonable timeframe for agreement with NRW within 14 days of receipt of this CAR form, for when you will provide an updated Environment Management System of V1, including all associated documents.

OPERATIONS

Fire Prevention & Mitigation Plan

As you can see from the photograph, the water within the sump contains oil residue which is apparent from the visible sheen on the water. As per the comments made by the FRS on FPMP v2, this water may not be deemed suitable for recirculation in the event of a fire, as spraying contaminated/stagnant water from the tank in close proximity of FRS crew could present a health and safety issue, as well as introducing water containing oil to a wood waste fire.



Site containment

For the tank adjacent to the sump to be utilised effectively as part of the sites drainage provisions, to provide effective water containment to prevent any discharge from site, it cannot be full to capacity in order to provide a water supply of 40,000 litres.

ADVICE & GUIDANCE: Please refer to the comments above under 'Site drainage' and review the effectiveness of the site's containment measures in terms of site run-off and site infrastructure as part of providing revised FPMP v3 and EMS v2.

Water supply

Whilst the tank adjacent to the sump has a water capacity of 40,000 litres, as this forms part of the sites drainage system also, the tank cannot be full to capacity in order provide 40,000 litres of available water supply in the event of a fire. Water provisions outlined in the Fire Prevention and Mitigation Plan must therefore consider this limitation.

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Waste storage & volumes

During a previous inspection (26/02/2021), a Category 3 non-compliance of the environmental permit which could have a minor environmental effect was recorded, acknowledging the improvements to the storage of wood waste.

However, during the inspection on 09/07/2021, the following observations were made:

- The site appeared to be over capacity and unable to store in accordance with the Fire Prevention and Mitigation Plan guidance.
- The stockpiles appeared to be well in excess of 4m in height.
- Insufficient firebreaks as stockpiles had merged creating a continuous stack at the rear of the site.
- As a result, the risk posed/potential impact to the environment has increased since the last inspection.

When the Site Manager arrived, officers proceeded to walk the vicinity of the yard with the Site Manager and the dimensions of the stockpiles were discussed.

Officers were advised that the site being over capacity was due to a breakdown a few weeks prior at the primary outlet for the site, which had led to over stocking at the yard.



In the event of a breakdown at the primary outlet, to avoid non-compliance issues in terms of waste storage, alternative procedures should be implemented to ensure operations on site are compliant with the sites permit. The Management Systems detail diverting wood to other sites, however, appears there is no provision or viable procedure in place at present, if other sites are at full capacity.

Since the visit, NRW have been provided photographs (19/07/21) by the Site Manager that aim to show that the stockpile heights have been addressed following the inspection. However, we have not been provided any evidence to demonstrate how much waste has been removed from site to show that volumes have reduced to within the site's capacity. This remains a significant risk and breach.



Emergency Access Routes

We wish to acknowledge the efforts made by the Site Manager and plant operatives whilst officers were on site, in clearing the alternative emergency access route, which was blocked off by processed wood waste, as can be seen from the photographs below. This alternative access is outlined in Figure 4 shown in blue of FPMP v2, as per the Fire Prevention & Mitigation Plan guidance which states, 'Your FPMP must include: how safe access to the site for fire and rescue services and other emergency responders is achieved' and a site plan which includes 'main access routes for fire engines' '& any alternative access points' on a site plan. However, operations on site are non-compliant with The Fire Prevention & Mitigation Plan guidance.



As despite clearing the processed wood waste, we observed that a storage unit was blocking this alternative route, which has been outlined by the operator in the FPMP's submitted to date as an emergency access route. Officers did note this route is also blocked off further back, therefore please ensure the FPMP v3 takes this into account, detailing the procedures that are in place, to ensure that this access route is viable in the event of an emergency should a fire occur, as access to and from the site, as well as the water-supply available on site and quarantine area could be restricted if the main entrance has been bunded to contain firewater.

The information outlined above constitutes a permit breach. This has been recorded as a category 2 breach of permit condition 2.3.1 For further information, please refer to the relevant section below under 'BREACHES & ACTIONS'.

ACTION REQUIRED: Regulation 36 Notice to follow.

REPORTING

Having reviewed the waste return submitted by the Operator for quarter 4 (October-December) of 2020, 740.65 tonnes of wood waste in excess of what had been received in that quarter had been removed from site. This was also the case for quarter 1 (January-March) of 2021, with 4,451.95 tonnes of wood waste in excess of what had been received in that quarter being removed from site.

The Operator provided evidence on 20/08/2021 that Quarter 2 (April-June) for 2021 was submitted to Natural Resources Wales on 26/07/2021 as required by permit condition 4.2.2. Quarter 2 shows a continuation of the above trend.

INFORMATION

Notifications

Officers were informed by the Site Manager that the site was over capacity due to a breakdown at the primary outlet 3 weeks prior to officers attending site. NRW were not informed by the Operator at the time, when issues with waste flow were foreseeable and likely to effect operations (including storage) on site and the Operator failed to notify NRW.

ADVICE & GUIDANCE: Please ensure NRW are notified following any future events that may affect compliance with the environmental permit.

The information outlined above constitutes a permit breach. This has been recorded as a category 4 breach of permit condition 4.3.1. For further information, please refer to the relevant section below under 'BREACHES & ACTIONS'.

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The Site Manager was advised that the site would be scored in terms of the storage of waste being outside of the FPMP guidance and would be notified of any other non-compliances identified following the visit, ahead of the CAR being issued. The site visit concluded at approximately 1145 hrs.

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BREACHES & ACTIONS

A breach of condition 1.1.1 of the environmental permit EPR/FP3095ET has been recorded under C2 - General Management – Management system and operating procedures and scored as a Category 3 non-compliance breach with a potentially minor environmental effect.

1.1.1 states 'The activities shall be managed and operated:

(a) in accordance with a management system, which identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents and

non-conformances and those drawn to the attention of the licence holder as a result of complaints; and

(b) by sufficient persons who are competent in respect of the responsibilities to be undertaken by them in connection with the operation of the activities.'

You are being scored a category 3 breach against this condition as NRW do not consider the sites Environmental Management System suitable as it does not outline suitable procedures in terms of site drainage in the event of an incident, as well as the evidence that the procedures in place have been previously ineffective and evidence on site as outlined above that the procedures outlined are not being adhered to on site.

ACTION REQUIRED: Please review and update the EMS to ensure operations on site are in line with the sites Management Systems and considers the information outlined above.

COMPLETE BY: Please provide a date/reasonable timeframe for agreement with NRW, for when you will provide an updated Environment Management System of V1, including all associated documents.

A breach of condition 2.3.1 of the environmental permit EPR/FP3095ET has been recorded under D2 – Incident Management – accidents, emergency and incident planning and scored as a Category 2 non-compliance breach with a potentially significant environmental effect.

2.3.1 states:

‘(a) 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.

(b) If notified by Natural Resources Wales that the activities are giving rise to pollution, the operator shall submit to Natural Resources Wales for approval within the period specified, a revision of any plan or other documentation (“plan”) specified in schedule 2, table S2.3 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by Natural Resources Wales.’

You are being scored a category 2 breach against this condition due to the significant risk of fire from the current waste storage. Following the observations made on site as outlined above, including stack sizes, exceeding dimensions as per FPMP guidance, insufficient separation distances, processing in close proximity to unprocessed wood waste stock piles, issues with alternative access in the event of a fire, restricting access to site, stacks, quarantine area and water supply.

The risk is significantly increased due to the fact that the site do not have an approved FPMP in place in line with the Fire Prevention and Mitigation Plan guidance.

ACTION REQUIRED: Please refer to the Regulation 36 Notice to follow.

A breach of condition 4.3.1 of the environmental permit EPR/FP3095ET has been recorded under G4 – Monitoring and Records, Maintenance and Reporting – Reporting and notification to Natural Resources Wales and scored as a Category 4 non-compliance breach with no potential environmental effect.

4.3.1 states 'The Agency shall be notified without delay following the detection of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident or fugitive emission which has caused, is causing or may cause significant pollution;
- (b) the breach of a limit specified in this license; and
- (c) any significant adverse environmental and health effects.

You are being scored a category 4 breach against this condition for failing to notify NRW that the site was over capacity, following a breakdown at the site primary outlet. The sites capacity is outlined in the sites Environmental Management System as 5,000 tonnes.

ADVICE & GUIDANCE: Please ensure NRW are notified following any future events that may affect compliance with the environmental permit.

Summary

In conclusion, operations are not compliant with the Fire Prevention and Mitigation Plan guidance. Therefore, please ensure there is a plan in place to bring the operations back into compliance. Regulation 36 Notice to follow.

We 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.