

Compliance Assessment Report CAR_NRW0038342

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: Report/Data Review, Reason: Routine.

On 28/05/2021.

Parts of permit assessed: D2

NRW Lead Officer: Elysia Lovelock.

Report sent to: Martin Chubb, Site Manager on 04/06/2021.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
D2 - Incident Management - Accidents, emergency and incident planning	C3 Minor	3.8.1

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
D2	Please provide a date/reasonable timeframe for agreement with NRW within 14 days, for when you will provide an updated FPMP of version 2.	18/06/2021

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.

At this time, we do not intend to take any further action.

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

Fire Prevention and Mitigation Plan v2 (February 2021)

Following the review by Natural Resources (Body for) Wales (NRW) of Fire Prevention and Mitigation Plan FPMP version 1.0 (09/11/2020), Document Reference. 2157B/FPMP, provided by the Operator, South West Wood Products (SWWP) Ltd. SWWP were provided comments on FPMP v1. and were requested to submit a revised FPMP, written in accordance with the Fire Prevention and mitigation Plan (FPMP) guidance. The Operator then submitted an updated Fire Prevention and Mitigation Plan (FPMP), version 2.0 (12/02/2021) to NRW.

On review of FPMP v2 (12/02/2021), it was established that the revised FPMP remained outside of FPMP guidance. However, whilst the FPMP v2. remained outside of the FPMP guidance, it was acknowledged that additional measures, believed by the Operator to offer the same level of mitigation, as those outlined in the guidance had been included, along with their rationale and justification for the deviations from the guidance.

Due to the Fire and Rescue Service requesting clarification as to the disparity between the sites planning permission of stockpile heights of 5-meters previously granted by the Council, and NRW's FPMP guidance which states a maximum of 4-meters, the Operator was asked to revise FPMP v2 in accordance with the sites planning restrictions of 5-metres as a minimum, along with the caveat that additional measures would be required, to ensure they met the minimum standard as outlined in the FPMP guidance (ensuring equivalent or superior mitigation) (CAR_NRW0037774) and that the revised FPMP would then go to the Fire & Rescue Service for comment.

At which time, the Operator then informed us that the Council had recently granted planning permission for stockpile heights of 7-metres at Locks Yard, Heol Llan, Coity, Bridgend, CF35 6BU. FPMP guidance states a maximum stack height of 4-metres. This is based on the practical ability to fight fires using manual means such as standard hoses, and stability of stack to reduce the risk of fire spread from falling/rolling wastes. We then advised the Operator at this stage, given the recent increase in the planning permission stockpile heights, heights intended by the operator to remain in the FPMP, that the Fire and Rescue Service (FRS) would now be consulted for comment on FPMP v2.

As a permitted facility, EPR/FP3095ET, I refer to 2.3 Operating techniques, condition 2.3.1 (a) which 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'.

The following Table is added to Schedule 2:

Table S2.3 Operating techniques		
Description	Parts	Date Received
Response to Schedule 5 Notice dated 16/06/16	Dust Management and Monitoring Methodology - 4.1.3 Physical Mitigation Measures	21/06/16
	Noise Management Plan - 4.1– 4.2 Control of Sound Emissions - 4.3 – 4.4. Maintenance	
	Email response to question about quantities of waste stored at any one time - 3.(b)	
Fire prevention and mitigation plan guidance – Waste Version 1, May 2016	All relevant sections	N/A
Sector Guidance Note IPPC S5.06 - Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste	All relevant sections	N/A
Technical Guidance Document: 'How to comply with your environmental permit'	All relevant sections	N/A

I refer to the current, relevant Fire Prevention and mitigation plan guidance – Waste Management, Version 2.0, August 2017, as per condition Fire 3.8, 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.'

This guidance document was compiled by Natural Resources Wales (NRW) in collaboration with the Fire & Rescue Services across Wales and it represents the minimum appropriate measures/standards you must follow when formulating a site specific FPMP for your site. Required within Wales to be put in place by Waste Operators with an environmental permit, that authorises you to store combustible waste, or if you have a permit condition requiring you to have a FPMP.

The guidance states if you do not follow the guidance or appropriate sector specific advice when compiling your FPMP, you should ensure that the measures you take are equivalent or superior to the standard, and that they comply with regulatory requirements. To achieve this, you should include detailed assessments to satisfy Natural Resources Wales (NRW) that the: likelihood of fire, impact from emissions during or after a fire on the local community, critical infrastructure and the environment, resources required by the NRW and other emergency responders during an incident, post incident clean-up and remediation costs, are equivalent or less than would be incurred if the site followed the minimum standards in the regulatory guidance.

The guidance also states, NRW and/or the Fire and Rescue Service (FRS) may also take enforcement if it deems that your site does not comply with the required standard.

Following the South Wales Fire and Rescue Service (SWFRS) being consulted for comment, as to the suitability of the measures proposed and justifications outlined in FPMP v2 (12/02/2021) for Locks Yard, the Fire and Rescue Service having reviewed the FPMP, have advised that they do not consider that the mitigating factors outlined in the FPMP provide a standard that is equivalent or superior to the standards of guidance note 16, to be able to veer outside of the guidance, as requested by the Operator. They believe the stockpiles

should not exceed the 4-metre limit set out in the guidance, with suitable separation distances employed and maintained.

Therefore, following the consultation with the South Wales Fire & Rescue Service (SWFRS), Natural Resources Wales (NRW) wish to advise that until such time that the Operator provides an FPMP as per the Fire Prevention Plan (FPMP) guidance, that is agreed for use by NRW, compliance with permit condition 3.8.1 will continue to be assessed in accordance with the measures set out in the Fire Prevention Plan guidance.

Non-Compliance Score

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 plan using the current, relevant fire prevention plan guidance.”**

With regards to FPMP v2 submitted by the “operator” February 2021, as the plan has now been reviewed by the Fire and Rescue Service and NRW as it was not in line with FPMP guidance, it has now been deemed to not provide the standard required/or equivalent, to the measures outlined in the FPMP guidance.

Until such time that a plan is agreed by NRW, this has been scored as a category 3 non-compliance with a potentially minor environmental effect, 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 version 2.

DATE REQUIRED: Friday, 18th June 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.