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Natural Resources Wales permitting decisions

Baglan Energy Park Permit Application

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Refusal of a bespoke permit application

We have decided to refuse the permit application for Baglan Energy Park.

The applicant is South Wales Wood Recycling Limited. We refer to South Wales Wood Recycling Limited as **“the applicant”** in this document.

South Wales Wood Recycling Limited’s proposed facility is located at Baglan Energy Park, Baglan, Port Talbot, SA12 7AX. We refer to this as “the proposed facility” in this document.

What this document is about

This is a decision document which details the determination of the above permit application.

It explains how we have considered the applicant's application, and why we have refused to grant a permit. It is our record of our decision-making process, to show how we have taken into account all relevant factors in reaching our decision.

This decision document only discusses the reasons for refusal to grant a permit. Where details are not discussed in this document it means that we have considered the application and accepted the details are sufficient and satisfactory.

We consider in reaching that decision, we have taken into account all relevant considerations and legal requirements.

Preliminary information and use of terms

We gave the application the reference number PAN-000440. We refer to the application as “**the application**” in this document in order to be consistent.

The application was considered to be duly made as of 06 July 2016.

Key issues of the decision

1 Our decision

Based on the information currently available to us we are refusing the permit application.

We carefully considered the application and all other relevant information before we reached a decision. Having considered the information submitted with the application and further information submitted during the determination, we are not satisfied that appropriate management systems will be in place, we do not have confidence in the operator's competence at managing the site and we do not believe that the applicant would operate the facility in accordance with the conditions of the permit and the associated documents (including management plans), if a permit were to be issued.

Our decision has been influenced by three principal factors that in combination increase the overall risks of the proposed facility. These are:

- I. Our lack of confidence in the operator's competence at managing the activity based on recent relevant convictions and poor compliance history of other permitted sites held by the operator.**
- II. Inadequate management systems that do not meet the required standards as set out in our guidance documents.**
- III. Taking points I and II above into consideration, there becomes an unacceptably high risk of fire from the proposed facility, which could then lead to considerable environmental issues to the immediate and surrounding area.**

2 How we reached our decision

2.1 Receipt of application

On 06 June 2016 South Wales Wood Recycling Limited (SWWR) submitted a bespoke permit application. The application was accepted as duly made on 06 July 2016. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination. Further information was requested during the determination and this is explained in this document.

The applicant made no claim for commercial confidentiality. We have not received any information in relation to the application that appears to be confidential in relation to any party.

2.2 Consultation on the application

We consulted on the application in accordance with the Environmental Permitting (England and Wales) Regulations 2010 (now 2016), our statutory Public Participation Statement (PPS) and our Working Together Agreements.

We advertised the application by a notice placed on our website. We also placed a copy of the application and all other documents relevant to our determination on our electronic Document Management System which acts as our Public Register. Anyone wishing to see these documents could do so on request and arrange for copies to be provided.

We consult with other bodies as per our working together agreements. Listening to others helps us to make better decisions. We make use of the expertise of others and make sure we have taken into account all the environmental risks. We sent copies of the application to the following bodies, in accordance with our 'Working Together Agreements':

- Local Planning Authority - Neath Port Talbot County Borough Council
- Local Authority Environmental Health - Neath Port Talbot County Borough Council
- Public Health Wales
- Mid and West Wales Fire and Rescue Service

These are bodies whose expertise, democratic accountability and / or local knowledge make it appropriate for us to seek their views directly.

Further details along with a summary of consultation comments and our response to the representations we received can be found in [Annex 1](#). We have taken all relevant representations into consideration in reaching our decision.

Further to revised management plans submitted by the operator we felt that it was necessary to consult further with Fire and Rescue Service and seek their advice as to whether or not the fire prevention and mitigation plan was suitable. Their response and how we have taken into consideration their comments can also be found in [Annex 1](#).

2.3 Requests for further information

Request for Information at Duly Making Assessment Stage

In order for us to be able to consider the application duly made, we needed more information. We requested further information relating to the fee, missed declaration on Part F, confirmation of National Grid Reference (NGR), recovery and disposal codes, site condition report, evidence of technical competence, odour management plan and risk assessment. Upon receipt of this information we were able to consider the application duly made.

During the application determination process, we are able to request further information that we require in order to complete our determination. We can do this formally or informally.

When we request information formally we do this by serving a 'Schedule 5 Notice' on the applicant. A Schedule 5 Notice is a legal notice that clearly specifies what information we require to determine the application, why we need that information and by when the applicant must submit the information. The applicant must provide all of the information specified in the notice.

Schedule 5 Notice 1 (dated 10 August 2016)

During the application determination process, further information was requested by way of a Schedule 5 Notice requiring information to clarify aspects associated with the following:

- Technical competence;
- Storage/Treatment activities; Recovery and Disposal Codes; and
- Managing dust and particulate matter.

The Schedule 5 Notice was sent on 10 August 2016 with a deadline of 24 August 2016. The applicant's response to the Schedule 5 Notice was provided on 11 August 2016. The additional information supplied by the applicant satisfied the requirements of the Schedule 5 Notice issued on 10 August 2016.

Informal Requests for Information (dated 24 August 2016)

Informal requests for information were sent on 24 August 2016, requesting confirmation that the applicant would manage their activities in accordance with our Fire Prevention and Mitigation Guidance, and clarification on:

- Site name and address;
- Treatment types; and
- Waste types.

The applicant's response to the informal request for information was provided on 24 August 2016. Along with their response the applicant also stated:

"I can confirm it is our intention to comply with the guidance document. We incorporate these provisions within our EMS and undertake specific fire prevention and mitigation plans and fire risk assessments as well as having emergency action plans".

Schedule 5 Notice 2 (dated 31 October 2016)

The applicant submitted an Environment Management System (EMS) summary with their application. The plan included some information. However, this plan did not meet all of the required standards as set out in our guidance.

The applicant submitted a Fire Prevention and Mitigation Plan (FPMP) (ref: Fire RA and Prevention Plan May 2016) as part of the application. The plan included some information on proposed fire prevention and mitigation measures. However, this plan did not meet all of the required standards as set out in our guidance or adequately address how fire would be *prevented* at the facility or adequately address how a fire would be *mitigated* if it did occur. In particular we required further information on the following:

- storage of waste;
- fire prevention;
- length of time waste proposed to be stored for;
- detecting and suppressing fires;
- containing and mitigating fires;
- managing waste piles;
- waste pile sizes and separation distances;
- self-combustion;
- seasonality and pile management;
- managing fire water;
- water supplies; and
- impact of a fire on the immediate and surrounding area.

We requested a revised EMS summary and FPMP from the applicant via a second Schedule 5 Notice sent on 31 October 2016 with a deadline of 21 November 2016.

The applicant submitted revised versions of their EMS and FPMP on 02 November 2016 in response to the Schedule 5 Notice. Further revised versions were submitted on 09 and 22 November 2016 following email correspondence.

Although the additional information supplied by the applicant satisfied the requirements of the Schedule 5 Notice issued on 31 October 2016, we assessed these plans and overall did not consider them to be suitable for the proposed activity. Please see section 5 for further explanation.

Schedule 5 Notice 3 (dated 17 November 2016)

Following the applicant's convictions on 10 November 2016 for relevant offences (see section 6.2 for details), a third Schedule 5 Notice was sent on 17 November 2016 requesting a post-conviction plan. The deadline of the Notice was 01 December 2016. The applicant's response to the Schedule 5 Notice was provided on 21 November 2016. The additional information supplied by the applicant satisfied the requirements of the Schedule 5 Notice issued on 17 November 2016.

Copies of the information notices and e-mails requesting further information have been placed on our public register.

3 The legal framework

The application is subject to the Environmental Permitting Regulations (England and Wales) 2016. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope.

In particular, the proposed facility is:

- A *regulated facility* as defined in regulation 7 of the Environmental Permitting Regulations.
- A *waste operation* covered by the Waste Framework Directive, because it accepts waste.
- Subject to aspects of the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 which have also been considered.

In taking this decision, NRW has had regard to Schedule 5, Part 1, Paragraph 13 of the Environmental Permitting (England and Wales) Regulations 2016, which states:

*13.—(1) Subject to sub-paragraph (3), **the regulator must refuse an application for the grant of an environmental permit or for the transfer in whole or in part of an environmental permit if it considers that, if the permit is granted or transferred, the requirements in sub-paragraph (2) will not be satisfied.***

*(2) **The requirements are that the applicant for the grant of an environmental permit, or the proposed transferee, on the transfer of an environmental permit (in whole or in part), must—***
(a) be the operator of the regulated facility; and
*(b) **operate the regulated facility in accordance with the environmental permit.***

(3) The requirement in sub-paragraph (2)(b) does not apply to an applicant for the grant of an environmental permit authorising the carrying on of only a stand-alone water discharge activity or stand-alone groundwater activity.

Note: the relevant passages in the extract above have been emphasised for ease of reference.

Whilst we are satisfied that the applicant would be the operator of the proposed facility, for the reasons set out in this document we are not satisfied that the applicant would operate the proposed facility in

accordance with the conditions of the permit and the application documents (including management plans), if a permit were to be issued.

4 The proposed facility

4.1 The proposed facility location

The proposed facility lies in Baglan Energy Park, on BP's former petrochemicals site at Baglan Bay. Many industrial and residential receptors are located within the vicinity of the proposed facility. The nearest industrial/commercial buildings are within 150m of the site and the Baglan Power Station site is approximately 175m away. The nearest residential receptors found are approximately 700m from the proposed facility.

Several main/trunk roads run near to the proposed facility, including the M4 Motorway which runs approximately 600m to the North East of the proposed facility. A main railway line runs alongside the M4, approximately 650m from the proposed facility. The River Neath is approximately 750m from the proposed facility at its nearest point.

4.2 The proposed activities

The proposed activities are the storage and treatment of waste wood for the purpose of recovery only. The applicant proposes to accept and process up to 150,000 tonnes of non-hazardous waste wood per annum at the proposed facility. Proposed waste treatment activities are manual and/or mechanical sorting, separation, screening, grading and bulking up for onward transfer.

The applicant proposes to store up to 25,000 tonnes of waste wood at any one time. See section 5.2 on storage times and section 5.5 on stockpile sizes and separation distances for further details.

The applicant proposes to store and treat all waste on an impermeable surface with sealed drainage, outside of a building. No drainage discharges are proposed.

5 Key issues in the determination

The key issues arising during this determination were:

- The operator's competence in effectively managing the proposed facility, taking relevant convictions and poor compliance history of existing permitted facilities into consideration;
- The operator's ability to comply with permit conditions, in particular the storage time of waste;
- Inadequacy of management plans, including issues relating to:
 - Storage time of waste wood;
 - Waste wood stockpile sizes and separation distances;
 - Viability of proposed outlets for the waste;
- Site drainage, water supplies and containment of fire water; and
- Ultimately the high risk of fire from the activity of storing combustible waste, largely because of the length of time the applicant proposes to store the waste and the lack of confidence we have in their operating techniques to prevent the risk of fire at the site, and the environmental impact that this would have on the immediate and surrounding area.

After discussions with the applicant and their subsequent submission of revised proposals on stockpile sizes, separation distances, water supplies and site drainage arrangements to contain fire water, we were satisfied with the application with the exception of the following:

- **Operator's competence;**
- **The operator's ability to comply with permit conditions, in particular the storage time of waste;**
- **Inadequacy of management plans, including issues relating to:**
 - **Storage time of waste wood;**
 - **Viability of proposed outlets for the waste;**
- **Overall risk of fire from the activity of storing combustible waste.**

We will describe these issues in more detail in this document.

5.1 Management systems

Regulated waste activities can present different types of risk to the environment, these include fire, odour, noise and vibration; fugitive emissions to air and water; as well as point source releases to air and discharges to ground/surface or groundwater. Applicants must have suitable management plans in place to prevent and minimise these risks and these must be submitted with their application. Our guidance 'How to comply with your

environmental permit - Version 8, October 2014' describes the standards and measures operators must use to control the most common risks of pollution from the activities being carried out. The content of an environment management system (EMS) depends on the risk and complexity of the proposed activities. It must identify the risks to the environment from the activities and explain in detail the measures the operator will take to prevent or minimise those risks. Applicants must submit a summary of their EMS with their bespoke permit application and this is assessed in accordance with our guidance. In addition to this, other management plans addressing specific risks may be required depending on the identified risks posed by the proposed waste activities.

For this proposal, the principal risk that gives rise to concern is the risk of fire from the storage of large volumes of combustible waste wood, the length of time it is proposed to store the wood and the operator's competence to manage this risk.

Applicants proposing to operate under a bespoke waste permit to accept, store and/or treat combustible materials must submit a fire prevention and mitigation plan (FPMP) with their application. The FPMP must be produced in accordance with and meet the required standards specified in our guidance 'Fire Prevention and Mitigation Plan Guidance - Waste (Version 1 May 2016)'.

The applicant submitted an EMS and FPMP with their application. We assessed these management plans, in order to establish whether or not they were suitable. We do not consider the operating techniques included in the applicant's EMS summary or FPMP as suitable to manage the associated risks from the proposed activity.

The following sections include detailed information on the proposed operating techniques and our assessment of those.

5.2 Storage times

Fire is a significant risk from the storage of combustible waste. Some materials (including waste wood) can self-combust under certain conditions and the risk increases when materials are stored for more than 3 months. The longer the waste remains on site the poorer the quality of the wood becomes and the greater the risk of a fire occurring.

Our 'Fire Prevention and Mitigation Plan Guidance - Waste (Version 1 - May 2016)' states:

"You must ensure that any combustible materials are stored for less than 6 months. (Unless you have a specific agreement to exceed this period from

Natural Resources Wales. It will be the responsibility of the operator to demonstrate a case before combustible waste is stored for > 6 months)".

The applicant's original FPMP stated: *"If required, product should be monitored on a regular basis for temperature. This would normally occur if any material remains on site for longer than 6 months without moving."*

This statement suggested that waste may be stored on site for longer than 6 months. As this potential storage time exceeded the recommended maximum time stated in our guidance, we asked the applicant to confirm the maximum time that waste would be stored at the site and how it would be managed, and to demonstrate a case for why combustible waste would be stored for more than 6 months, via a formal request for information (Schedule 5 Notice dated 31 October 2016). The applicant's response (dated 2 November 2016) included the following:

"- The material will be stored potentially for up to 24 months, subject to industry demands.
- The site is to be used as a storage area to allow for compliance with the FPP guidance through a number of our sites and has been discussed and agreed with Senior NRW management.
- The material to be stored comprises more than 95% of Grade B material to ensure suitability for intended fuel for Biomass plants.
- There are facilities that will be coming on line within the South Wales area and further afield that will require this material."

We do not consider this to be a suitable justification for storing combustible waste for more than 6 months. Furthermore, no agreements have been made with NRW staff regarding the proposals. Therefore, the applicant's FPMP does not meet all of the standards as set out in the FPMP guidance.

In addition to this, operators storing waste pending disposal or recovery elsewhere must include suitable measures in their EMS for storage times and procedures to ensure that these times are not exceeded.

Our guidance 'How to comply with your environmental permit - Version 8, October 2014' states:

"If you store waste pending its disposal or recovery elsewhere, your management system must include:

- storage times and procedures to ensure that these times are not exceeded"*

The applicant has not included maximum storage times or procedures to ensure that these times are not exceeded in their FPMP, or in their EMS as required by our guidance 'How to comply with your environmental permit'.

However, the applicant has confirmed via email that the waste “*will be stored potentially for up to 24 months subject to industry demands*”, as noted above and has included some measures to be taken to avoid exceeding storage times in an email dated 09 November 2016.

The applicant has confirmed that they propose to store the waste wood pending its “*intended*” use as fuel for biomass plants. The first point in the above extract requires operators to include storage times and procedures to ensure that these times are not exceeded. This is fundamental to the operation of a permitted facility, i.e. if waste comes in to a facility, then there should be available outlets. Having available outlets ensures that waste is not stored indefinitely on site.

We do not have confidence that the applicant has suitable procedures in place to manage the waste effectively. Waste operators should have suitable outlets for the waste they intend to accept. It is not good practice for waste to be accepted and stored indefinitely in the hope of outlets coming on line in the future.

Furthermore, due to uncertainty over the viability of some of the proposed outlets for the waste we do not have confidence that the applicant will be able to ensure that waste wood will be removed from facility within the proposed 24 months. The viability of proposed outlets is discussed further in section 5.3.

We do not believe that the applicant would comply with ‘How to comply with your environmental permit’ and therefore would not be able to comply with the conditions included in the permit, if a permit were to be issued, because of the reasons outlined in this section.

5.3 Seasonality and pile management

The applicant has confirmed that waste wood is to be stored at the proposed facility with the intention that it will be used as fuel for biomass plants that may become available as outlets in the future.

Our ‘Fire Prevention and Mitigation Plan Guidance - Waste (Version 1 - May 2016)’ states:

“You must prove that your pile management is viable. You must also prove the suitability of materials and the resilience of the supply chain and end user outlets. Provide a technical assessment that shows you have confidence that your proposal will be viable in foreseeable market conditions.

If the materials on your site are subject to seasonal variation in demand and/or supply you must demonstrate how you intend to manage these variations. All these issues and the contingencies you employ to minimise

them must be in your management system and implemented before operations commence on site.”

The applicant's original FPMP does not include information on this. We asked the applicant to provide this in our request for information dated 31 October 2016. The applicant's response (dated 02 November 2016) included the following:

- *“Main purpose of having the stockpile holding site is to accommodate seasonal variations on the processing sites and to allow for the change in market conditions within the next two years, as the biomass industry comes on line within the UK.*
- *Controls are provided by the EMS and the FPP and as such should not be exceeded.”*

We do not believe that the applicant's proposed outlets are viable for the reasons outlined in this section. The applicant has not provided evidence to prove that their pile management is viable or the suitability of materials and the resilience of the supply chain and end user outlets. The applicant makes reference to “intended” markets of biomass plants. However, this does not demonstrate that they have any current markets for the material they produce.

As the applicant has not suitably demonstrated viable outlets, we believe that there is a high risk that the applicant would not move waste off the site at a sufficient rate and we have concerns on the following risks if a permit were to be granted:

- Waste may be stored for longer periods of time than permitted.
- Larger quantities of waste may be stored than permitted.
- Waste may be stored in larger stockpiles, with reduced separation distances than permitted.

Waste being stored for longer than 3 months has a higher risk of self-combusting. In this case the risk would be higher again given the huge size and number of stockpiles proposed. This would increase the likelihood of a fire incident occurring, and the potential severity of the fire, if an incident were to occur.

Further to this the applicant sent an email to us on 18 January 2017 stating that they had proposed outlets for the waste. Whilst this helps in addressing our concerns regarding the viability of outlets, our overall concerns on the proposed activity remain.

We requested information on seasonality and pile management (including outlets) in our Schedule 5 Notice sent on 31 October 2016, with a deadline of

21 November 2016. The applicant responded to our request but did not provide adequate information. We based our decision on the information provided at this time.

5.4 Use of waste wood

The Industry Standard PAS111 describes how waste wood is graded in terms of its general suitability for certain end users. The application states that at least 90% of the waste wood to be stored at the facility will be 'Grade B'.

Natural Resources Wales considers that waste wood is either untreated, treated non-hazardous or treated hazardous. Wood treatments are both visible and non-visible, therefore waste acceptance procedures need to ensure that waste wood is categorised correctly, in accordance with 'Guidance on the classification and assessment of waste (1st edition 2015) – Technical Guidance WM3'. Where the source of the wood is unknown, only sampling and analysis can determine if treatments, both visible and non-visible, have been used. Therefore, if you accept waste wood from other waste operators and civic amenity sites, there is a presumption that the wood is treated. Only waste wood that can be traced back to its origin or has been subject to sampling and analysis can be considered untreated.

The permit application states that waste wood will be accepted from a number of sources including industrial/commercial outlets (i.e. waste packaging, building waste, construction and demolition waste etc.) and a number of municipal sources (i.e. local authority civic amenity sites etc.). Wood from local authority sites is likely to include treated waste wood. When applying the requirements of PAS111, this would be categorised as 'Grade C'.

In their email sent to us on 09 November 2016, the applicant confirmed:
"The site (one of a number) is to be used as a holding / storage area to allow for compliance with the FPP guidance through a number of our sites".

As the proposed facility is to accept waste from other facilities operated by the applicant, it is considered that a significant amount of this waste wood would be treated wood and categorised as Grade C. This is because the clean wood accepted at the Heol y Cyw, Coity site under the standard rules permit (EPR/KP3790VF) goes to other end users, and the applicant is permitted to accept treated wood from various sources under the bespoke permits for Newport Docks and Heol y Cyw, Coity.

We believe that it is unlikely that 90% of the waste wood to be accepted at the facility will be Grade B, as stated in the application. Therefore, it is

reasonable to consider that not all of the waste wood stored at the site will be suitable as fuel for biomass plants.

Treated waste wood can only be sent for energy recovery in Chapter 4 IED (Industrial Emissions Directive) compliant facilities. It is therefore likely that a significant proportion of the waste wood that the applicant intends to accept at the site will not be suitable for use in biomass plants. This further reduces the outlet options for the waste wood which could lead to further stockpiling at the site, which would result in an increased risk of fire.

5.5 Waste wood stockpile sizes and separation distances

The maximum stockpile sizes and minimum separation distances stated in NRW's 'Fire Prevention and Mitigation Plan Guidance - Waste (Version 1 - May 2016)' are as follows:

Material	Max height (m)	Max length/width (m)	Max volume (m ³)	Max area (m ²)	Min separation (m)
Processed wood including sawdust, shavings, chips	3	10	150	100	6
Unprocessed wood	5	20	750	235	6

The maximum stockpile sizes proposed by the applicant were far in excess of those specified in our current FPMP guidance. After some discussion we 'agreed' to the proposed maximum pile length and width, subject to a reduced maximum pile height and greater pile separation distance than stated in the guidance. After several requests for information and clarification, the applicant agreed to these revised dimensions. These overall pile sizes are still significantly greater than those specified in the guidance and as such increase the risk of self-combustion and the potential severity of a fire incident should a fire occur.

Proposal 1

The applicant originally proposed to store waste wood in stockpiles of up to 1,000 tonnes each, with a maximum of 15,000 tonnes on site at any one time. The storage plan provided showed 27 stockpiles on the site, which suggested that up to 27,000 tonnes would be stored at any one time. We queried this inconsistency in Schedule 5 Notice 2 on 31 October 2016, as well as requesting information on the proposed stockpile dimensions.

Proposal 2

On 02 November 2016, in response to Schedule 5 Notice 2, the applicant revised their proposals and proposed to store up to 25,000 tonnes of waste at any one time, and stated that waste wood stored on the site would be unprocessed. The applicant also proposed the following pile dimensions/tonnages and separation distances:

Piles nearest North Western edge of site (nearest overhead power lines):

Maximum length and width: 50m and 20m

Maximum height: 4m

Maximum volume: 2,965m³

Maximum tonnage: 1,186 tonnes

Separation distance between stockpiles: 6m

Distance between stockpiles and site boundary: 10m

All other piles:

Maximum length and width of 50m and 20m

Maximum height of 5m

Maximum volume of 3,417m³

Maximum tonnage: 1,367 tonnes

Separation distance between stockpiles: 6m

Distance between stockpiles and site boundary: 10m

The proposed length and width of 50m and 20m gives a maximum proposed pile area of 1,000m². This is over four times greater than the maximum pile area of 235m² specified in the guidance for unprocessed wood. Also, the proposed pile volumes of 2,965 m³ and 3,417m³ are approximately four times greater than the maximum pile volume of 750m³ specified in the guidance for unprocessed wood.

We were not satisfied with these proposals, and on 09 November 2016 informed the applicant that as they were proposing to store waste in piles with significantly larger length, area and volume measurements than stipulated in the guidance, that we would expect the distance between all of the piles to be increased from 6 metres to 10 metres and for all of the pile heights to be at a maximum of 4 metres. This would still allow the applicant to store the proposed 25,000 tonnes of waste wood at any one time and would reduce the risk at the site.

Proposal 3

On 09 November 2016 the applicant proposed to maintain the pile dimensions and separation distances they proposed on 02 November 2016, with the only difference being a 10m stretch in the middle of each stockpile that was only 3m high for the 4m high stockpiles, and 4m high for the 5m high stockpiles.

The applicant proposed the following pile dimensions/tonnages and separation distances for the piles with the lower central section:

Piles nearest North Western edge of site (nearest overhead power lines):

Maximum length and width: 50m and 20m

Maximum height: 4m, with central 10m reduced to 3m high

Maximum volume: 2,833m³

Maximum tonnage: 1,133 tonnes

Separation distance between stockpiles: 6m

Distance between stockpiles and site boundary: 10m

All other piles:

Maximum length and width of 50m and 20m

Maximum height of 5m, with central 10m reduced to 4m high

Maximum volume of 3,307m³

Maximum tonnage: 1,323 tonnes

Separation distance between stockpiles: 6m

Distance between stockpiles and site boundary: 10m

These modified dimensions still give a pile area of 1,000m³, as in the previous proposal, and volumes of 2,833m³ and 3,307m³, still approximately 4 times greater than the maximum volume stated in the guidance (only a 4.5% and 3.2% reduction in volume (respectively) compared to the previous proposal).

On 21 November 2016 we informed the applicant that we were not satisfied with the pile dimensions (including area and volume) and separation distances that they had proposed on 09 November 2016. They deviated significantly from the figures stated in the guidance, and the dimensions and separation distances that we had proposed on 09 November 2016 as an acceptable compromise. The latter of which were already a deviation from those stated in the guidance, and were achievable at the site, based on a maximum storage capacity of 25,000 tonnes.

Proposal 4

Following our email on 21 November 2016 stating that we were not satisfied, the applicant then agreed to our proposal of 09 November 2016 and provided an amended plan showing the following dimensions and separation distances.

All piles nearest North Western edge of site (nearest overhead power lines):

Maximum length and width: 50m and 20m

Maximum height: 4m

Maximum volume: 2,965m³

Maximum tonnage: 1,186 tonnes

Separation distance between stockpiles: 10m

Distance between stockpiles and site boundary: 10m (20m between stockpiles and North Western edge of site (nearest overhead power lines))

Overall, there was an unwillingness on behalf of the applicant to agree to our compromises on the dimensions of the stockpiles and separation distances. As such, we don't believe they will take proper 'ownership' of the management systems, in the way they might have done had the proposals been theirs entirely.

5.6 Site drainage, water supplies and managing fire water

The applicant proposes to store and treat all waste on an impermeable surface with sealed drainage, outside of a building. The drainage arrangements on site were considered as suitable. However in the event of a fire, a huge amount of water may be required to control and extinguish the fire (depending on its size and severity), due to the large amount of waste wood the applicant proposes to store. In addition, the site drainage system would need to be able to control a large amount of contaminated fire water, in order to prevent this from leaving the site and potentially polluting the local environment, including ground and surface water.

In the Schedule 5 Notice on 31 October 2016 and subsequent email correspondence, we asked the applicant for information on how they would ensure that adequate water supplies to fight a fire were available at all times, and how they would manage and contain firewater. The application provided information in response to our request which we considered to be adequate.

6 Operator competence

The Environmental Permitting (England and Wales) Regulations 2016 (the 'Regulations') and section 9 of the Government's core permitting guidance ('core guidance') set out requirements for the competence of operators holding environmental permits.

We must satisfy ourselves about the operator's competence when assessing applications for new permits. We must be satisfied that the applicant is competent to deal with the environmental risks associated with their activities and thus ensuring environmental protection.

We may refuse an application or revoke (or partially revoke) a permit if we consider the operator is not competent (i.e. will not comply with permit conditions) or not willing to comply with the conditions. Reasons we may consider that the operator is not able or willing to comply with permit conditions include, but are not limited to, their technical or financial competence, or their relevant convictions.

We apply these requirements in proportion to the complexity of the regulated facility and its environmental risks.

We assess operator competence in accordance with the Environmental Permitting Regulations (England and Wales) 2010 Regulatory Guidance Series, No RGN 5 Operator Competence and assess the following areas for waste facilities:

- Management system
- Technical competence
- Relevant convictions
- Financial competence

The applicant satisfies the criteria for technical competence and financial competence. However, the applicant does not satisfy the other requirements as included above.

Therefore, we do not consider that the applicant is competent. We will explain this in the following sections.

6.1 Management systems

We expect effective systems to be in place, appropriate to the complexity and nature of the operation and proportionate to the environmental risk.

As detailed in section 5.2 above, we do not consider that the applicant's management systems (EMS and FPMP) are suitable or proportionate for the proposed activity and do not consider that the proposed measures will be effective in preventing a fire.

6.2 Relevant convictions

Where an operator or other relevant person who has been convicted of relevant offences applies for a permit for relevant waste operations we will consider the offences and the likelihood of re-offending in accordance with our relevant convictions guidance.

Convictions for an offence relating to the environment or environmental regulation are considered relevant. We consider convictions held by relevant persons. Relevant persons are defined in Core Guidance as:

- the operator (i.e. the 'legal person' holding or applying for the permit – a person, persons in a partnership, or a corporate body); and
- a director, manager, secretary or other similar officer of an operator (when it is a corporate body)

The Environmental Permitting Guidance Core guidance For the Environmental Permitting (England and Wales) Regulations 2010 (Last revised: March 2013) states that a refusal would normally be appropriate for offences that demonstrate deliberate disregard for the environment or for environmental regulation – for example, repeated convictions or deliberately making false or misleading statements.

On 10 November 2016, the applicant pleaded guilty to three environmental offences including failure to comply with a permit condition (Newport Docks), storing waste in a manner likely to cause pollution (Newport Docks), and causing the depositing of controlled waste without a licence (Llynfi), at existing permitted and non-permitted sites (details in section 6.3), as detailed below.

In accordance with the environmental sentencing guidelines, for the offences and management of the operation at Newport, the judge determined the culpability as "reckless and category 2 harm - environmental risk".

Offence date	Offence	Penalty
16/11/2015	Fail to comply with/contravene the requirements of an environmental permit condition.	Monetary Fine

16/11/2015	Keeping controlled special waste in a manner likely to cause pollution or harm to human health.	Monetary Fine
15/12/2015	Causing the depositing of controlled special waste in or on land without a licence.	Monetary Fine

6.2.1 Post-conviction plan

If we identify previous relevant offences when determining a permit application, the applicant will be requested to submit a post-conviction plan. This allows them to explain how a repetition of the offence will be avoided in a credible, comprehensive, systematic and auditable manner, and why we should continue to consider them to be competent.

Following the convictions on 10 November 2016 for offences relevant to this application, we asked the applicant to submit a post-conviction plan (PCP) via a formal request for information sent 17 November 2016. On 21 November 2016 the applicant submitted a post-conviction plan, which included details of the offences, their circumstances, and the measures proposed to prevent recurrences of the offences. The effectiveness or otherwise of these measures will only be fully demonstrated in due course.

6.3 Compliance history

In assessing operator competence we also consider whether the operator has a poor record of compliance with regulatory requirements. These considerations will include, but are not restricted to, evidence of convictions for relevant offences. Other considerations may include receipt of formal enforcement notices such as enforcement or suspension notices or a history of, or acute, non-compliance with permit condition(s). In this context, a 'relevant offence' is any conviction for an offence relating to the environment or to a person's conduct as the operator of a waste facility.

As part of regulating permitted facilities, we carry out regular compliance visits and checks to assess the operator's continuing competence and to ensure that the operator is carrying out the activities in accordance with the conditions set in their environmental permit. All compliance visits are recorded and a Compliance Assessment Report (CAR) is completed and given to the permit holder. Where activities are not being carried out in accordance with the permit conditions, an appropriate non-compliance score and category is given. These scores influence the resource we use to assess permit compliance. Non-compliance scores and categories are as follows:

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

The following sections include information on the compliance history of other permitted and non-permitted sites operated by the applicant.

6.3.1 Compliance ratings

For bespoke permitted facilities we use the Compliance Rating approach to modify our regulatory effort. Scores calculated through the Compliance Classification Scheme are used to determine a lettered band.

Compliance rating identifies the risk arising from operating regulated facilities. It shows those operators and facilities who we would regard as higher risk and so need extra regulatory effort for compliance assessment. We rate sites on performance from A-F, with A being good and F being poor.

We calculate the compliance rating each year after the permit has been initially issued. We have a standard approach to classify permit breaches known as the Compliance Classification Scheme (CCS). The compliance rating is based on CCS events over the course of a calendar year. Non-compliances identified and recorded in the current year are used to calculate a compliance rating for the following year.

6.3.2 Compliance history of existing permitted and non-permitted facilities

The applicant currently operates two permitted facilities (at Newport Docks and Heol y Cyw, Coity), for one of which (Heol y Cyw, Coity) there are two environmental permits. The applicant is also linked to a non-permitted site in the Llynfi Valley, Maesteg, as outlined in section 6.2 on relevant convictions. There have recently been significant fire incidents at each of these three sites, all caused or exacerbated by poor management and waste storage practices. The incidents have impacted on the environment and local community, and

have taken up significant time and resource such as those of the Fire and Rescue Services, Public Health Wales and NRW.

The fires at the Newport Docks and Llynfi sites appear to have been caused by heat generated within the waste material, which suggests a failure to manage this waste correctly. The fire at the Heol Y Cyw site, according to the applicant, is owing to arson, although this has not been confirmed by the Fire and Rescue Service. In each case, these incidents (Newport Docks and Llynfi) were caused by major failures in, or lack of, on-site management. It can also be said that the fire at the Heol Y Cyw facility would have been significantly easier to manage had the operator been compliant with their environmental permit and there had been less waste on site - another major management failure and breach of their permit. We have serious concerns over the way in which waste would be managed at the proposed site at Baglan Energy Park, if a permit were to be issued, because of the poor management practices displayed by SWWR at these other sites.

Legal proceedings for the offences at Newport Docks and Llynfi (for which the applicant was convicted on 10 November 2016) started before the fire incident at Heol y Cyw, Coity in September 2016.

6.3.3 Permitted facility at Newport Docks

SWWR currently holds a bespoke permit (permit EPR/QB3093HE) for a waste facility at Newport Docks. The permit was originally issued to Bowergy B.V. on 17 October 2013 and was transferred to SWWR on 5 March 2015. The permit allows the storage and treatment of waste wood and refuse derived fuel (RDF) (no treatment of RDF is permitted other than bulking up of baled RDF for onward transfer). The maximum permitted annual throughput is 140,000 tonnes per annum (including a maximum of 50,000 tonnes per annum of RDF).

The compliance rating for 2016 for the permit was F (based on permit breaches during 2015) and the rating for 2017 (based on permit breaches during 2016) will be B. A compliance rating of F is the lowest rating available (i.e. poorest performance).

The applicant commenced storage and export operations at Newport Docks in January 2015. In line with standard environmental permit compliance assessment, SWWR's Newport Docks operation was inspected by us throughout the year.

Inspections and permit breaches in the lead up to the fire incident:

April 2015

In April 2015 we inspected the site and identified that the operator was storing large volumes of waste wood chip (within permitted levels) without the benefit of fire breaks. The company was found to be in breach of their environmental permit. We issued comprehensive guidance on fire prevention plans and a request was made to the company for them to operate in accordance with their environmental management systems and fire prevention plan.

- 1 x **Category 4** breach for incorrect storage of material.

July 2015

In July 2015 we inspected the site. During the inspection we identified that the volume of waste wood stored had significantly increased, and was close to the company's permitted levels. The company was found to be in breach of their environmental permit. We requested that the company submit an improvement plan outlining how the non-compliances would be managed and the operation brought back into compliance.

4 Breaches:

- 1 x **Category 3** for storage and treatment of waste wood
- 1 x **Category 3** for management and operating procedures
- 1 x **Category 3** for material acceptance
- 1 x breach for dust issues

August 2015

In August 2015, we identified no improvement in storage conditions at the SWWR site. We contacted South Wales Fire and Rescue Service's fire safety manager to request a fire risk assessment at the site.

At this time there were also a number of reported issues concerning dust emanating from the site when wood was being chipped for export. This resulted in the site being breached again for non-compliance in relation to dust nuisance.

- 1 x breach for dust issues - not categorised

September 2015

In September 2015, South Wales Fire and Rescue Service Fire Safety inspected the SWWR site and issued a schedule of works for SWWR to comply with to minimise the risk of any fire occurring.

We conducted a further site inspection at the SWWR site. The volume of waste wood chip stored was now believed to be in excess of the permitted levels and the operator had failed to adhere to the company's fire prevention plans. There were no fire breaks and the waste stockpile exceeded maximum storage heights. The company was found to be in persistent breach of their environmental permit and we notified them that formal action would be taken.

Problems with dust continued through September and further breaches were recorded.

3 Breaches:

- 1 x **Category 3** for management and operating procedures
- 1 x **Category 3** for materials acceptance
- 1 x breach for dust - not categorised

November 2015

Regulation 36 Enforcement Notice served on SWWR by NRW requiring the company to comply with their environmental permit (by storing no more than 7,500 tonnes of waste at the site, and by storing the waste in piles no greater than half the maximum storage capacity, i.e. 3,750 tonnes).

During an inspection in November 2015, it was found that waste was still being stored in one large pile with no fire breaks, the waste stockpile still exceeded the maximum storage height, and it was estimated that the quantity of waste being stored on the site was far in excess of permitted levels.

During the inspection, NRW officers were taken to the rear section of the stockpile which was partially on fire and smouldering. The fire later spread to other parts of the stockpile and resulted in a significant fire incident.

December 2015

Fire on site (see below).

4 Breaches:

- 1 x **Category 2** breach of management for storage of excessive waste on site
- 1 x **Category 2** for storage and handling
- 1 x **Category 2** for emissions to air in relation to smoke from fire
- 1 x breach for dust - not categorised

January 2016

2 Breaches:

- 1 x **Category 3** for material acceptance

- 1 x **Category 3** for water emissions. Contaminated water discharging into dock.

Fire Incident Timeline

The first incident of fire at the site was observed on 16 November 2015 and continued throughout December until the incident was officially closed by South Wales Fire and Rescue Service in mid-January 2016. The incident impacted significantly on the local environment over a prolonged period.

Newport Docks - Coal Store

All fire damaged waste wood chip material (approximately 20,000 tonnes) was removed from the permitted site in Newport Docks to a large redundant coal store. This was done to assist with extinguishing the fire. The initial deposit at the coal store Newport Docks site was illegal and the site did not benefit from an environmental permit. However, the fire damaged wood was stored in that area with the agreement of Associated British Ports (ABP), the land owners, and recognised by NRW as essential in order to deal with the ongoing fire.

On the 13 April 2016, NRW served a Section 59 (EPA 1990) Notice requiring the removal of all waste from the coal store by 31 December 2016.

The removal of the waste had been progressing well until November 2016, and most of the waste had been removed from the from the coal store by 31 December 2016 as required by the Section 59 Notice, however the applicant did not succeed in removing all of the waste. The applicant therefore requested that the deadline by which they were required to clear the coal yard of waste be extended until 31 March 2017.

Following consultation by NRW with the land owners (ABP), a second Section 59 Notice was sent to the applicant on 24 January 2017 requiring removal of the waste wood from the coal store by 31 March 2017.

6.3.4 Permitted facility at Heol y Cyw / Coity

The applicant currently holds two waste facility permits for a site at Heol y Cyw, Coity.

Permit EPR/FP3095ET is a bespoke permit for at the Heol y Cyw site, issued on 31 January 2008, for the acceptance, storage and treatment of waste wood (mostly grade B, C and D wood (wood from civic amenity (CA) sites, old furniture etc., construction and demolition and other treated wood). The permit was varied on 06 September 2016 to increase the permitted annual throughput from 25,000 tonnes per annum to 120,000 tonnes per annum, and

to extend the permitted area so that it surrounds (but does not overlap) the small area covered by permit EPR/KP3790VF.

Permit EPR/KP3790VF is a standard rules permit (SR2008No3 - household, commercial and industrial waste transfer station) issued on 11 November 2010. Standard rules permits are lower risk permits for common activities that can be carried out anywhere providing that the location is not sensitive and the facility can meet the infrastructure requirements. They have a fixed set of conditions that specify waste types, quantities and activities that can be carried out.

This permit allows the acceptance, storage and treatment of Grade A (untreated) waste wood inside a building known as the 'The Recycling Building'. The permit allows an annual throughput of 75,000 tonnes per annum.

The standard rules permit for the activity in the building at the site has a compliance rating of A. Historically, there have not been any compliance issues regarding this activity for the following reasons:

- Standard rules permits by their very nature are considered as "low risk" activities.
- This facility only accounts for approximately 20% (possibly less) of the wood waste that is accepted on the site as a whole.
- This waste wood is Grade A (untreated) and therefore potential for pollution is low.
- This is a relatively small part of the business' activity. The area covered by the standard rules permit is approximately only 8% of the overall site area.
- There is an agreed outlet for this waste - it is supplied to a regulated facility in Margam that burns clean wood.
- This material can also be used for animal bedding and is sometimes shipped abroad for Energy from Waste (EfW) plants in Europe.
- There are a number of outlets for this material so it is not stored on site for long periods.
- The activity takes place inside a building so the potential for emissions (dust, noise) is low.
- The potential for rogue ignition could also be considered low.

However, in the past, we have identified a number of compliance issues with regards to the bespoke permitted activity at the Heol y Cyw site. In the past two years we have identified the following issues:

- The supply of this material to site appears to seriously outweigh the demand for the waste following treatment (i.e. whereas supply from CA

sites and industry doesn't drop off, the demand for this recycled, lower grade material fluctuates and doesn't match up with the input).

- Due to supply outweighing demand for recycled waste, this has led to large scale stockpiling of material. This has resulted in issues over the height of waste stacks (enforcement led by Bridgend Council Planning).
- Large stockpiling of waste for long periods of time adds to the potential for self-combustion (this is what happened in Newport Docks).
- Stockpiling vast quantities of waste on site has made it difficult for the Fire and Rescue Service to respond to incidents as it has complicated logistics when fighting a fire.
- This operation has incurred a large number of dust and noise complaints and NRW has committed considerable resources to monitoring these issues.

As noted in section 6.3.1, in our compliance scheme, the compliance rating band is based on the previous year's compliance performance, i.e. breaches of the permit are only reflected in compliance ratings the following year. The compliance rating for the bespoke permit for 2016 was B (based on breaches of the permit recorded during 2015), however for 2017, the compliance rating for the permit will change to D (based on the breaches of the permit conditions recorded during 2016), i.e. much poorer performance and increased risk.

The compliance rating for the standard rule permit for 2016 and 2017 is A, for the reasons outlined above.

In summary, the standard rules permit for the Grade A (untreated) wood is performing well because it is approximately 20% of the business, it is in a building and there are a number of agreed outlets for the material. The bespoke permitted operation however, sees supply of waste onto site seriously outweigh demand for treated waste, hence we are seeing backlogs of waste being stored on site and compliance issues are being identified.

Inspections and permit breaches in the lead up to the fire incident:

Both permits at the site were inspected together as they are part of the same business and same site. The breaches noted below are breaches of the bespoke permit for the site.

June 2015

- 1 x **Category 3** breach for inadequate fire breaks.
- 1 x **Category 3** breach for point source emission to water.

March 2016

- 1 x **Category 3** breach for inadequate fire breaks.

September 2016

- 1 x **Category 2** breach waste for waste significantly in excess of permitted tonnage.

Regular discussions, advice and guidance were given to SWWR over fire breaks and the height of wood piles on site. To avoid dual regulation, the local authority (Bridgend County Council) led on enforcement over the height of woodchip piles under planning conditions related to the site.

Fire action plans were produced and agreed with help from South Wales Fire and Rescue Service.

The variation to bespoke permit EPR/FP3095ET issued on 6 September 2016 included a requirement for the operator to manage the activities in accordance with NRW's current fire prevention and mitigation plan guidance, which specifies maximum pile dimensions and minimum separation distances, as noted in section 5.5 above.

On 19 September 2016 a fire occurred at the Heol y Cyw site, resulting in a significant impact on the local environment and communities. At the time of the incident, a number of waste stacks were over 10m high whereas the management plan, and NRW's fire guidance which was incorporated within the permit (as well as the planning requirement) state that they should be no higher than 5m. A number of firebreaks were compromised or made redundant by waste being stacked in the channels, leading to stacks effectively being joined together. The large size of the waste stockpiles and the insufficient fire breaks made the fire significantly more difficult to manage than it would have otherwise done. Firewater from the incident contaminated a nearby stream, although no fish kill was reported.

A letter dated 20 October 2016 from South Wales Fire and Rescue Service to SWWR, following an audit of the safety arrangements at the Heol y Cyw site on 11 October 2016 (following the fire incident), stated that, in the opinion of the Fire and Rescue Authority, SWWR had failed to comply with the requirements imposed on them by The Fire Safety Order. The 'Schedule of Works Required' which was attached to the letter concluded, amongst other things, that at the site:

- stack sizes were excessive;
- the separation between stacks was not suitable and sufficient;
- there was no management procedure in place to control stock rotation; and
- the fire prevention plan was not suitable and sufficient.

These issues would all have contributed to the scale of the incident and therefore its impact on the local environment.

The points regarding stack sizes and separation in particular mirrored our concerns regarding the management of waste at site and the permit breaches recorded between June 2015 and September 2016 (as detailed above).

7 Environmental issues: likelihood of pollution

7.1 Risk of fire and scale of potential incident

Given the applicant's poor compliance history, their relevant convictions and inadequate management plans, we do not have confidence that the applicant would be able to comply with the permit conditions, if a permit were to be issued. Furthermore, based on the evidence to date, we believe that there is a very high risk of a fire incident occurring at the proposed facility, should a permit be issued.

We consider that a fire incident at the proposed facility could result in a significant fire, due to the amount of waste wood proposed to be stored (up to 25,000 tonnes at any one time) and the length of time for which the applicant intends to store it (24 months). A fire incident at the proposed facility would present risks of pollution and environmental harm to nearby receptors (including human receptors, infrastructure and the environment, as detailed in section 4.1). Mid and West Wales Fire and Rescue Service have also raised concerns on the risk of a fire incident at the facility and subsequent environmental impact should an incident occur, as detailed below in [Annex 1](#).

Annex 1: Consultation responses

1) Advertising and consultation on the application

The Application has been advertised and consulted upon in accordance with Natural Resources Wales' Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our decision are summarised in this Annex. Copies of all consultation responses have been placed on Natural Resources Wales' public register.

The Application was advertised on the Natural Resources Wales website from 11 July 2016 to 8 August 2016. Copies of the Application were placed on our Public Register.

The following external public bodies were consulted:

- Local Planning Authority - Neath Port Talbot County Borough Council
- Local Authority Environmental Health - Neath Port Talbot County Borough Council
- Public Health Wales
- Mid and West Wales Fire and Rescue Service

2) Consultation responses from external consultees

Response received from	Brief summary of issues raised	Summary of action taken / how this has been covered
Local Planning Authority - Neath Port Talbot County Borough Council on 05 August 2016	No issues raised.	No action required.

Response received from	Brief summary of issues raised	Summary of action taken / how this has been covered
Local Authority Environmental Health - Neath Port Talbot County Borough Council on 13 July 2016	No issues raised.	No action required.

Response received from	Brief summary of issues raised	Summary of action taken / how this has been covered
Public Health Wales and Local Health Board (Abertawe Bro Morgannwg University Health Board) on 27 July 2016	Combustion is a viable risk for operations involving storage of such materials and has the potential to cause prolonged detrimental impact to wider communities. This has been illustrated by many recent incidents at such sites. We have previously been involved in incident management processes for fires involving woodchip being handled by this company, in	As per our concerns detailed in sections 4, 5 and 6 above.

	December 2015 in Newport Docks (Aneurin Bevan Health Board) and in March 2016 in Maesteg (Abertawe Bro Morgannwg University Health Board).	
	Concerns over the validity of the management controls and risk assessments submitted with the application, specifically those in relation to operational fire risk prevention. These do not currently meet the appropriate standards within current guidance.	As per our concerns detailed in section 5 above.
	Normal operations would be considered as low intensity due to its industrial setting, risks from emissions to air, water and from noise would not be considered to be significant. However, should stockpiles of combustible wastes ignite, which is a viable risk, emissions to atmosphere could result in prolonged unacceptable impact from smoke and odours to local commercial and residential communities as well as local infrastructure such as the M4 motorway. As such stringent management controls need to be adhered to in order to mitigate this risk.	As per our concerns detailed in sections 5, 6 and 7 above. Previous fires at facilities managed by the applicant have caused significant pollution.

Response received from	Brief summary of issues raised	Summary of action taken / how this has been covered
<p>Mid and West Wales Fire and Rescue Service on 17 October 2016</p>	<p>The main risk at the proposed site would be one of deliberate fire-setting (arson) following unauthorised access to the site.</p> <p>If a fire was deliberately ignited, fire spread would be undetected in the early stages due to no automatic fire detection or fixed installations being in situ. The proposal mentions a limited staffing over a 24 hour period.</p> <p>Due to the large quantity of waste wood in each pile, unchecked fire detection and initial fire development of the ignited pile is the main risk.</p> <p>Risk of rapid fire spread to adjacent piles and subsequent involvement of all the waste wood.</p> <p>The plans are unclear as to how access within the site for fire appliances would be maintained. This is of particular concern in event of fire where fire-fighting water supplies would be an urgent priority. It is proposed to create a "lagoon / holding pond" for water extraction if needed, at the rear of the site. There is potential for delay of access to this water supply in event of fire, by fire appliances having to travel past the fire to access the water.</p>	<p>The original application refers to security fencing around the site perimeter with a lockable gate and states that access gates are maintained in good repair and are kept closed and locked after working hours. It also refers to 24 hour CCTV monitoring at the site.</p> <p>In the Schedule 5 Notice of 31 October 2016 and subsequent email correspondence we requested further information on fire detection measures, techniques to minimise the risk of fire spreading, and access for fire and rescue services, including access to the "lagoon".</p> <p>The applicant provided information in response to</p>

		these requests, which we considered to be adequate.
	<p>The impact of a fire as outlined above would have an enormous adverse effect on the local population, its infra-structure, and economy.</p> <p>The proposed site is in close proximity to a number of local arterial roads (A4241), nationally significant roads (A48 and M4), and the main Swansea to London railway line.</p> <p>The predominant wind direction is south to south westerly. During the development and extinguishment of a fire, a huge smoke plume would potentially extend over the area for a number of miles.</p> <p>The proposed site is adjacent to the Baglan Bay Power Station. A number of power lines run in close proximity to the site. There is the significant hazard of high-voltage electrical conductivity of a smoke plume (and fire-fighting water spray).</p> <p>Access to the Power Station would be restricted / prohibited in event of fire.</p>	<p>As per our concerns detailed in section 7 above. Further information requested from applicant in Schedule 5 Notice on 31 October 2016.</p> <p>The power lines are at least 30m away from the boundary of the site. Waste stockpiles to be located at least 20m from the edge of the site nearest to the power lines.</p> <p>Applicant has stated that they have had confirmation from the National Grid that they are happy for the area to be used for stockpiling material</p>

	<p>Disruption locally could require the evacuation and temporary re-location of the immediate residential and business populations.</p> <p>The M4 and A48 corridors would be significantly affected, with a resultant impact on the regional and national traffic system.</p> <p>The Swansea to London rail network may have to be suspended / redirected, with resultant local and national economic impact on the wider community.</p> <p>Soot and other by-products of a fire have potential to contaminate the water courses, particularly the River Afan, which is tidal adjacent to the site. This could impact local wildlife and marine ecosystems. The resultant water run-off from the large quantity of fire-fighting water required, could further add to this potential for environmental pollution.</p>	
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Response received from	Brief summary of issues raised	Summary of action taken / how this has been covered
Mid and West Wales Fire and Rescue Service on 23 November 2016, in response to second consultation following	<p>Concern on the suitability (fire-fighting capacity) of the appliance secured for permanent provision of a fire engine on site.</p> <p>Reference is made to high pressure hydrants supplying the site. As that site to be part of the former BP Baglan Bay, which was supplied with a high-pressure fire-fighting ring main. Concern</p>	Following the Schedule 5 Notice of 31 October 2016 and subsequent email correspondence we were satisfied that adequate water

applicant's response to Schedule 5 Notice 2	<p>that this ring main has been de-commissioned following closure of the original site.</p> <p>Recommend there is written assurance that the proposed fire-fighting hydrant is of sufficient capacity and output to support protracted use in event of fire.</p>	supplies would be available in the event of a fire at the site.
	Main access road to the proposed site is also the main access road to the Power Station. Use of this road in the event of a wood-pile fire at the proposed site, would adversely impact on the normal use of the road by power station traffic. It is where the high-pressure hydrant is located, and our appliances would probably use this area as a marshalling point.	Raised with applicant in the Schedule 5 Notice of 31 October 2016.
	Significant disruption to the local infrastructure, in the event of a significant fire at the proposed site.	As per our concerns detailed in section 7 above.

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