

Notice of request for more information

Environmental Permitting (England and
Wales) Regulations 2016

Notice requiring further information

To:

Company Secretary
South Wales Wood Recycling Limited
Old Post Office
Curwen Terrace
North Cornelly
Bridgend
CF33 4AW

Application number: PAN-001811

Natural Resources Wales, in exercise of its powers under paragraph 4 of Part 1 of Schedule 5 of the above Regulations, requires you to provide the information detailed in the attached schedule. The information is required in order to determine your application for a permit, duly made 11/09/17.

The information requested should be sent to the following address by **08 January 2018**.

Information should be sent to louise.bailey@cyfoethnaturiolcymru.gov.uk

Name

Date

Louise Bailey

11 December 2017

Authorised on behalf of Natural Resources Wales

Schedule

1. Burnt wood material already on site

We have concerns over the burnt wood material already on site. This was material has not been acknowledged in any parts of the application.

- a) For the burnt material to be stored and treated under this permit legally, it must be covered by the correct EWC waste code. The suggested codes for the burnt waste material are 17 09 03*, 17 09 04, 19 12 06*, 20 01 37*.

ACTION:

Please consider these and confirm which are the most appropriate, with an explanation as to why they are suitable.

- b) The risks and management procedures for the burnt wood material are different to the unburnt wood material.

ACTION:

Please update all relevant parts for your application (EMS, risk assessment, FPMP, site plans etc.) with the practices specific to the burnt waste wood material. Your management plans and risk assessment must consider the risks associated with storing this waste and include suitable mitigation measures to control the risks.

2. Drainage and infrastructure at the site

Within your application you have given some information on drainage which needs clarification.

- a) Within your *EMS Summary Coal Store* document and section 1.3.3 of your *Revised EMS coal store final* document you have referred to the surfacing of the site being “impermeable hardstanding”.

ACTION:

Please confirm if the surfacing is impermeable, or if it is hardstanding (which is permeable), and update the document.

Please note that if the surface of the site is permeable, your operating techniques included in your management plans must be appropriate for activities to be carried out here.

- b) Within sections 1.1.1 and 1.3.3 of your *Revised EMS coal store final* document you have stated “Clean surface water from roofs or from areas of site that are not being used in connection with storing and treating waste may be discharged directly to surface waters, or to groundwater by seepage through the soil via a soak away.”

From your application, it does not seem that there are any buildings within your permitted boundary, nor any discharges to surface water, or access to the groundwater.

ACTION:

Please confirm if this statement is for this site, and this activity. If it is, please supply supporting evidence of this, however if it is not, please remove this statement from the relevant sections of your application.

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3. Revised EMS coal store final 0717 rev1

Within your EMS you have given some information which needs clarification.

- a) The EMS doesn't mention or consider the specific environmental risks of the burnt material already on site.
- b) The EMS only addresses waste accepted for recovery, however during the duly making process it was agreed that disposal codes (D15 and D9) should also be included within the permit.
- c) Section 2.3.2 of the EMS includes references to the Environment Agency.
- d) In section 2.3.3 of the EMS, the phone numbers for contacting NRW are now out of date. Incident number is now 0300 065 3000.
- e) Our guidance "How to comply with your environmental permit" (Version 8) states your environment management system should contain information on the following:
 - Site plans
 - Operations
 - Maintenance
 - Accidents and incidents
 - Site security
 - Non-compliance
 - Closure
 - Complaints
 - Sufficient competent persons, resources and training
 - Emissions and monitoring
 - Records
 - Access to your permit

In the *Revised EMS coal store final 0717 rev1* provided 29/08/17 there are sections describing some of the above points, however the main documents which your contents list states contains most of the information (Appendix 2- Management, Appendix 4 - Accident Management Plan, Appendix 5 - PAS 402 Management System and Appendix 6 – Records) have not been provided.

ACTION:

Please provide these Appendices and ensure all the updates to the EMS requested within this Schedule 5 notice are made.

4. Environmental Risk Assessment 0617

Within your Environmental Risk Assessment, you have given some information which needs clarification:

- a) The risk assessment provided with the application does not appear to be site specific.
- b) It refers to treatment activities that have not been requested within the permit i.e. shredding and chipping of waste, but does not refer to activities you are proposing to carry out.
- c) It refers to a Notice and Vibration Management Plan, however in your EMS you have stated “noise emissions have been determined to be a low environmental risk and as such do not require a separate management plan”.
- d) The “risk management method” in most the document simply states “referral to EMS” please be specific to which section(s) of your EMS you are referring to, and ensure they have been provided for cross-referencing.
- e) It doesn’t mention or consider the specific environmental risks of the burnt material already on site.
- f) It doesn’t consider the docks themselves as a receptor.
- g) It doesn’t consider the designated sites as shown on your own receptor plan (10971 - 000 - F Receptor Plan) as receptors.
- h) Explanation is also needed on how risk management methods will be used effectively. For example, when you say “*control via wind direction*”, further detail is needed such as “movement/treatment of waste will not be carried out when wind is of “X” strength from “Y” direction.” This explanation should be applied to all risk management methods within the risk assessment.

ACTION:

Please ensure all the updates to the risk assessment requested within this Schedule 5 notice are made.

5. Appendix 3 Emissions management plan 240817

Within your Emissions management plan, you have given some information which needs clarification:

- a) It doesn’t mention or consider the specific environmental risks of the burnt material already on site.
- b) Section 1.3 Storage states “*Containment at site through fencing / bounding concrete walls / blocks*” as a mitigation method. This is the only place in the

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application that mentions this. Please confirm if this is a mitigation method being used on this site. If not please remove this statement.

- c) In section 1.4 Receptors you have stated *“As such, receptors in the immediate vicinity are primarily commercial in nature and significantly separated from members of the public. This is in itself a major mitigating factor.”* Members of the public are not the only receptor in the vicinity; there are a number of commercial activities, and many environmental receptors that need to be considered and addressed.
- d) In section 1.4 Receptors you have stated the SSSI, SAC, SPA & Ramsar are *“not receptors that could be considered sensitive to wood dust, which is essentially non toxic in nature. The areas of foreshore are on a tidal stretch of the estuary and is therefore washed over by water on a daily basis thereby removing the likelihood of accumulation of any deposited material. The water body itself is very large and not at risk of contamination from the wood dust. In addition, due to their distance from the operation, the nature of the operation itself and control measures in place further mitigation is achieved”*.

Only the Severn Estuary and River Usk designations are tidal, the Gwent Levels and Newport wetlands are not.

It is claimed the wood dust is not toxic, however this has not been confirmed via testing, and some wood can be treated with toxic elements, in addition some of the wood on site is burnt and could be considered hazardous (see point 1 of this Schedule 5).

The designations have not fully considered for all of the reasons they have been designated. Only deposition in tidal areas have identified, but not adequately mitigated. The aim should be to prevent emissions from leaving this site.

ACTION:

Please provide a revised Emissions management plan that addresses all of the points listed above.

6. Refuelling Daily Plant Maintenance 210717

Section “Make reference to additional risk assessment” makes reference to “PB3333DH” which is a permit reference for another Newport Docks site.

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this should be updated to refer to this permit application- the current reference is PAN-001811. An EPR reference would be assigned, should we be able to issue a permit.

7. Fire RA and Prevention Plan July 2017

The Fire Prevention & Mitigation Plan (FPMP) included in the application is actually a Fire Risk Assessment (FRA) so does not meet the criteria for a Fire Prevention & Mitigation Plan.

ACTION:

A Fire Prevention & Mitigation Plan (FPMP) must be produced in accordance with the current guidance. Please note that *Fire Prevention and Mitigation Plans V1 May 2016* has been superseded by our new guidance – *Fire prevention and mitigation plan guidance – waste management version 2 August 2017*. You will therefore be required to have a fire prevention and mitigation plan that complies with the new guidance which can be found on our website:

<http://naturalresources.wales/media/682525/guidance-note-16-fire-prevention-mitigation-plan-english.pdf>

Please provide Fire Prevention & Mitigation Plan (FPMP) produced in accordance with *Fire prevention and mitigation plan guidance – waste management version 2 August 2017*.

For the above reasons, we have not carried out a detailed assessment of your Fire Risk Assessment (FRA), however we have noted the following which should be addressed in your resubmission.

- a) The fire prevention and mitigation plan should be specific to the site it applies to.
- b) The fire prevention and mitigation plan should be a stand-alone document. All sections, appendices and maps should be incorporated within the FPMP.
- c) Section 3- MANAGEMENT SYSTEMS- organisation and control- mentions fire action notices being stored in buildings, where elsewhere in the FRA you have stated there are no buildings.
- d) Section 4- GENERAL DESCRIPTION OF PREMISES- description- states flooring is “impermeable hard standing”. Is the surfacing impermeable? Or if it is hardstanding which is permeable?
- e) Section 4- GENERAL DESCRIPTION OF PREMISES- occupancy- states premises are operational 6am to 6am. Does this mean the site is operational 24 hours a day?
- f) Section 5- FIRE SAFETY SYSTEMS WITHIN THE PREMISES- Fire Warning System - states warning system is via regular inspections and visual checks, but gives no details on how regular they would be, nor what they would entail.
- g) Section 5- FIRE SAFETY SYSTEMS WITHIN THE PREMISES- other- states water quantity is unlimited. Do you have written confirmation of this from the water provider?
- h) Section 6- PLAN DRAWING- site plans- these should be contained with the FPMP, and all information should be on one plan. Access areas for fire

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department and Location of water supplies have not be provided on any of the maps provided so far with the application.

- i) Section 7- IDENTIFY FIRE HAZARDS- Sources of Ignition- only 4 sources of ignition have been identified. You should review the whole list in the guidance and detail all that apply.
- j) Section 7- IDENTIFY FIRE HAZARDS- work processes- the stockpile heights and sizes are greater than those given in the guidance, and contradict other dimensions within the document. Buildings are mentioned again. Hot work is mentioned in the part, but not above as a source of ignition.
- k) Section 7- IDENTIFY FIRE HAZARDS- Preventative Action- please define "routinely inspected".
- l) Section 7- IDENTIFY FIRE HAZARDS- Fire Prevention / Response Plan- this is what this plan should be. It needs to be completed and submitted as part of this application. Any advice from the local Fire & Rescue Service should be sought as soon as possible, before submitting your FPMP.
- m) Section 7- IDENTIFY FIRE HAZARDS- Impact of a fire on the immediate and surrounding area- as discussed in this Schedule 5 notice- the tidal flow of the River Usk (and Severn) is not a mitigation measure against pollution for soot or dust.
- n) Section 14- FIRE FIGHTING EQUIPMENT- who would the fire engine be owned and maintained by? Do you have permission to use the water mains or pump water from the docks? If fire water is to be recirculated, do you have the explicit permission from the owner of the fire engine/fire equipment to do this, as the fire water can often contain materials that can cause damage to the internal workings of the equipment and is not recommended.
- o) No information is given on how fire water will be prevented from flowing into the dock, where the fire plan will be stored, how local receptors will be notified of an incident has not been outlined.

Please note- this is not an exhaustive list of the issues which need to be addressed; a full review of the guidance should be completed before writing and submitting your new Fire prevention and mitigation plan.

A full assessment of your new Fire prevention and mitigation plan will be carried out upon receipt.

Please note: Your management plans and risk assessment must be site specific, must consider the risks associated the proposed activities and must include suitable mitigation measures to control the risks.

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8. Site access and meeting the definition of operator

As part of our determination process we consult with relevant bodies or organisations. For this application, one of the consultees was the Association of British Ports (ABP). They have informed us in writing that South Wales Wood Recycling Limited do not have written agreement to use the area applied for in the permit application.

‘Operator’ is defined in regulation 7 of EPR as the person who has control over the operation of a regulated facility, and the Core Guidance states that an operator *“must demonstrably have the authority and ability to ensure that the Environmental Permit is complied with”*.

We must not grant a permit if we consider that the applicant will not be the operator, that is, the person who will have control over the operation of the regulated facility; or if we consider they will not operate it in accordance with the permit.

ACTION:

Provide written evidence from the Association of British Ports (ABP) demonstrating you have explicit permission to use the proposed area of land for the proposed purpose, therefore meeting the definition of operator.

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