

**P-05-753 Strengthening the Legislative and Regulatory Framework
Surrounding Waste Wood Processing Facilities – Correspondence from the
Petitioner to the Committee, 16.05.17**

Dear Kayleigh,

Many thanks for your email. I would be grateful if you could make the committee aware of the following observations following the Minister's letter.

Best wishes

Alex

Point 1 – whether the Fire and Rescue Service found that the company were responsible for the fire or not, the fact remains that had the site been managed in accordance with their planning permission and the requirements of their Environmental Permit, the fire could have been dealt with quickly and at far less cost to the public purse, and of course the probability of a fire occurring in the first place would have been much reduced.

Secondly, the second paragraph relating to NRW raises an interesting issue. The Minister states that "all the facts and implications need to be considered" and she goes on to imply that these implications include things like company liquidation, or a company's ability to operate. However, I contend that environmental legislation and guidance is there for a purpose, because these sorts of activities can be damaging to the environment. Sustainability is important, but surely NRW has the responsibility to put the environment first rather than ensuring that they are seen as a friend to business, a conflict of interests which could compromise their ability to be an effective regulator.

For example, what did NRW do when they found out that the site was in contravention of their permit by having a throughput figure far in excess of the total stipulated in their permit? NRW amended the permit to incorporate the actual level of throughput. Whilst I know that NRW have been pursuing action against the company for the breach, the message this gives the company is that it is OK to breach their permit as NRW will just fall in line with them.

Thirdly, the Minister classes this as a local issue and so well within the purview of NRW. However, three fires have occurred in a short period of time over a wide area of South Wales, and this should at least be considered as a regional issue. Coupled with the other similar fires at Llandow in recent years then surely this tells us that

there is a wider problem within the industry and thus that we have a national problem here.

Point 2 – NRW and BCBC may indeed have taken action since the fire, but they were not using their powers effectively before the incident. At the public meeting which was held in Heol-y-Cyw after the fire, NRW said it wasn't their responsibility to monitor the stack height and that this was something for the Council to action. This was the case only because between them they had decided this was the way forward. NRW had much better powers to manage the situation but did not use them. For instance they could have threatened to suspend their licence to operate until the site was brought into compliance, but this didn't happen. Instead the Council, with their one enforcement officer for the whole of the Borough were left to deal with the problem. Given the level of fines that result from enforcement action it simply wasn't cost effective for the Council to take action.

Point 3 – The Minister says that she is working to strengthen NRW's powers, but what is happening to review the low level of fines imposed for enforcement action and the updating of planning legislation and guidance?

I welcome the increased powers for NRW to prohibit access to a site to prevent more waste coming in. However, to be effective, NRW need to be given the freedom to undertake their essential role of regulator.

Point 4 – Until the level of fines and costs levied by bodies such as NRW and LAs actually reflects the costs of taking the action nothing will change.

Point 5 – The Minister's reference to Planning Policy Wales and the Technical Advice Notes only relates to new applications and does not allow for existing sites. The Minister talks about a sustainable waste management system, and this perhaps hits on the crux of the problem that has created this situation. Local Authorities incur significant financial penalties if they do not hit their recycling targets. The recycling system in Wales is heavily target driven, and this has been a very effective way to ensure that Wales has one of the best recycling rates in Europe, of which we should be very proud. However, this does also cause problems. NRW have said that they are reluctant to shut down recycling sites even just temporarily as they will be lobbied by LAs complaining that they will be unable to meet their recycling targets and will be financially penalised.

Furthermore, for sites like South Wales Wood Recycling, much of the product sent there for recycling is of such poor quality that there is actually no use for the resulting end product, and as a result, the waste stacks build and build.

Point 6 – HSE advice only relates to workers and employers, and the conditions that should be adhered to in working environments. They do not apply to local residents. The very fact that the HSE consider it necessary to have guidance and advice highlights that dust particles can be harmful to health. We are also well aware of the need for environmental permits for the operation of such sites, but as we have seen, these permits are not always most effectively and efficiently implemented, monitored and managed. Conditions, when imposed are not complied with, and enforcement action results in such paltry fines that companies such as SWWR would be excused to thinking that they could just factor these into their operating costs rather than actually spending the sums required to operate their sites correctly.