P-05-753 Strengthening the Legislative and Regulatory Framework Surrounding Waste Wood Processing Facilities - Correspondence from the Petitioner to the Committee, 04.04.17

Dear Kathryn,

Thank you for your email. Please find below my comments as requested.

Point 1 - in the second to last paragraph on the first page, the Cabinet Secretary states that *'when a site is non-compliant, they work to bring them back into compliance'.*

In the case of South Wales Wood Recycling (SWWR), it would seem that the way in which they did this was to increase their permit conditions so that they were once again in compliance.

The first paragraph on the second page says that permits set out a maximum level of throughput and that in reality levels are much lower. They also state that the variation to the levels included in the permit at SWWR relate to the increase in site area.

However, NRW has confirmed that SWWR's permit had been increased from 25,000 tonnes per annum of Grade B/C/D wood to 125,000 tonnes per annum as they were found to be in non-compliance as a result of them accepting well in excess of their permitted limits. This increase had no relationship whatsoever to the new site area and was only done due their infringement.

So with regard to NRW's statements set out in the Minister's letter:

- First, their way of bringing people back into compliance would appear to be to amend their permits so that they no longer have a problem.
- Second, it is not our experience that levels are generally well below permit levels (hence the breach / non-compliance).
- Third, the assertion by NRW that the amendment to the licence was due to the change in the site area (or as the letter states 'in the case of the variation to throughput there was also an increase to the size of the site which was taken into account') is in direct contravention to the information we have been provided by NRW.

Following an FOI request, a copy of the permits were obtained and from subsequently speaking with NRW, it is clear that the change had nothing to do with the site area change.

The environmental permit does not include any reference to stockpile heights. However, NRW's own guidance *"Fire Prevention and mitigation plan guidance – Waste' (Version 1, May 2016)"* states on the inside cover; *'This guidance document represents the minimum appropriate measures required to be put in place by waste operators to ensure that fires are prevented'.*

The first line of the Summary section states: *'You must follow this guidance if you are storing combustible waste at permitted sites'.* This guidance clearly states that unprocessed wood should be stored at a maximum height of 5m and processes wood at a maximum of 3m (page 10).

So for NRW to say that the permit doesn't have a limit in it, as far as their guidance is concerned, it does need to have a limit.

This information is clearly available on their website under "Environmental Permits – Guidance to help you comply with your Environmental Permit".

With regards to point 5 (page 3), the problem is that once the Grade B/C/D wood has been processed, there is no use for it. This then sits on site (or gets dumped somewhere) resulting in a problem. From discussions with NRW, they have identified a correlation between uses for products and problems with sites such as SWWR but there seems to be a nervousness to do anything that might result in a shut down of a recycling site.

Finally, planning conditions note that *"opening hours for the receipt of waste wood shall only occur between: 08.00 hours and 18.00 hours Mondays to Saturdays and not at all on Sundays, Bank and Public Holidays to ensure that the Local Planning Authority retains effective control over operation of the premises."*

However, a body of evidence has been collected by concerned local residents that the site is dispatching/receiving lorries at all hours, sometimes in the middle of the night and on Sundays, causing disruption to local residents, and the local authority is seemingly unable to take action as it is unable to prove whether or not the lorries are laden or empty.

I am grateful to the Committee for considering these issues and I look forward to observing their further deliberations.

Kind regards

Alex Williams

County Borough Councillor for Penprysg