

OFFER OF ENFORCEMENT UNDERTAKING

Regulatory Reform (Scotland) Act 2014 and the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 (“the Order”)

When you have fully completed this form and signed the statement that follows section 12, please send the form to SEPA, The Registry Department, Angus Smith Building, 6 Parklands Avenue, Eurocentral, Holytown, North Lanarkshire, ML1 4WQ, alternatively you can email your completed form to us at registry@sepa.org.uk.

The Data Protection Act 1998

The Scottish Environment Protection Agency (SEPA) is responsible for protecting and improving the environment (including managing natural resources in a sustainable way). SEPA also has a duty (except where it would be inconsistent with protecting and improving the environment) to contribute to improving the health and wellbeing of the people of Scotland and contribute to achieving sustainable economic growth.

The information, including any personal data, provided will be processed by the Scottish Environment Protection Agency in connection with this undertaking, including any subsequent investigation and subsequent action, and may also be processed and/or disclosed in relation to the following:

- consulting with the public (including community groups and community councils), public bodies and other organisations (e.g. Scottish Government, Crown Office, Revenue Scotland) about the matters set out in this undertaking
- disclosing information to government or other public bodies about this undertaking
- if accepted by us, this undertaking will be published (with personal data removed) in accordance with our policy on publication of penalties and undertakings
- improving our service

Data Protection Registration Number: Z6161946

Please address any questions, comments and requests regarding our data processing practices to foi@sepa.org.uk.

You should ensure that any persons named on this form are informed of the contents of this Data Protection Notice.

Section 1

Details of person making this Offer			
Full name of person making offer: Marwood Electrical Company Limited ("Marwood")			
Are you:			
An individual		A partnership	
A limited company	X	A limited liability partnership	
Public Body		Other	
If 'Other', please specify:			
Address and full Postcode: Maidstone Road, Paddock Wood, Tonbridge, Kent TN12 6DR			
Registered office Address (if different from above): THP Limited, 34-40 High Street, Wanstead, London E11 2RJ			
Registration Number (if a company or an LLP): 01343397			
Contact Telephone Number: Roger Woodcock 01892 835211			
Email Address: RogerWoodcock@marwoodelectrical.co.uk			
<p>If the Offer is made by a partnership, a limited company, a limited liability partnership, a public body or another entity, please give us the contact details of a person we can contact about the offer (e.g. this could be a managing partner, a company director or a Head of Service).</p> <p>Full Name: Roger Alistair Woodcock, Financial Director Address (if different from above): As above</p> <p>Contact Telephone Number: As above Email address: As above</p>			

Tell us about the act or omission that has led you to make this offer. Please give the location of the offending behaviour, include a National Grid Reference (NGR) if you can.

What happened or failed to happen?

Marwood is a family owned business with two generations sitting on the Board of Directors. Marwood designs and supplies street lighting equipment in the UK. Their head office is in Paddock Wood in Kent and a Scottish sales and distribution centre at 4 Deerdykes Place, Westfield Industrial Estate, Cumbernauld (the "Premises") was acquired in 2010. Marwood employs 67 people of which 9 are based in Scotland.

On Monday 13th November 2017 the Manager of the Premises found that the heating system was not working. On checking the bunded gasoil tank it was found to be empty. There was no sign of any oil loss on the Premises. The Manager reacted very quickly and reported the gasoil loss to Marwood's head office and to SEPA as a precaution.

Sarah Shearer, an Environment Protection Officer with SEPA, visited the Premises the next day, checked the tank, pipes and drains and inspected the stream opposite the Premises. On returning Ms Shearer notified Marwood of reports of a red substance in the stream from 31st October. The red substance reportedly smelled like gasoil and had been reported to SEPA by dog-walkers.

Raw Technologies (specialists in inland oil spill response and remediation) on behalf of Marwood, attended the Premises on Friday 17th November and viewed the tank, pipes, drains and the stream. A diesel smell was noted and a red substance was visible in the stream which flows to Broadwood Loch. Booms were in place in the stream and in Broadwood Loch. Raw Technologies added more booms and absorbent pads to the stream and the Loch. Pressure testing of the underground pipe was instructed (see further below).

How did it happen?

The heating system at the Premises at the time of the incident was fuelled by gasoil. The gasoil was stored in a bunded tank to the rear of the warehouse. The pipes from the tank run underground, under concrete hard-standing, to the rear of the warehouse where they emerge, enter the warehouse and run round the inside of the warehouse to the central heating boiler. This system was in place when Marwood acquired the Premises in 2010.

On Tuesday 21st November as part of Marwood's investigation the pipes were pressure tested which concluded that there was a break in the pipe. There was however no evidence of gasoil in the drains which run through the Premises and connect with the main drain on Deerdykes Place.

The tank had been filled with 1750 litres of gasoil on Tuesday 7th November as it was almost empty. Marwood top up the tank every two months or so with around 1500 litres of gasoil. The Manager had ordered 1750 litres to be added to the tank on 7th November to ensure they did not run out over the festive period. It seems that the gasoil escaped through a break in the underground pipe.

When did it happen?

The heating system was fully functional on Friday 10th November and was programmed to be on at set times over the weekend. There was no-one in the Premises over that weekend so it is not possible to tell exactly when the loss of gasoil happened.

Marwood alerted SEPA and have cooperated fully with SEPA.

Section 2

Section 3

If the act or omission was a breach of an environmental authorisation, please provide the authorisation number and tell us what condition or conditions were breached.

N/a

Section 4

If you know the legislation that has been breached, please refer to it here, giving the name of the Act and section number or the name of the Regulations and regulation number.

Contravention of Regulation 4 of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (Regulation 44(1)(a)).

Section 5

What, if any, environmental impact was caused by the offending behaviour (e.g. any impact on water, air, land, human health or amenity)?

The incident caused a temporary deterioration of water quality in the stream and in a small area in a corner of Broadwood Loch. The gasoil was contained by the swift actions of SEPA, Scottish Water and Raw Technologies. SEPA has confirmed that there has been no adverse effect on wildlife.

Section 6

What, if any, costs did you avoid, or financial benefit did you make from the offending behaviour?

N/a.

Section 7

How are you going to ensure the offence does not continue or recur and what date/dates will you have achieved that/those action(s) by? Please specify what will be done and the date which it will be done by.

1. The gasoil tank and pipe at the Premises are not in use. The tank is being decommissioned and removed and a totally new heating system will be installed.
2. Booms have been put in place and remain in place until otherwise agreed with SEPA.
3. Absorbent pads are also in place and are changed on a weekly basis. This will continue until otherwise agreed with SEPA.
4. There is one other bunded above ground tank on the Premises which stores white diesel. This will be moved on to the site of the gasoil tank (once it is removed) and a further bund will be added around the white diesel tank. No pipes run from this tank.
5. Relevant senior employees of the Premises will attend a one-day course on environment awareness, to include the legislative position in Scotland, to be presented by ACT to Marwood's staff within 3 months of acceptance of this offer. The details of the course are attached. The senior employees will implement the course content at the Premises immediately on completion.
6. Roger Woodcock has considered and agreed the contents of the enforcement

undertaking on behalf of the Board and commits Marwood to its contents. Mr Woodcock will update SEPA on the donations referred to in section 8.

Section 8

What are you going to do to restore the environment to the state it was in prior to the offence having occurred? OR If restoration is not possible or not a viable option, what alternate actions are you going to do to benefit or improve the environment? What date/dates will you have achieved that/those actions by?

Marwood immediately took action to minimise any potential impact by notifying SEPA and installing booms. Monitoring has been undertaken with replacement of absorbent pads and regular assessment. The heating system is no longer used and will be replaced with a new system.

Marwood have considered local environmental projects associated with the area and would like to commit £8000 to the following established projects:-

(1) £4000 to Central Scotland Green Network Trust for the John Muir Pollinator Way Project

The John Muir Way (JMW) is a coast to coast walking and cycling route which stretches 134 miles across Central Scotland, from Helensburgh in the west to Dunbar in the east, passing through nine local authority areas. The Planting for Pollinators project was started in 2016, in which a mapping project by Buglife Scotland identified a potential 1,774 sites along the JMW which could form part of a pollinator network.

In 2017, the project started engaging schools and communities in creating this network of wildflower meadows and links to the launch of the Scottish Pollinator Strategy brought the project to the attention of Government, and consequently, the John Muir Pollinator Way has been included in the Programme for Government in 2018. They are continuing the Planting for Pollinators project in 2018. They will also link in with Scotland's first ever "Year of Young People" (YoYP) in 2018 by working with Buglife, youth groups and schools to create an additional 25 pollinator patches along the JMW.

Broadwood Loch is one of the sites identified in the mapping project, and Central Scotland Green Network Trust (CSGNT) will include it in the 25 sites for 2018 as a result of this donation. Broadwood Loch is a site with several habitats associated with it, covering around 20ha. There are woodlands, grasslands and wetlands on site, making it possible to create a range of different wildflower meadows which will attract a range of different pollinators.

Costs will be variable depending on type of ground preparation/area required and if plants can be bought in bulk to reduce individual item cost etc. CSGNT will do site investigations at Broadwood Loch and firm up costs, however indicative estimates are that a £4,000 donation will allow CSGNT to plant several small patches of pollinator habitat to a total of approximately 750m². The planting will be a diverse mix of native wildflowers suited to their ground conditions.

(2) £4000 to North Lanarkshire Council's Conservation and Greening Unit for restoration of bog habitat

There is an area of bog which is a priority habitat beside Broadwood Loch. A donation of £4000 to North Lanarkshire Council's Conservation and Greening Unit will pay for this priority habitat to be cleared of scrub to improve the condition of the bog and encourage wildlife.

The bog is currently in intermediate condition but scrub removal is required and there is potential for other bog improvement works. This would be in the form of re-wetting the bog via peat and plastic dams, a peat bund and potentially cross tracking. The £4k donation will contribute to these works.

North Lanarkshire Council are experienced in taking such projects forward and would take great care to do so with minimal impact to the environment using SNH guidelines. Scrub removal would be undertaken through cutting and spot treating stumps, and hand pulling smaller saplings. Cut branches would be piled up in the nearby woodland to create habitat piles.

Visually the restored bog would provide an increased diversity of habitat, wildlife and views to be enjoyed. This has been shown to enhance the physiological benefits of outdoor activities and improve health and wellbeing.

We propose to make these contributions within 30 days of acceptance of this offer.

Section 9

If you intend to make a financial donation to a third party, tell us the amount, who it will be paid to, why and the date you will make the payment.

We propose to make the contributions noted in section 8 above.

Section 10

What additional commitments are you making to benefit or improve the environment? What date/dates will those commitments be fulfilled by?

The contributions referred to in section 8 above will be made in accordance with the timeframe stated.

Section 11

<p>Has the offending behaviour had an impact on the local community? YES</p>
<p>If YES, have you consulted with them regarding this offer? NO</p> <p>If so, please provide details of any consultations</p> <p>There was a temporary deterioration in water quality. The above contributions to the Central Scotland Green Network Trust and NLC's Conservation and Greening Unit are intended to have a long lasting positive visual impact around the Loch.</p>


Section 12

<p>If you intend to make a contribution towards SEPA's costs in connection with this offer, tell us the amount and the date you will make the payment. Alternatively, if you have not requested information from SEPA in respect to our costs and intend to make a contribution please state this intent.</p> <p><i>Please do not submit any payments with this offer. Any payments submitted to SEPA will be returned prior to any decision being made by SEPA in respect to your offer.</i></p>	
<p>Marwood will make a contribution of £3500 to SEPA towards the costs of bringing the matter to Marwood's attention and in dealing with the Enforcement Undertaking.</p> <p>This contribution will be made within 30 days of acceptance of the offer.</p>	
Known Amount:	Date for payment:

Statement:

I confirm that any financial donation to a third party mentioned in Section 9 is a donation that I will receive no benefit from.

This offer of undertaking is made in accordance with Schedule 3 of the Order

Signature:  Full Name: Roger Alistair Woodcock

Date: 14th May 2018

Uncontrolled Copy - Check Issue Requirements

Please be aware that if you are signing this form on behalf of a company, partnership or other corporate body, you are holding yourself out as being an authorised signatory and your signature will bind the company, partnership or other corporate body.