

Compliance Assessment Report CAR_NRW0039950

Permit being assessed: CB3395CX.

For: Ystum Colwyn AD, held by Ystum Colwyn Farms Ltd

At: Ystum Colwyn, Meifod, Powys, SY22 6XT.

Type of assessment carried out: Site Inspection, Reason: Routine.

On 23/05/2022 between 10:00 and 12:30.

Parts of permit assessed: See Below

NRW Lead Officer: Philip Harper, accompanied by Paul Challender.

Report sent to: Ed Gittins, Operator on 27/05/2022.

1. Summary of our findings (full details in section 4)

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C4 No impact	2.2.1
B1 - Infrastructure - Engineering for prevention and control of emissions	C3 Minor	2.4.1
C1 - General Management - Staff competency/training	Assessed (A)	
C2 - General Management - Management system and operating procedures	Action only (X)	
C4 - General Management - Storage, handling labelling and Segregation	Assessed (A)	
F1 - Amenity - Odour	Assessed (A)	
F2 - Amenity - Noise	Assessed (A)	
F3 - Amenity - Dust/fibres/particulates and litter	Assessed (A)	
F5 - Amenity - Deposits on road	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

Total number of non-compliances recorded	Total non-compliance score
2	4.1

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

2. What action is required?

Criteria	Action needed	Complete by
A1	Apply for a permit variation to amend the permit boundary to incorporate the Gas turbine and boilers.	31/08/2022
B1	Complete the concrete floor for the site.	31/08/2022
C2	Complete Management System and submit to Natural Resources Wales	31/08/2022

Action criteria codes are listed in the 'Important information' section below.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

You are non-compliant with your permit.

At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

Natural Resources Wales Officers Paul Challender, Senior Industry & Waste Regulation NE and Phil Harper, Industry & Waste Regulation officer NW visited Ystum Colwyn AD Site, Glanrafon Farm, Meifod, SY22 6XT at 10:00 am on the 23rd May 2022.

The operator Ed Gittins and Denise Nicholls of Fre-energy accompanied the visit.

This was an announced visit. Weather conditions were dry but overcast.

The site visit was conducted as an introductory visit between the operator and Natural Resources Wales.

A1 Specified by Permit

The gas turbine and boiler units are currently positioned outside the permit boundary. These aspects of the site operation are covered by the SR2018 no10 permit and therefore, should be within the permit boundary.

Permit condition **2.1.1** states that **"the operator is only authorised to carry out the activities specified in table 2.1 below ("the activities")"**.

Table 2.1 describes the use of combustible gases produced as a by-product of the anaerobic digestion process as fuel and the burning of biogas in gas engines, gas turbines, boilers and use in fuel cells.

Further to this permit condition **2.2.1** states that **"The activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit"**.

A **category 4 permit breach** has been applied.

Action: Apply for a permit variation to amend the boundary to include these activities by the **31st August 2022**.

B1 Engineering for Prevention and Control of Emissions

The digester has been charged with manure and is currently operational. However, the impermeable concrete floor within the bunded area is incomplete, leaving areas of permeable ground around the digester and digestate storage tank. This presents a pollution risk to ground in event of a spillage. During the visit a lead

time of 8 weeks was given for the works to be completed.

Permit condition **2.4.1** states that **“The activities shall be operated using the techniques and in the manner described in Table 2.4 below”** Entry 1 of the table states the following **“All waste solids, liquids and sludges shall be securely stored. In the event of a leak, spill or failure, material can be contained and recovered”**.

A **category 3 permit breach** has been applied.

Action: The impermeable floor should be completed by the **31st August 2022**.

C1 Staff Competency/ Training

Denise Nicholls is currently acting as the Technically Competent Manager for the site while Ed Gittins obtains the necessary qualifications to undertake the role.

C2 Management System and Operating Procedures

Officers were shown a draft version of the site operating procedure. The document is currently not in a form which can be sent for review by Natural Resources Wales.

Please note that **condition 1.1.1** of the SR2018 No10 permit states **“The operator shall manage and operate the activities: (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, nonconformances closure and those drawn to the attention of the operator as a result of complaints; and (b) using sufficient competent persons and resources.”**

Advice on what is expected within an environmental management system can be found on pages 12-26 of the “how to comply with environmental permit” guidance document which can be found following the link below.

[How to comply with your environmental permit \(cyfoethnaturiol.cymru\)](https://www.naturalresourceswales.gov.uk/cyfoethnaturiol/cymru)

As the site currently has an environmental management system no breach has been identified.

Action: A completed version of the document should be submitted to Natural Resources Wales by the **31st August 2022** for review and retention within the site records.

C4 Storage, handling, labelling and Segregation

During the inspection officers discussed what the operator intended to do with digestate from the process. Natural Resources Wales has adopted the position statement which is attached to this CAR form. The position statement sets out whether or whether not digestate from an anaerobic digester is considered as waste. A key condition is that if the only waste feedstock to an AD plant is agricultural manure and slurry and it is spread as fertiliser on agricultural land then it not considered to be waste.

However, it should be noted that if other wastes feedstocks are mixed in with manure and slurry then the resultant digestate will be controlled waste which is subject to the environmental permitting controls. Under these circumstances authorisation would be required to spread the waste to land as a fertiliser. In this instance the permitted area may need to be amended to reflect the storage of wastes in the digestate lagoon.

The operator is also advised that if wastes are to be brought to the site from elsewhere feedstock storage will

also need to be permitted.

The options for authorising the use of waste in this case are:

the use of the waste under the U10 waste exemption for the spreading waste to benefit agricultural land or the U11 exemption for spreading waste on non-agricultural land. These exemptions can be found using the following link [Using waste: waste exemptions - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

The spreading of waste under an environmental permit, information for which can be found using the following link [Natural Resources Wales / Apply for deployment of a mobile plant permit](#).

Subscribing to WRAP PAS 110 quality protocol for digestate from the anaerobic digestion process which has been attached.

It is recommended that you take the time to read the supplied documentation for your awareness.

At the time of the inspection the digestate storage lagoon was believed to be unoccupied. It is recommended that a plan for digestate is made in advance of it being required i.e. before the storage lagoon is at capacity.

F1 Odour

No odours which could be attributed to the site operations were noted outside of the site boundary.

F2 Noise

Site was operational during the inspection. Noise was not deemed to be excessive outside the site boundary.

F3 Dust/fibres/particulates and litter

No dust or litter outside of the site boundary.

F5 Deposits on road

No deposits or mud on the road outside the site.

In relation to observed breaches on the site a **warning letter** has been embedded within this CAR form.

Thankyou for your time during the inspection.

Kind Regards

Phil Harper

Industry and Waste Regulation Officer NW

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If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description	Score
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property	60
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property	31
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property	4
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property	0.1

How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

What are suspended scores?

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

Full list of Industry and Waste action criteria (used in section 1 and 2):

A: Permitted activities

- A1 Specified by permit

B: Infrastructure

- B1 Infrastructure – Engineering for prevention and control of emissions
- B2 Infrastructure – Closure and decommissioning
- B3 Infrastructure – Site drainage engineering (clean and foul)
- B4 Infrastructure – Containment of stored materials
- B5 Infrastructure – Plant and equipment

C: General management

- C1 General management – Staff competency/training
- C2 General management – Management system and operating procedures
- C3 General management – Materials acceptance
- C4 General management – Storage, handling, labelling and segregation

D: Incident management

- D1 Incident management – Site security
- D2 Incident management – Accidents, emergency and incident planning

E: Emissions

- E1 Emissions – Air
- E2 Emissions – Land and groundwater
- E3 Emissions – Surface water
- E4 Emissions – Sewer
- E5 Emissions – Waste

F: Amenity

- F1 Amenity – Odour
- F2 Amenity – Noise
- F3 Amenity – Dust/fibres/particulates and litter
- F4 Amenity – Pests/birds and scavengers
- F5 Amenity – Deposits on road

G: Monitoring and records, maintenance and reporting

- G1 Monitoring and records, maintenance and reporting – Monitoring of emissions and environment
- G2 Monitoring and records, maintenance and reporting – Records of activity, site diary/journal/events
- G3 Monitoring and records, maintenance and reporting – Maintenance records
- G4 Monitoring and records, maintenance and reporting – Reporting and notification to Natural Resources Wales

H: Resources efficiency

- H1 Resource efficiency – Efficient use of raw materials
- H2 Resource efficiency – Energy efficiency

Enforcement response

Any permit condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.