

Compliance Assessment Report CAR_NRW0040547

Permit being assessed: AB3091ZZ.

For: Sychtyn, held by Mr Edward Vaughan, Mr John Vaughan and Mrs Eluned Beryl Vaughan

At: Sychtyn, Llanerfyl, Welshpool, Powys, SY21 0JF.

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

On 21/09/2022 between 09:00 and 17:00.

Parts of permit assessed: All

NRW Lead Officer: Malcolm Dines.

Report sent to: Edward Vaughan, Owner on 19/10/2022.

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

Part of permitted activity assessed (criteria)	Assessment result	Permit condition
A1 - Specified by permit	C3 Minor	2.2.1
C2 - General Management - Management system and operating procedures	Action only (X)	
G4 - Monitoring and Records, Maintenance and Reporting - Reporting and notification to Natural Resources Wales	C4 No impact	4.2.2

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	Vary permit or operations to ensure all wastes are stored inside the permit boundary and site drainage is compliant with the permit.	31/12/2022
C2	Submit the latest version of the Environmental Management System for review	31/10/2022
G4	Submit all outstanding Waste Returns for each quarter since 2018	31/12/2022

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

This compliance visit was carried out by Malcolm Dines who met with and was accompanied on the visit by the owner of the site, Edward Vaughan. A full assessment of the site was undertaken and the weather was dry and cloudy.

You explained that feedstock for the Digester is chicken manure imported from other farms, silage, slurry and maize. Although you have a pasteurisation unit at the site, you are not currently using it as all the digestate produced is used on your own land. Maintenance for the site is carried out through contract and the whole site is fully bunded with no surface water drains within the bunded area. The only potential for spillage is at the digestate collection point and there is a channel drain collecting any spilled material and draining it back to the sump. In the unlikely event that digestate is spilled outside the fall for this drain, it will drain to the slatted-floor slurry store in the cattle shed.

The site has a 250kW engine and all the digestate produced, both dry and liquid, is spread to land by the farm and don't use contractors.

Permit Breaches**A1 - Specified by Permit - Cat 3; Permit Condition 2.2.1**

You have been given this category 3 breach under the above condition because during the inspection it was identified that waste is being stored outside the permit boundary.

As the chicken manure is imported as feedstock for the Anaerobic Digester it is waste and must be stored in accordance with the permit. This means storing it within the permit boundary and so that any leaks or spillages can be contained and recovered.

You are also separating the digestate and storing the dried digestate outside the permit boundary.

You must ensure that all activities are carried out within the permit boundary. If you are not able to separate the digestate and store the chicken manure and dried digestate within the current site boundary, you could stop accepting chicken manure and drying the digestate or you could vary the permit to extend the site boundary to include the areas where these activities are carried out.

Action – Submit a written explanation of how you are going to comply with this permit condition and provide timescales for any actions you will then take in the event of needing to vary the permit or improving the infrastructure. By 31 December 2022.

G4 - Reporting and notification to Natural Resources Wales - Cat 3; Permit Condition 4.2.2

You have been given this category 3 breach under the above condition because during a review of data following this compliance visit it was identified that you have not submitted any waste returns since 2017. Permit condition 4.2.2. requires you to submit waste returns detailing the quantities of waste accepted and removed from your site each quarter or, if you have not carried out any waste activities in any given quarter, submit a nil return.

As noted above, the chicken manure you import as feedstock for the Anaerobic Digester is a waste and therefore you must ensure that you record the amount of manure that you accept at the site and you must also ensure that you comply with the Waste Duty of Care by making and retaining Waste Transfer Notes for this material.

Action – Submit waste returns for all quarters since the end of 2017. By 31 December 2022.

Additional Notes

During the compliance visit we discussed the slurry store (tin tank) adjacent to the separator. It is our understanding that you use this tank for storing digestate. This tank is not within the permit boundary therefore, please will you submit the latest version of your Environmental Management System for review so that we can fully understand the process at your site, in addition to reviewing the sections of your EMS relating to the permit breaches identified above.

Action - submit the latest version of your EMS. By 31 October 2022

In this document 'Natural Resources Wales' means the Natural Resources Body for Wales established by Article 3 of the Natural Resources Body for Wales (Establishment) order 2012.

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.