

Compliance Assessment Report CAR_NRW0046307

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: Site Inspection,

Reason: Routine.

On: 14/02/2025 between 13:00 and 14:15.

Parts of permit assessed: All.

NRW Lead Officer: Malcolm Dines, accompanied by Samantha Knill.

Report sent to: Edward Vaughan, Technically Competent Manager, on 17/02/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W1A - Waste - Management - General management	C3 Minor	1.1.1
W1C - Waste - Management - Avoidance, recovery and disposal of wastes produced by the activities	Assessed (A)	
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W2C - Waste - Operations - Operating techniques	Assessed (A)	
W2D - Waste - Operations - The site	Assessed (A)	
W2E - Waste - Operations - Waste acceptance	Assessed (A)	
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	Assessed (A)	
W3C - Waste - Emissions and monitoring - Odour	Assessed (A)	
W4B - Waste - Information - Reporting	C3 Minor	4.2.2

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

Total non-compliances recorded	Total non-compliance score
2	8

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
W1A	Ensure that you are recording that the maintenance and inspection checks you are carrying out.	17/02/2025
W4B	Ensure that waste returns for 2024 are submitted and that you submit waste returns quarterly in the future	02/03/2025

Compliance 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 was a routine, announced compliance visit carried out by Malcolm Dines (Waste Regulation Officer) and Sam Knill (Agricultural Regulation Officer), who met with Edward Vaughan (Owner and Technically Competent Manager). The weather was very cold with light rain.

Permit Breaches

W1A - General Management - Cat 3; Permit Condition 2.1.2

You have been given this Category 3 compliance score under the above permit condition because you have not been recording the maintenance and inspection checks undertaken at the site.

Permit condition 2.1.2 states that, *"all process plant and equipment shall be commissioned, operated and maintained, and shall be fully documented and recorded, in accordance with the manufacturers recommendations"*

Section 6 of the Operators Manual for your plant sets out the manufacturers recommendations for inspection and maintenance that includes a daily and weekly checklist and maintenance programme. While you keep these lists on the control cabinet of your AD plant, during this compliance visit you explained that you do the checks, but you

do not record them.

Our guidance document, "How to comply with your Environmental Permit" states:

"Many pollution incidents reported to us can be traced back to a maintenance failure, so it is very important that where the poor performance of plant or infrastructure (for example impermeable surface, bunds, key mechanical or electrical equipment and pipe work) could cause pollution, you must carry out a programme of Planned Preventative Maintenance (PPM). You must include a plan for this maintenance in your management system. If you choose to use an inspection or maintenance timescale which differs from that recommended by the manufacturer, supplier or installer you must explain the reasoning behind this in your management system."

The inspection and maintenance of an Anaerobic Digestion plant is critical to preventing pollution and the only way you can demonstrate that you have complied with the manufacturers recommendations is by keeping a record of the required checks and maintenance.

Action: Ensure that you record the inspection and maintenance checks recommended by the plant manufacturer **with immediate effect**

W4B - Reporting - Cat 3; Permit Condition 4.2.2

You have been given a Category 3 breach under the above permit condition as you have not submitted any waste returns for 2024.

While you have previously been submitting an annual return, permit condition 4.2.2 requires you to submit returns every quarter. Please ensure that starting with the quarter covering January to March 2025, you submit waste returns quarterly.

Action: Submit your waste returns for 2025 **by 1 March 2025**

Other Matters

Technical Competence

Prior to the compliance visit I reviewed your technical competence compliance. Your Continuing Competency certificate expired the day after this compliance visit and during the visit you confirmed that you had completed your Continuing Competency test but that you had yet to receive your certificate.

Stack Emission Monitoring

This monitoring was last carried out on 13/02/2024 and you confirmed that the monitoring has yet to be carried out this year because the monitoring company were very busy when you contacted them and they were unable to attend your site before 13 February. You confirmed that the monitoring was booked for the earliest opportunity, please ensure that when you receive the report you submit a copy to me by email.

Compliance with the Water Resources (Control of Agricultural Pollution)(Wales) Regulations

Digestate is an Organic Manure under the above regulations and so the storage requirements of these regulations now apply to your site.

Where digestate has a Readily-Available Nitrogen content of over 30% you must ensure that you have at least 5 months storage capacity. Because you are using chicken manure as a feedstock, you must ensure that you have at least six months storage for any effluent coming from the storage of this material.

You store the chicken manure in an open storage bay and any effluent from this drains to the farm slurry storage system for which you have around 9 months capacity.

Your digester has a capacity of 2900 m³ and the retention time of the digestate is 60 days. Your primary storage tank is also 2900 m³ and you have a second storage tank with a capacity of 2500 m³ that is used only for liquid fraction of digestate once you've separated material from the second tank.

By separating the digestate, the Nitrogen content is mostly contained the liquid fraction which results in a very high Readily-Available Nitrogen content. The solid fraction of digestate has very little nitrogen content and so does not need to be considered for the storage capacity and therefore with the 60-day retention time, you have around 6 months storage capacity at your site. The liquid and dried digestate are used in a targeted way depending upon the nutrient need of the land.

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.

If your assessment result in Section 1 is suspended, what does this mean?

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 Waste compliance criteria (used in section 1 and 2):

1. Management

- W1A – General management
- W1B – Energy Efficiency (MCP/SG facilities only)
- W1C – Avoidance, recovery and disposal of wastes produced by the activities

2. Operations

- W2A – Permitted activities
- W2B – Waste recovery plan
- W2C – Operating techniques
- W2D – The site
- W2E – Waste acceptance
- W2F – Technical requirements
- W2G – Improvement programme
- W2H – Pre-operational conditions

3. Emission and Monitoring

- W3A – Emissions to water, air or land
- W3B – Emissions of substances not controlled by emission limits
- W3C – Odour
- W3D – Noise and vibration
- W3E – Monitoring
- W3F – Pests
- W3G – Fire

4. Information

- W4A – Records
- W4B – Reporting
- W4C – Notification

Enforcement response

Any non-compliance with a permit condition 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 twenty 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 to 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.