

## Compliance Assessment Report CAR\_NRW0050083

**Permit being assessed:** AB3090CC.

**For:** Argoed Farm AD Facility, **held by:** Derwent Renewable Power Ltd

**At:** Argoed, Trefeglwys, Caersws, Powys, SY17 5QT.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 04/12/2025 between 12:35 and 13:05.

**Parts of permit assessed:** Management, Drainage, Waste Storage, Security.

**NRW Lead Officer:** Malcolm Dines.

**Report sent to:** Roger Hughes, Director, on 05/12/2025.

### 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	C2 Significant	1.1.4
W3B - Waste - Emissions and monitoring - Emissions of substances not controlled by emission limits	C3 Minor	3.2.1
W2C - Waste - Operations - Operating techniques	C3 Minor	2.4.1
W1A - Waste - Management - General management	C3 Minor	1.1.1
W1A - Waste - Management - General management	C3 Minor	1.1.1
W1A - Waste - Management - General management	C3 Minor	1.1.2
W4B - Waste - Information - Reporting	C3 Minor	4.2.2
W1A - Waste - Management - General management	Action only (X)	
W4A - Waste - Information - Records	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
7	55

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	Engage the services of a suitably qualified manager	29/06/2026
W3B	Ensure that emissions to water from the site do not cause pollution	21/12/2025
W2C	Ensure that drainage for the silage clamps is working correctly, all drains are kept clear and silage effluent drains to the silage effluent tank	21/12/2025
W1A	Install site noticeboard at the entrance to the site that meets the requirements of the guidance document "How to Comply with Your Environmental Permit"	09/02/2026
W1A	Submit a report that identifies and details the root cause of the failure of the digester on 30 November 2024, causing the release of 1.57TCO <sub>2e</sub> of Greenhouse Gas to the atmosphere	09/02/2026
W1A	Submit the following: 1) copies of the site inspection checklists for the period 01 November 2025 to 05 December 2025 2) copies of the records of any maintenance activities carried out during 2024 3) Records (including any issues identified) of the camera inspections of the effluent channels of the silage clamp, as required by the manufacturer for the period 01 January 2025 to 05 December 2025	21/12/2025
W4B	Action: submit your waste returns for the following periods: 01 January 2024 - 31 March 2024 01 April 2024 - 30 June 2024 01 July 2024 - 30 September 2024 01 October 2024 - 31 December 2024 01 January 2025 - 31 March 2025 01 April 2025 - 30 June 2025 01 July 2025 - 30 September 2025 01 October 2025 - 31 December 2025  to <a href="mailto:waste.returns@cyfoethnaturiolcymru.gov.uk">waste.returns@cyfoethnaturiolcymru.gov.uk</a>	09/02/2026
W1A	Submit the version of the environmental management system for the site that was being used on 4 December 2025	21/12/2025
W4A	Submit the quantity of the following that is currently stored at the site: 1) chicken manure; 2) digestate in the lagoon 3) effluent in the buffer tank	21/12/2025

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.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

### 4. Details of our assessment

This was an unannounced visit carried out by Malcolm Dines (Waste Regulation Officer). The only people on site were two contractors working on the rebuild of the digester. The weather was overcast but clear but there had been a lot of rain in the area over recent weeks.

#### Permit Breaches

W1A - General Management - Category 2; Permit Condition 1.1.4

You have been given this Category 2 breach under the above permit condition because you are not complying with an approved competency scheme. Because, at the time of this compliance visit, your site is causing a pollution of a watercourse along with the failure to complete actions required on previous compliance reports, along with many previous non-compliances of failing to manage the site adequately, due to the risks posed by anaerobic digestion if the process is not managed correctly, it is reasonably foreseeable that the failure to have a suitably qualified technically competent manager at the site could result in a significant pollution of the environment or harm to human health.

Page 37 of, "How to Comply with your Environmental Permit" states that,

***"You must have a technically competent person to direct activities on your site and they must attend the site for a minimum period of time each week. The technically competent person demonstrates their competence by satisfying one of the accepted industry schemes approved by Defra. All technically competent people must demonstrate continuing competence by passing a periodic assessment which tests the candidate's understanding of recent developments within the waste industry."***

You failed to submit details of your Technically Competent Manager by 31 October 2025, as required on Compliance Report CAR\_NRW0049580, dated 24/10/2025. Because you failed to provide these details, this was scored as a breach of permit on Compliance Report CAR\_NRW0049874 dated 06 November 2025 and given a deadline of 30 November 2025 to demonstrate that you were complying with an approved competency scheme.

On 21 November 2025 your consultant submitted information showing that Roger Hughes was booked to take his Continuing Competency test on 26 February 2026 which means that Mr. Hughes is not a technically competent manager. While the digester may currently be offline, you have been storing feedstock and digestate at the site and therefore you are required to comply with requirements of an approved competency scheme.

Because of your failure to demonstrate that the site is being managed correctly, we will be issuing a Regulation 37 Notice to suspend the permit until you have taken specified steps to demonstrate that the site will not cause pollution of the environment or harm to human health.

**Action:** ensure that you are complying with an approved competency scheme **by 29 June 2026**

W3B - Emissions of substances not controlled by emission limits - Category 3; Permit Condition 3.2.1

You have been given this Category 3 breach under the above permit condition because effluent was discharging into the watercourse below the site from the surface water discharge point. There was foam in the pipe and in the watercourse and there was sewage fungus around the end of the pipe. It is reasonably foreseeable from the amount of foam and sewage fungus that this is not a serious pollution. (Please see attached photographs).

This pollution was caused by silage effluent not being contained by the drains across the front of the clamp and flowing across the yard into the drain which is directly connected to the outfall and is a repeat of previous compliance breaches where you have failed to prevent effluent entering the surface water drains between the silage clamp and the reception hall.

Your permit does not allow discharges from site to cause pollution, because you have had previous non-compliances for the same matter, Natural Resources Wales will review the site layout and operations and consider whether the yard drains can continue to discharge to the watercourse.

**Action:** Ensure that emissions to water from the site do not cause pollution **by 21 December 2025**

W2C - Operating Techniques - Category 3; Permit Condition 2.4.1

You have been given this Category 3 breach under the above permit condition because the gully drains across the front of the silage clamps were blocked resulting in silage effluent entering the surface water drains on the yard and discharging to the watercourse causing pollution. (Please see attached photograph).

**Action:** Ensure that the gully drains are clear of obstruction and that silage effluent is fully contained by the effluent drainage system and effluent tanks **by 21 December 2025**

W1A - General Management - Category 3; Permit Condition 1.1.1

You have been given this Category 3 breach under the above permit condition because on compliance report CAR\_NRW0049580, dated 24/10/2025 you were required to install, by 30 November 2025, a site noticeboard at the entrance to the site that meets the requirements of the guidance document "How to Comply with Your Environmental Permit". At the time of this compliance visit there was no site noticeboard visible from the entrance to the site.

On compliance report CAR\_NRW0049580 it was noted that this was an action previously required on compliance report CAR\_NRW0045139, dated 30/09/2024, with a deadline of 14 October 2024. Therefore compliance with this action is over 12 months overdue.

**Action:** Install site noticeboard at the entrance to the site that meets the requirements of the guidance document "How to Comply with Your Environmental Permit" **by 9 February 2026**

W1A - General Management - Category 3; Permit Condition 1.1.1

You have been given this Category 3 breach under the above permit condition as you have failed to provide, by 30 November 2025, a detailed written report into the failure of the digester as required on Compliance Report CAR\_NRW0049580 dated 24/10/2025.

**Action:** Submit a report that identifies and details the root cause of the failure of the digester on 30 November 2024, causing the release of 1.57TCO<sub>2e</sub> of Greenhouse Gas to the atmosphere **by 9 February 2026**

W1A - General Management - Category 3; Permit Condition 1.1.2

You have been given this Category 3 breach under the above permit condition as you have failed to provide, by 30 November 2025 as required on Compliance Report CAR\_NRW0049580 dated 24/10/2025, the following:

- copies of the record of the hours of attendance at the site by the Technically Competent Manager(s)
- copies of the site inspection checklists for 2024
- copies of the records of any maintenance activities carried out during 2024
- records (including any issues identified) of the camera inspections of the covered channels of the silage clamp, as required by the manufacturer.

You had previously been required to submit this information on Compliance Report CAR\_NRW0045139, dated 30/09/2024 with a deadline of 14 October 2024. As you have not had a technically competent manager since Roger Hughes' Continuing Competency certificate expired at the end of November 2024, I do not require you submit this information.

**Action:** Submit the following information, or a written explanation of why this information is not available:

- 1) copies of the site inspection checklists for the period 01 November 2025 to 05 December 2025
- 2) copies of the records of any maintenance activities carried out during 2024
- 3) Records (including any issues identified) of the camera inspections of the effluent channels of the silage clamp, as required by the manufacturer for the period 01 January 2025 to 05 December 2025

**by 21 December 2025**

W4B - Reporting - Category 3; Permit Condition 4.2.2

You have been given this Category 3 breach under the above permit condition because you had failed to submit quarterly waste returns since the end of 2022. This was an action on Compliance Report CAR\_NRW0049580, dated 24/10/2025 however, attached to an email from your consultant dated 30 September 2025, there was an email titled "waste returns" that I assumed was a copy of an email of the waste returns that you had sent to our dedicated waste returns email address. This resulted in the compliance report stating that this action had been complied with and that there was no further action regarding this

matter.

Having reviewed this email I can see that this was a submission of these waste returns directly to myself, which does not follow the required process. The waste returns that were attached to that email were for the eight quarters from 01 January 2022 to 31 December 2023, which does not cover the period from 01 January 2024 until 30 June 2025 as was required at the time of the compliance visit on 04 September 2025.

**Action:** submit your waste returns for the following periods:

01 January 2024 - 31 March 2024  
01 April 2024 - 30 June 2024  
01 July 2024 - 30 September 2024  
01 October 2024 - 31 December 2024  
01 January 2025 - 31 March 2025  
01 April 2025 - 30 June 2025  
01 July 2025 - 30 September 2025

to [waste.returns@cyfoethnaturiolcymru.gov.uk](mailto:waste.returns@cyfoethnaturiolcymru.gov.uk) by **09 February 2026**

### Other Matters

#### W1A - General Management

Due to the breaches identified above, please submit to me for review, the version of your Environmental Management System in use on 4 December 2025. Compliance with permit conditions relating to the Management System will be assessed on a subsequent compliance report. **by 21 December 2025**

#### W4A - Records

Please submit the following records:

- 1) The quantity of chicken manure that is currently stored at the site
- 2) The quantity of digestate currently stored in the lagoon
- 3) The quantity of effluent in the buffer tank

**by 21 December 2025**

*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*

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](mailto: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](mailto: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.