

# Compliance Assessment Report CAR\_NRW0050487

<b>Permit number</b>	AB3092ZE	<b>Operator name</b>	Bryn Power Limited
----------------------	----------	----------------------	--------------------

<b>Site name</b>	Bryn Power Limited
<b>Site address</b>	Gelliargwellt Farm Anaerobic Digester Facility, Gelliargwellt Farm, Gelligaer, Hengoed, CF82 8FY
<b>Assessment type</b>	Incident Response - WIRS 2600038

<b>Date of assessment</b>	12 January 2026	<b>Time in</b>	N/A	<b>Time out</b>	N/A
---------------------------	-----------------	----------------	-----	-----------------	-----

<b>Parts of permit assessed</b>	See Part 4
---------------------------------	------------

<b>NRW Lead officer</b>	Guy Baskerville	<b>Accompanied by</b>	N/A
<b>Report sent to – Name and position</b>	[REDACTED] AD Plant Manager	<b>Date</b>	28 January 2026

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

Part of permitted activity assessed (use action criteria below)	Assessment result	Permit condition
IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits	C2 Significant	3.1.1
IR1A - Management - General management	C2 Significant	1.1.1
IR4C - Information - Notification	C3 Minor	4.3.2

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

Total number of non-compliances recorded	Total non-compliance score
3	66

## 2. What action is required?

Criteria	Action needed	Complete by
IR3B	The operator shall cease all unpermitted point source emissions to land and/or water.	27/01/2026
IR1A	The operator shall review its written management system(s) to consider the management of rainfall dependent surface water collecting on the surface of the digestate lagoon. Measures to manage rainfall dependent surface water collecting on the surface of the digestate lagoon must preclude an unpermitted point source emission to land and/or water.	06/03/2026
IR4C	The operator shall review the notification requirements set out in its environmental permit.	10/02/2026

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 prosecutions 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

The purpose of this Compliance Assessment Report (CAR) is to record Natural Resources Wales' findings following an investigation into the pollution incident (WIRS 2600038) which occurred at Bryn Power Limited on 03 January 2026.

#### Pollution Event WIRS 2600038<sup>1</sup>

A Natural Resources Wales (hereafter 'NRW') officer attended a pollution incident at Bryn Power Limited (hereafter 'the operator') premises and neighbouring agricultural land between 13:50 and 14:40 on Saturday 03 January 2026. The responding officer had not previously attended the installation and was not familiar with the permitted activities undertaken on site or the environmental permit authorising those activities.

Site observations recorded by the officer noted that the field immediately west of the installation's digestate lagoon was saturated and they observed an unspecified strong odour. The field slopes from north to south, and at its southern end the officer observed discolouration of a spring-fed, unnamed watercourse, along with foaming on the surface of the water. Water quality samples were collected by the responding officer at this location. Upstream of this point, the officer observed no discolouration or foaming. Water quality samples were collected by the responding officer at this location.

The responding officer also reported discolouration of the Afon Caeach—into which the impacted unnamed watercourse flows—and of the Taff Bargoed, into which the Afon Caeach flows. The officer noted visible discolouration and foaming in these watercourses up to an estimated 4.5 km downstream from the point at which the polluting matter was observed entering the unnamed watercourse. Water quality samples were collected by the responding officer from the Afon Caeach and the Taff Bargoed.

Discussions held by the officer with present site operatives regarding the cause of the pollution were inconclusive, as it remained unclear to them, at that stage, precisely how and why the polluting matter was released.

---

The operator informed NRW of the pollution incident via a phone call to its Incident Communication Centre at 10:25 on Saturday 03 January 2026 (i.e. prior to the responding officer's arrival onsite).

Excerpts from the transcript of the call are presented below.

*"So there's some cattle slurryish dirty water going into the stream on the farm with us"*

*"They pumped out the dirty water last night".*

*"Its only now this morning that I come and looked at it and its not as clean as they thought it was".*

Additionally, as required by condition 4.3.2 of the environmental permit (discussed later in this report), the operator submitted the information listed in Schedule 5 to the environmental permit via email at 11:37 on Wednesday 07 January 2026 (i.e 4 days after the pollution event).

The submitted Schedule 5 notification is partially reproduced overleaf.

<sup>1</sup> The incident report received from the operator was recorded under reference number WIRS 2600039. An earlier report received from a member of the public regarding discolouration of the Afon Caeach was recorded under reference number WIRS 2600038. Subsequently, WIRS 2600039 was designated a duplicate of WIRS 2600038, as both reports relate to the same pollution incident.

<b>(a) Notification requirements for any activity that gives rise to an incident or accident which significantly affects or may significantly affect the environment</b>	
<b>To be notified within 24 hours of detection</b>	
Date and time of the event	Saturday 3 <sup>rd</sup> of January 2026 6am to 9am
Reference or description of the location of the event	What3word: strikers.mugs.fuses Grid reference: ST121966
Description of where any release into the environment took place	Field 35, Gelliargwellt Farm, Gelligaer, Hengoed, Caerphilly, CF82 8FY
Substances(s) potentially released	Rainwater contaminated with digestate and cattle slurry. <i>(emphasis added)</i>
Best estimate of the quantity or rate of release of substances	108T <i>(emphasis added)</i>
Measures taken, or intended to be taken, to stop any emission	Upon being notified of the contamination, straw was placed in the stream to filter the water. NRW were informed and water was release from our fire water lagoons to dilute the contamination in the lower half of the water course on the farm. Testing of the water on the lagoon will take place next week. Later in the year the lagoon top will be inspected and any rips fixed, until then if the top needs pumping off, we will pump it into the main body of the lagoon.
Description of the failure or accident.	Rainwater on top of the lagoon has become contaminated with digestate/cattle slurry. Not being aware of the contamination, some water was pumped off the cover onto a field and entered the water course. <i>(emphasis added)</i>

The information provided by the operator in its initial report at the time of the pollution event, and in the submitted schedule 5 notification, is consistent with the observations made by the officer who responded to the pollution event.

## Regulatory Context

Condition 3.1.1 of the environmental permit states:

*There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2.*

Table S3.1 of Schedule 3(b) to the environmental permit concerns point source emissions to air only, and details emission points, emission limits and monitoring requirements.

Table S3.2 of Schedule 3(b) to the environmental permit is reproduced below.

<b>Table S3.2 Point source emissions to water (other than sewer) – emission limits and monitoring requirements</b>						
<b>Emission point ref. &amp; location</b>	<b>Source</b>	<b>Parameter</b>	<b>Limit (including unit)</b>	<b>Reference period</b>	<b>Monitoring frequency</b>	<b>Monitoring standard or method</b>
W1 on site plan in schedule 7 emission to soakaway	Uncontaminated surface water	Visual check	-	Spot Sample	Before discharge	None specified
		Ammonia	0.5 ppm	Spot Sample	Before discharge	None specified

The site plan presented in Schedule 7 to the environmental permit is reproduced below.

N.B. The boundary of the permitted area is demarked by the green line and encompasses the digestate lagoon.



Table S3.2 of Schedule 3(b) to the environmental permit and the site plan presented in Schedule 7 to the environmental permit authorise a single point source emission to water from emission point W1. The source of this discharge is uncontaminated rainfall dependent surface water collected within an impermeable concrete apron encompassing the anaerobic digesters and associated ancillary tanks and pipework. The discharge is gravity fed to a sub-surface soakaway via an interceptor.

There are no point source emissions from the digestate lagoon authorised by the environmental permit.

There are no point source emissions to land authorised by the environmental permit.

---

### Summary of Non-compliance

A point source emission to land and water occurred from an emission point, other than those detailed in table S3.2 of Schedule 3(b) to the environmental permit. Specifically, a substance—namely rainwater contaminated with digestate—was emitted via a pump's discharge pipe to land and water.

A point source emission to water, air or land, other than from the sources and emission points listed in schedule 3 tables S3.1 and S3.2, represents non-compliance with permit condition 3.1.1.

**As a result of this non-compliance a CCS Score [C2] has been recorded against compliance sub-criteria IR3B - Emission and Monitoring - Emissions of substances not controlled by emission limits.**

A C2 score has been levied as it is reasonably foreseeable that the non-compliance with permit condition 3.1.1 may result in significant impact on the environment and/or people.

*Action 1: The operator shall cease all unpermitted point source emissions to land and/or water.*

---

### Root Cause

An identified non-compliance with a permit condition is likely to be the symptom of an underlying issue. NRW must investigate, score and categorise any root cause(s) non-compliance.

Condition 1.1.1(a) of the environmental 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, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and*

With consideration of the information provided by the operator, which states that the point source emission to land was discharged intentionally despite being unauthorised, we must determine that the root cause of this non-compliance is a management system failure.

The management system failure(s) which led to the above non-compliances represents non-compliance with permit condition 1.1.1.

**As a result of this non-compliance a CCS Score [C2] has been recorded against compliance sub-criteria IR1A - General management**

As per NRW guidance, the levied non-compliance score for a root cause non-compliance cannot be lower than that of the secondary non-compliance.

A C2 score has been levied as it is reasonably foreseeable that the non-compliance with permit condition 1.1.1, which resulted in the non-compliance with permit condition 3.1.1, will result in a significant pollution of the environment.

*Action 2: The operator shall review its written management system(s) to consider the management of rainfall dependent surface water collecting on the surface of the digestate lagoon. Measures to manage rainfall dependent surface water collecting on the surface of the digestate lagoon must preclude an unpermitted point source emission to land and/or water.*

## Notification

Condition 4.3.1 (a)(i) of the environmental permit states:

*(a) In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately-*  
*(i) inform Natural Resources Wales*

The operator informed the regulator of the pollution incident via its Incident Communication Centre at 10:25 on Saturday 03 January 2026, which represents compliance with the environmental permit.

Condition 4.3.2 of the environmental permit states:

*Any information provided under condition 4.3.1(a)(i), or 4.3.1(b)(i) where the information relates to the breach of a limit specified in the permit, shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.*

Part A(a) of schedule 5 to the environmental permit is partially reproduced below.

(a) Notification requirements for any activity that gives rise to an incident or accident which significantly affects or may significantly affect the environment
To be notified within <b>24 hours of detection</b> <i>(emphasis added)</i>

The installation's lead regulatory officer emailed the operator at 16:45 on Tuesday 06 January 2026, prompting them to submit the information listed in Schedule 5 to the environmental permit. The operator submitted the notification at 11:37 on Wednesday 07 January 2026 (i.e. 4 days after the pollution event was detected by the operator).

The operator failed to submit the information listed in Schedule 5 to the environmental permit within the time period specified in that schedule, which represents non-compliance with permit condition 4.3.2.

**As a result of this non-compliance a CCS Score [C3] has been recorded against compliance sub-criteria IR4C – Notification.**

A C3 score has been levied as it is reasonably foreseeable that the non-compliance with permit condition 4.3.2 may result in minor impact on the environment and/or people.

*Action 3: The operator shall review the notification requirements set out in its environmental permit.*

[END]

## 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):

9B Assessment result	10B Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found in the aspects assessed.
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

11B Non-compliance category	12B Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

### 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 Industry compliance criteria (used in section 1 and 2):

#### 1 - Management

- IR1A - General management

- IR1B - Finance (only applicable to Landfill)
- IR1C - Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

## 2 - Operations

- IR2A - Permitted activities
- IR2B - The site
- IR2C - Operating techniques
- IR2D - Technical requirements
- IR2E - Improvement programme
- IR2F - Pre-operational conditions
- IR2G - Landfill engineering (only applicable to Landfill)
- IR2H - Waste acceptance (only applicable to landfill)
- IR2I - Leachate levels (only applicable to Landfill)
- IR2J - Closure and aftercare (only applicable to Landfill)
- IR2K - Landfill gas management (only applicable to Landfill)

## 3 - Emission and Monitoring

- IR3A(1) - Emissions to water
- IR3A(2) - Emissions to air
- IR3A(3) - Emissions to land
- IR3B - Emissions of substances not controlled by emission limits
- IR3C - Odour
- IR3D - Noise and vibration
- IR3E - Monitoring
- IR3F - Pests
- IR3G - Air quality management plans
- IR3H - Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I - Fire

## 4 - Information

- IR4A - Records
- IR4B – Reporting
- IR4C - 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 – 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.