

## Compliance Assessment Report CAR\_NRW0051821

**Permit being assessed:** AB3791FG.

**For:** The Maesydd, **held by:** Maesydd Biogas Ltd

**At:** Pool Quay, Pool Quay, Welshpool, Powys, SY21 9LA.

**Type of assessment:** Report/Data Review,

**Reason:** Routine.

**On:** 13/05/2026.

**Parts of permit assessed:** Management System, Records, Maintenance.

**NRW Lead Officer:** Malcolm Dines.

**Report sent to:** Haydn Langford, Director and technically Competent Manager, on 14/05/2026.

### 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(a)
W1A - Waste - Management - General management	Action only (X)	
W1A - Waste - Management - General management	C3 Minor	1.1.1(a)
W1A - Waste - Management - General management	Action only (X)	
W2C - Waste - Operations - Operating techniques	Action only (X)	
W2C - Waste - Operations - Operating techniques	Action only (X)	
W3A(2) - Waste - Emissions and monitoring - Emissions to air	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	
W2G - Waste - Operations - Improvement	Action only (X)	

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
programme		
W2A - Waste - Operations - Permitted activities	Assessed (A)	
W3C - Waste - Emissions and monitoring - Odour	Assessed (A)	

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	Update and submit for review, the Management System to ensure that it fully addresses the criteria set out in Compliance Report CAR_NRW0050271	19/07/2026
W1A	Update and submit for review, the Management System to address the following issues: 1) remove reference to guidance and legislation that is not applicable in Wales 2) ensure that the Management System and Appendices are referenced correctly and consistently 3) either remove the Standard Rules Permit, or ensure that the correct version is referenced	19/07/2026
W1A	Update and submit for review, the Management System to include the following: 1) Anaerobic Digester User Operations Manual 2) The O&M Manual 3) The Spill Response Procedure 4) The Fire Procedure 5) All the procedures listed in Table 4 of Appendix 3 of the Management System 6) Update the list of procedures in Table 4 of Appendix 3 of the Management System	19/07/2026
W1A	Digestate must be stored and used in accordance with the Environmental Permitting Regulations 2016, or the Management System updated (and submitted for review) to demonstrate that the digestate meets End of Waste	11/06/2026
W2C	Update the Management System to comply with Operating Techniques 6, 8 and 9(b) and submit that procedure for review	19/07/2026
W2C	Update and submit for review, the management System to include a procedure that complies with Operating Technique	19/07/2026

Criteria	Action needed	Complete by
	20(b)	
W3A(2)	Update and submit for review, the Management System to include a procedure to ensure the company complies with permit rule 3.2.4	19/07/2026
W1A	Update and submit for review, the Management System to include an up-to-date DSEAR assessment for the site	19/07/2026
W1A	Submit a permit variation to increase the permitted area to include all areas used for the storage and treatment of waste or, stop using the area outlined in red on Figure 6, of Part 1 of the Management System to store wastes	19/07/2026
W2G	Comply with Improvement Condition 1	11/06/2026

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 review of data was carried out by Malcolm Dines (Waste Regulation Officer) following the requirement in Compliance Report CAR\_NRW0050271, dated 17 April 2026, to review and update the site management system to ensure that it reflects current activities and operations at this site.

#### **Permit Breaches**

##### W1A - General Management: Management System - Cat 3; Permit Rule 1.1.1(a)

The company has been given this compliance score of 3 under rule 1.1.1(a) because the company has not complied with an action required by a Compliance Report. The Management System that was submitted on 1 May 2026 was not fully updated and reviewed as required by an action on Compliance Report CAR\_NRW0050271 which, along with requiring the management system was fully reviewed and updated to fully reflect current activities at the site, specified that the management system specifically addressed the following:

- Requirement to undertake Stack Emission Monitoring and to notify Natural Resources Wales of any breaches.
- Waste Returns

- Storage and loading of cattle slurry and chicken manure
- Storage of liquid and solid digestate
- Site inspection and maintenance routines including keeping records
- Process monitoring system, including recording and retaining data to show long-term trends of your AD process.
- Records of Auxiliary Flare operation and maintenance

I have reviewed the submitted management system and it does not detail processes for any of the above requirements.

**Action:** Update and submit for review, the Management System to ensure that it fully addresses the criteria set out in Compliance Report CAR\_NRW0050271 **by 19 July 2026**

#### W1A - General Management: Management System - Cat 3; Permit Rule 1.1.1(a) - Missing Sections and Significant Omissions

The company has been given this category 3 breach of rule 1.1.1(a) as there are some significant omissions in the recently submitted Management System and several sections are missing.

Appendix 5 of the Management System makes reference to the, "*Anaerobic Digester User Operations Manual*" however, this document was not submitted to Natural Resources Wales as part of the Management System.

Table 2A - Emission to Air - of Appendix 3, makes reference to the O&M Manual however, this document was not submitted as part of the Management System. This is essential as permit rule 2.1.2 requires, "*All process plant and equipment shall be commissioned, operated and maintained, and shall be fully documented and recorded, in accordance with the manufacturers recommendations.*"

Operating Technique 4(b) requires that,

*"quarantined and rejected waste shall be stored in closed containers or covered and removed to a regulated facility within 5 days".*

There is no procedure for managing unsuitable feedstock or quarantined wastes within the Management System.

In Table 4 - List of Procedures (list procedures identified in Table 2A to 2G above, and any other procedures you have in addition) - of Appendix 3 of the Management System, all of the sections refer to a new document "version\_01" but are dated 01 May 2025. This date is before the date you were required to review and update the management system and so cannot have been reviewed. In addition, none of the procedures listed were submitted with the Management System. The Accident Management Plan refers to a Spill Response Procedure and a Fire Procedure, neither of these were submitted with the Management System. There are also no procedures listed for the following how the monitoring of emissions is undertaken, or how the company reports to and notifies Natural Resources Wales when required.

**Action:** Update and submit for review, the Management System to include the following **by 19 July 2026**

1. Anaerobic Digester User Operations Manual
2. The O&M Manual

3. The Spill Response Procedure
4. The Fire Procedure
5. All the procedures listed in Table 4 of Appendix 3 of the Management System
6. Update the list of procedures in Table 4 of Appendix 3 of the Management System

W1A - General Management: Management System - Action Only; Permit Rule 1.1.1(a) - minor issues and omissions from Management System

The company has been given this Action Only breach of permit rule 1.1.1(a) as several sections of Part 1 of the Environmental Management System it states that it is written in accordance with EA guidance, such as "How to Comply with your Environmental Permit" and Horizontal Guidance Documents. These guidance documents, while able to be used for information, cannot be referenced in the Management System as they are not applicable in Wales. Natural Resources Wales have not withdrawn our version of "How to Comply with your Environmental Permit" and so this can be referenced in the Management System.

In addition, Section 1 - Environmental Impacts Plan and Controls (Table 1) of Appendix 3 of the Management System - Management Reports and Reviews, references relevant legislation however, of the legislation that is listed, the Environmental Permitting (England and Wales) Regulations 2007 is out of date as it has been superseded by the Environmental Permitting Regulations 2016 and the Control of Pollution (Oil Storage) (England) Regulations 2001 do not apply in Wales. There is also no reference to the Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021. The company must ensure, and demonstrate, that they are operating in accordance with Welsh legislation and guidance.

In the introduction of Part 1/B of the Management System, the appendices have different references to the appendices submitted as part of the Management System and they are also different to the appendix list in Part 1 "*P5. Structure of the EMS*"

Appendix 2 lists an incorrect version of Standard Rules Permit 2012/10 as the current ruleset is version 1.2.

**Action:** Update and submit for review, the Management System to address the following issues by **19 July 2026**:

1. remove reference to guidance and legislation that is not applicable in Wales
2. ensure that the Management System and Appendices are referenced correctly and consistently
3. either remove the Standard Rules Permit, or ensure that the correct version is referenced

W1A - General Management: Management System - Action Only; Permit Rule 1.1.1(a) - Classification of Digestate

The company has been given this Action Only breach of rule 1.1.1(a) as the Management System does not detail whether the digestate produced at the site meets the criteria for it to be classed as End of Waste and not need to be regulated as a waste. Unless the End of Waste criteria is met, all digestate produced from feedstock that includes waste, is classed as waste. The Management System details that the liquid digestate is stored and the fibrous digestate is stored on the concrete apron to the south of the site, neither of which

locations are within the permit boundary.

Additionally, the liquid digestate store, the tin tank on the farmyard, is also used to contain non-waste run-off from the farm. Under the Environmental Permitting Regulations 2016, if waste and non-wastes are mixed, all the material becomes waste. As the material in the tin tank is subsequently spread to land, unless the digestate meets the End-of-Waste criteria, this can only be done under an approved deployment by the holder of an Environmental Permit for the spreading of waste to land for agricultural benefit.

As there is nothing in the Management System to demonstrate that the digestate meets the criteria for End of Waste, it must be considered a waste. This means that the storage of the liquid and solid fractions outside the permit boundary; the mixing of digestate with non-waste and the spreading of the liquid from the tin tank to land are all waste activities being carried out without an environmental permit and therefore offences under the Environmental Permitting Regulations 2016.

The End of Waste criteria can be found here: [Natural Resources Wales / End of waste: anaerobic digestate produced from anaerobic digestion of source-segregated biodegradable waste](#)

**Action:** Digestate must be stored and used in accordance with the Environmental Permitting Regulations 2016, or the Management System updated (and submitted for review) to demonstrate that the digestate meets End of Waste **by 11 June 2026**.

#### W2C - Operating Techniques 8 and 9(b) - Action Only; Permit Condition 2.4.1

The company has been given this Action Only breach under rule 2.4.1 because the following Operating Techniques have not been fully addressed:

- Operating Technique 6 requires the operator to have a site drainage plan that clearly shows clean and dirty water drainage and detail any discharge points as per Operating Technique 7. While Section A - the site plan - of the Management System (the Accident Management Plan) references a plan showing the drainage layout of the site, there was no plan included.
- Operating Technique 8 requires the company to have, "an inspection, maintenance and repair schedule of the facility's critical infrastructure, including the impermeable surfacing and drainage system and shall implement the same"
- Operating Technique 9(b) requires the company to ensure that, "the bund or secondary containment area shall be regularly inspected to ensure they are regularly emptied of rainwater". Neither of these requirements have been fully addressed in the Maintenance Checklist.

**Action:** Update the Management System to comply with Operating Techniques 6, 8 and 9(b) and submit that procedure for review **by 19 July 2026**

#### W2C - Operating Technique 20(b) - Action Only; Permit Condition 2.4.1

The company has been given this Action Only breach under rule 2.4.1 because the Management System does not have a procedure and contingency plan to comply with Operating Technique 20(b), which requires that,

*"Operators shall have procedures and contingency plans in place for digestate management when the ability to move their digestate or compost or the demand for the*

*digestate or compost by end users is reduced".*

**Action:** Update and submit for review, the management System to include a procedure that complies with Operating Technique 20(b) **by 19 July 2026**

W3A(2) - Emission to Air - Action Only; Permit Rule 3.2.4

The company has been given Action Only breach of rule 3.2.4 because the Management System does not include, or make any reference to, a leak detection and repair programme as required by this permit rule. Permit rule 4.2.2 states a,

*"leak detection and repair (LDAR) programme" means a structured approach to reduce fugitive emissions of organic compounds by detection and subsequent repair or replacement of leaking components. Currently, sniffing (described by EN 15446) and optical gas imaging methods are available for the identification of leaks. As set out in BAT conclusions 14 and 6.6.2 Diffuse emissions of organic compounds to air*

**Action:** Update and submit for review, the Management System to include a procedure to ensure the company complies with permit rule 3.2.4 **by 19 July 2026**

W1A - General Management: DSEAR Assessment - Action Only; Permit Rule 1.1.1(a)

The company has been given this Action Only breach of permit rule 3.7.3 as there was no DSEAR Report included when the Management System was submitted. This is essential as it is required by rule 3.7.3,

*"The operator will undertake a DSEAR assessment and maintain an accident management plan in accordance with rule 1.1.1".*

Through my previous regulation of the site, I am aware that a DSEAR assessment has been undertaken for the site, and I am not aware of changes to the construction of the site that would require a new assessment. However, the company must ensure that the DSEAR assessment is up-to-date and included in the Management System.

**Action:** Update and submit for review, the Management System to include an up-to-date DSEAR assessment for the site **by 19 July 2026**

## **Other Matters**

### Operating Outside the Permit Boundary

Permit rule 2.2.1 requires that

*"the activities shall not extend beyond the site, being the land shown edged in green on the site plan attached to the permit."*

Figure 6, of Part 1 of the Management System, shows the solid waste storage area outlined in red which is not within the permit boundary.

On compliance report CAR\_NRW0049030, dated 26/08/25 (re-issued on 02/01/2026), you were advised that the storage of the solid dried digestate and chicken manure, on the concrete apron to the south the digester, was not within the permit boundary and that you either, needed to stop storing wastes on the concrete pad to the south of the bunded area, or vary your permit to include this area within the permit.

The extent of the permit to the south of the site is the bund wall of the digester, and to the east of the site, is the eastern edge of the concrete apron parallel to the eastern bund wall.

This is not a breach of permit as the storage of waste outside the permit boundary is operating a waste activity without a permit, which is an offence under the Environmental Permitting Regulations 2016. Natural Resources Wales will consider what enforcement action to take regarding this matter.

**Action:** Submit a permit variation to increase the permitted area to include all areas used for the storage and treatment of waste or, stop using the area outlined in red on Figure 6, of Part 1 of the Management System to store wastes **by 19 July 2026**.

#### Improvement Condition 1

Under permit rule 2.4.1, Improvement Condition 1 requires that the company to *"Undertake an inspection and works programme to ensure that all infrastructure requirements specified in Operating Techniques 1, 9, 10, 11 & 14 are fit purpose and shall include:*

*(a) an assessment and inspection of all infrastructure requirements specified in Operating Techniques 1, 9, 10, 11 & 14 and secondary containment against the standards set out in CIRIA 736 or equivalent by an appropriately qualified certified engineer.*

*(b) written reports of the findings of (a) shall be submitted to Natural Resources Wales by the 11 June 2026.*

You have previously been advised of this Improvement Condition however, if the company complies with the above action to submit a permit variation, to be able to use the area outlined in red on Figure 6, of Part 1 of the Management System to store wastes, this area must be included in the report submitted for Improvement Condition 1.

**Action:** Comply with Improvement Condition 1 **by 11 June 2026**

#### Waste Returns

In Table 2D - Waste Disposal - of Appendix 3 of the Management System, the requirements for the management of general and maintenance wastes were detailed. None of these wastes have been included on any of the quarterly waste returns for the site. Where general or maintenance wastes are generated at the site, they must be reported on the waste returns.

#### Technical Competence

The company is complying with an approved competency scheme

#### Permitted Activities

The company is complying with the permitted activities

#### Odour Management Plan

This has been assessed and the company is compliant with permit condition 3.3.2(a)

#### Permit rule 4.2.3 - export of non-waste material

This rule requires the operator to,

*"keep records of the material exported from the site as non-waste including the type of material, the tonnage of material, the batch number and the date of export"*.

Please remember that *"the export of material from the site"* means the export of material from the Anaerobic Digester and not Y Maesydd the farm, even if this material is to be used on land at Y Maesydd.

Status of Maesydd Biogas Ltd.

During the course of our regulation it was noted that Maesydd Biogas Ltd. is listed as a Dormant Company with Companies House. I have taken the advice of our legal team and this does not affect the regulation of the permit and the site. However, if the company is dormant it is unclear how subsistence fees are being paid or income is being received. Natural Resources Wales has a duty to advise our regulatory partners about issues identified in the course of our regulatory activities.

*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 required for the permit condition assessed to avoid non-compliance. No non-compliance scored at this time
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(1) – Emissions to water
- W3A(2) – Emissions to air
- W3A(3) – Emissions to 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.

### Disputing the Content of this Compliance Assessment Report Form

If you disagree with the content of this Compliance Assessment Report form, you should submit your concerns, in writing, to the regulating officer who issued it within **15 working days** of its issue. This will be treated as a **Stage 1 review**.

If you are not satisfied with the outcome of the stage 1 review, you may request a **Stage 2 appeal**. This request must be submitted **within 21 working days** of receiving the response from the stage 1 review.

Further details on our review and appeal process are available at: [Natural Resources Wales / Appeal a regulatory decision from Natural Resources Wales](#)

### Concerns Not Related to the Content of this Compliance Assessment Report Form

If your concerns do not relate to the content of the Compliance Assessment Report form, you should first attempt to resolve the issue with the regulating officer or their line manager.

If the issue remains unresolved, please contact our **Customer Contact Team**:

- **Telephone:** 0300 065 3000 (Monday to Friday, 09:00–17:00)
- **Email:** [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk)

They will provide details on how to escalate your concerns through our **Complaints and Commendations procedure**.

If you are dissatisfied with our response, you may contact the **Public Services Ombudsman for Wales**:

- **Telephone:** 0300 790 0203
- **Email:** [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.