Cyfoeth Naturiol Cymru
Natural Resources Wales

Compliance Assessment Report CAR_NRW0052093

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: 11/06/2026.

Parts of permit assessed: Improvement Condition; Management System.

NRW Lead Officer: Malcolm Dines.

Report sent to: Haydn Langford, Director, on 30/07/2026.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
W2G - Waste - Operations - Improvement programme	C3 Minor	2.4.1
W1A - Waste - Management - General management	C3 Minor	1.1.1(a)
W1A - Waste - Management - General management	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	
W2C - Waste - Operations - Operating techniques	C3 Minor	2.4.1
W2C - Waste - Operations - Operating techniques	C3 Minor	2.4.1
W3G - Waste - Emissions and monitoring - Fire	C3 Minor	3.7.1
W1A - Waste - Management - General management	Action only (X)	
W1A - Waste - Management - General management	Action only (X)	

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

Total non-compliances recorded	Total non-compliance score
5	20

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
W2G	Submit a report that demonstrates the site complies with Improvement Condition 1	30/09/2026
W1A	Update and submit for review the Management System for the site to include the O&M Manual	30/09/2026
W1A	Update and submit for review, the Management System to remove reference to guidance and legislation that is not applicable in Wales	30/09/2026
W1A	Either remove Appendix 2 (the Standard Rules Permit), or ensure that the correct version of the Permit is referenced	30/09/2026
W2C	Update the Site Drainage Plan to ensure that it complies with Operating Technique 6	30/09/2026
W2C	Update and submit for review, the management System to include a procedure that complies with Operating Technique 20(b)	30/09/2026
W3G	Update and submit for review the Fire Procedure to ensure that it fully complies with the requirement of the current Fire Prevention and Mitigation guidance - Natural Resources Wales / Fire prevention and mitigation plans	30/09/2026
W1A	Submit written confirmation that the Urgent and Necessary recommendations required by the DSEAR report have been addressed	30/09/2026
W1A	Ensure that all documentation relating to the management of the site is updated to reflect the changes to the site boundary, including drainage and and site infrastructure requirements	30/09/2026

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.

<u>You are non-compliant with your permit.</u>

At this time, we are issuing you with a <u>warning</u> 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) to assess compliance with Improvement Condition 1 and an action for compliance criteria W1A as set out in Compliance Report CAR_NRW0051821, dated 14 May 2026. This review was delayed to allow for the permit variation application, submitted by the company to increase the size of the permitted area, to be determined. The variation was approved and so this review includes the increased permitted area.

Permit Breaches

<u>W2G - Improvement Condition - Category 3; Permit Rule 2.4.1</u>
The company has received this category 3 breach under the above Rule because the report by FRE Energy that the company submitted, as required by this rule, does not meet the requirements of Improvement Condition 1.

Improvement condition 1 requires the company to undertake an <u>inspection</u> and works programme to ensure that <u>all</u> infrastructure requirements specified in Operating Techniques 1, 9, 10, 11 & 14 are fit purpose and are assessed against the standards set out in CIRIA 736 or equivalent by an appropriately qualified certified engineer. If an equivalent standard to CIRIA 736 is used, this must be stated.

The report from FRE Energy only addresses the capacity of the bund and there is no evidence to demonstrate that this was carried out by an appropriately qualified certified engineer.

- Operating Technique 1(b) requires that the acceptance, storage and physical treatment of wastes shall only take place on an impermeable surface, with a sealed drainage system that meets the recommendations of a CIRIA 736 report or an equivalent approved standard. The FRE Energy report refers to the storage capacity of the bund but not the impermeable surface and indicates that any surface water is discharged other than to a sealed drainage system. In addition, waste poultry manure is imported to the site and stored on the concrete area to the south of the bunded area of the site.
- Operating Technique 1(d) requires that all tanks are fitted with level sensors and the report by FRE Energy does not address this requirement.
- Operating Technique 9(a) requires that all storage and process tanks shall be located on an impermeable surface (a hydraulic permeability of not greater than 1x 10-9 m/s) with sealed construction joints within a bunded area (secondary containment). The FRE Energy report refers to the storage capacity of the bund but not the permeability of the impermeable surface, or construction joints.
- Operating Technique 9(c) requires that all connections and fill points shall be within the bund or secondary containment. The report by FRE Energy does address this requirement.
- Operating Technique 9(d) requires that no pipework should penetrate the bund wall or secondary containment unless the construction is compliant with CIRIA 736 report. The report by FRE Energy does address this requirement.
- Operating Technique 10(a) requires that all underground tanks shall have 100% secondary containment capacity and appropriate leak detection. 95% of that

capacity must be maintained at all times. No information was supplied to demonstrate that the site complies with this requirement or that this Operating Technique is not applicable.

- Operating Technique 11 requires that all air extraction and abatement systems shall be designed and built specifically for the facility by a suitably qualified engineer. These shall be inspected and maintained, and a record kept. There was no information supplied to demonstrate that the site is compliant with this requirement, or that this Operating Technique does not apply.
- Operating Technique 14(a) requires that all pressure systems shall be designed to accommodate the routine variation in gas flow, production and pressure events. There was no information supplied to demonstrate that the site is compliant with this requirement, or that this Operating Technique does not apply.

Action: Submit a report that demonstrates the site complies with Improvement Condition 1 **by 30 September 2026**

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

The company has been given this Category 3 breach of the above Rule because the updated Management System for the site does not address all the criteria set out on Compliance Report CAR_NRW0051821 and because it still references guidance and legislation that does not apply to Wales.

1. The O&M Manual, while submitted to Natural Resources Wales, is not included as part of the Management System. It must included as it contains all the information required to correctly operate and maintain the digester.
2. The company must ensure, and demonstrate, that they are operating in accordance with Welsh legislation and guidance.
3. Appendix 2 is Standard Rules Permit 2012/10 however, it is not the correct version as the current ruleset is version 1.2.

Action: Update and submit for review the Management System for the site to include the O&M Manual **by 30 September 2026**

Action: Update and submit for review, the Management System to remove reference to guidance and legislation that is not applicable in Wales **by 30 September 2026**

Action: Either remove Appendix 2 (the Standard Rules Permit), or ensure that the correct version of the Permit is referenced **by 30 September 2026**

W2C - Operating Technique 6 - Category 3; Permit Condition 2.4.1

The company has been given this Category 3 breach under rule 2.4.1 because the site drainage plan does not comply with the requirements of Operating Technique 6, which requires the company to have a site drainage plan that,

"clearly shows clean and dirty water drainage and detail any discharge points"

Appendix 17 of the Management System - the Drainage Plan - does not clearly explain clean and dirty water drainage or include details about the drainage system such as where the drains are, pipes run, falls and does not include the whole of the current permitted area following the permit variation. Please see the following link regarding the detail I expect to see in a drainage plan: Site Drainage Plan 22Sep2014 Additionally, Section A - the site plan - of the Management System (the Accident Management Plan) references a plan showing the drainage layout of the site, but there is no plan included.

Action: Update the Management System to ensure that the Drainage Plan complies with Operating Technique 6 **by 30 September 2026**

W2C - Operating Technique 20(b) - Category 3; Permit Rule 2.4.1

The company has been given this category 3 breach under the above rule because the Management System does not have a procedure and contingency plan 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, as required by Operating Technique 20(b).

There was no evidence of the required contingency plans within document submitted on 21 July 2026

Action: Update and submit for review, the management System to include a procedure that complies with Operating Technique 20(b) **by 30 September 2026**

W3G - Fire - Category 3; Permit Rule 3.7.1

The company has been given this Category 3 breach of the above Rule because the Fire Procedure does not meet the requirements of the current Fire Prevention and Mitigation Plan guidance. For example, the guidance states,

> *"You must have sufficient water supplies available to your site for firefighting to take place for at least 3 hours and to manage a worst-case scenario incident"*

However, the Fire Procedure included in the latest Management System does not contain any information about the water supply despite it being listed in the Contents

It also needs to be updated to take into account the recent permit variation and how firewater run-off will be managed outside the bunded area.

Action: Update and submit for review the Fire Procedure to ensure that it fully complies with the requirement of the current Fire Prevention and Mitigation guidance - Natural Resources Wales / Fire prevention and mitigation plans - **by 30 September 2026**

Other Matters

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

The DSEAR assessment submitted to Natural Resources Wales on 26 May 2026 contains two "Urgent" recommendations and several "Necessary" recommendations. There is no evidence that any of these recommendations have been addressed.

Action: Submit written confirmation that the Urgent and Necessary recommendations required by the DSEAR report have been addressed **by 30 September 2026**

<u>W1A - General Management: Management System - Action Only; Permit Rule 1.1.1(a)</u>

Following the issue of the permit variation, many sections of the Management System that have recently been submitted for review to Natural Resources Wales no longer reflect the current site and operations.

Action: Please ensure that all documentation relating to the management of the site is updated to reflect the changes to the site boundary, including drainage and and site infrastructure requirements **by 30 September 2026**

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

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

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.