

Natural Resources Wales permitting decisions

South Caernarfon Creameries Ltd Decision Document

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Variation

The variation number is: BL9941IC/V006

The operator is: South Caernarfon Creameries Ltd

The Installation is located at: South Caernarfon Creamery, Rhyd-y-Gwystl, Pwllheli, Gwynedd, LL53 6SB

The Operator has applied for a normal variation to the permit to:

- Extend the installation boundary and;
- Add a new 'directly associated activity' to the permit for a new ammonia-based refrigeration system

Within the extended boundary the operator has proposed a new whey processing plant to replace the existing one on site.

The new refrigeration system will serve the new whey plant, the existing cheese processing plant, a new additional raw cream pasteuriser and an additional milk pasteuriser. The existing refrigeration systems will be decommissioned.

There are no proposed changes to the activities carried out, raw material accepted, wastes produced or emissions to air, water or land.

We have decided to issue the variation for South Caernarfon Creamery operated by South Caernarfon Creameries Ltd.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise, we have accepted the applicant's proposals.

1. Receipt of the Application

The application was accepted as duly made on 14/03/2022. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

1.1. Requests for information

Prior to the application being duly made, further information was requested from the applicant. The following information as requested on 24/02/2022:

- Summary of changes or additions needed to the operators Environmental Management System (EMS) if the variation was to be issued
- An amended Site Condition Report as the one provided with this application did not have the expected sections completed
- An amended Site Plan as the one provided with the original application was not sufficient
- A Noise Assessment to assess the impact of the proposed changes on noise emissions from the site
- Clarification regarding the location of a new whey processing plant and new refrigeration system

The applicant provided additional information to address the above information request on 10/03/2022 and 14/03/2022.

An informal request for further information was made on 04/05/2022 regarding the drainage arrangement of the new whey processing plant. Please refer to section 8 for more information.

1.2 Confidential information

No claims for commercial or industrial confidentiality has been made.

We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.

2. Consultation

We have not carried out consultation on the application in accordance with the Environmental Permitting Regulations, our Public Participation Statement and our Working Together Agreements.

3. Operator

We are satisfied that the operator is the person who will have control over the operation of the facility after the issue of the variation. The decision was taken in accordance with EPR RGN 1: Understanding the meaning of operator.

4. The Installation

The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations:

- S6.8 A(1)(e) – Treating and processing milk
- S5.4 A(1)(a)(i) – Disposal, recovery or a mix of disposal and recovery of non-hazardous waste

There are no proposed changes to these activities as a result of this variation. The new proposed raw cream pasteuriser and milk pasteurisers are already covered under S6.8A(1)(e).

An installation may also comprise “directly associated activities” (DAA), which at this Installation, prior to the variation being granted, included:

- Storage and handling raw materials
- Storage and handling of waste
- Storage and handling of product
- Effluent Treatment Plant
- Whey Processing

As a result of this variation ‘Effluent Treatment Plan’ will be removed to correct an administrative error (as this activity is now covered by a Schedule 1 activity listed on the permit following a previous variation).

Although the proposal includes a new whey processing plant, this will be a replacement of an existing one. Although in a different location and with a larger capacity, it will still come under the existing DAA for “Whey Processing” (the increased capacity was assessed under EPR/BL99411C/V004).

The following new DAA will added to the permit to incorporate the new refrigeration system:

- Ammonia-based refrigeration system

5. Legislation

NRW is satisfied that this decision is compatible with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources

All applicable European directives have been considered in the determination of the application (see section 7).

6. The site

The Operator has applied to expand the installation boundary of the site, adding land to the west, southeast and north. The new whey plant and refrigeration system will be located in the new land to the East. There is no proposed use for the other additional land.

The site plan showing the new installation boundary provided by the Operator was over two separate plans. NRW proposed a new plan showing the installation boundary on one plan which the operator agreed to (via email on 14/03/2022).

This plan will be included in the permit and the operator is required to carry on the permitted activities within the site boundary.

6.1 Site condition report

The operator has provided a description of the condition of the land being added to the site.

We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).

7. Biodiversity, Heritage, Landscape and Nature Conservation

7.1 National Site Network¹/Ramsar site

The following National Site Network/RAMSAR sites are located within 10 km of the installation:

Special Areas of Conservation (SAC)

- Llyn Fens SAC
- Eifionydd Fens SAC
- Seacliffs of Llyn SAC
- Llwyn Peninsula and the Sarnau SAC

Special Protection Areas (SPA)

- Gogledd Bae Ceredigion SPA

RAMSAR sites

- Anglesey and Llyn Fens RAMSAR

There is no anticipated impact on the above sites as there is no change to emissions to air, ground or water as a result of this variation (see section 8 for more information).

A Habitat Regulation Assessment (HRA) to ascertain if the proposal will adversely affect the integrity of any of the above identified SACs, SPAs and/or RAMSARs is not required as there is no conceivable impact on any of the sites identified, by virtue of the scale, location and nature of the project.

7.2 Sites of Scientific Interest (SSSI)

No SSSI were identified within the 2 km risk screening distance of the installation.

7.3 National Nature Reserves, Local Nature Reserves, Local Wildlife Sites and Ancient Woodland (AW)

Local Wildlife Sites

A total of 25 Local Wildlife Sites were identified, of these 3 border the site:

- Llywn (North East to the new land parcel to the North)
- Ty Ton (West to the new land parcel in the North)

¹ As per the amendment to Regulation 3 of the Conservation of Habitats and Species Regulations 2017: [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk/2017/101/section-3/1). National Site Network means the network of sites in the United Kingdom's territory consisting of such sites as – (a) immediately before exit day formed part of Natura 2000; or (b) at any time on or after exit day are European sites, European marine sites and European offshore marine sites for the purposes of any of the retained transposing regulations.

- Gwinllan y Gromlech (South to the existing site boundary)

Ancient Woodlands

A total of 15 AW sites were identified, of these the nearest site borders the south of the existing boundary.

There is no anticipated impact on the above sites as there is no change to emissions to air, ground or water as a result of this variation (see section 8 for more information).

8. Environmental Risk Assessment

8.1 Air

There are no proposed changes to the sites air emissions as a result of this proposal.

8.2 Water

There are no proposed changes to the sites emissions to water as a result of this proposal.

8.3 Soil

There are no new emissions to land as a result of this proposal.

8.4 Odour

The proposed changes are not anticipated increase the risk of odour nuisance from the site.

8.5 Noise

The proposal includes a new ammonia-based refrigeration system. This will replace the existing refrigeration systems on site which will be decommissioned. NRW requested that a risk assessment was provided to assess the noise impact from the new system.

However, the applicant confirmed that the new refrigeration system was not yet procured at the time the application was made and hence the detailed design was not known. Instead an Noise Impact Assessment (NIA) was provided which set a noise level limit to be achieved at the nearest noise sensitive receptors. This limit has been set in line with guidance presented in BS4142:2014+1A:2019 '*Methods for rating and assessing industrial and commercial sound*' (BS4142).

The assessment found that the background noise level was typically 28_{LA90,15min} due to distant road traffic and industrial noise from industrial estate. The ambient noise level ranged from 36.1dB to 45.4 dBLAeq,15min (depending on the number and type of vehicle which drove past the measurement location).

The NIA proposed that the noise level limit of any new equipment should be equal to this determined background noise level. Based on the distance to the nearest noise sensitive receptor of 390m, this equates to a noise level limit of 60dB LAeq,T at 10m from the site when all items of plant operating simultaneously.

The applicant confirmed that whilst procurement of the refrigeration system is still on-going, it has been requested that the new system does not have an acoustic emission louder than that the current noise level that is being produced by the site, in line with the recommendations from the Noise Assessment, where that is not possible, attenuation where necessary has been requested to ensure the recommended noise level limit is not breached.

Based on the information on the application, we consider that we need to impose improvement conditions which require the Operator to carry out a NIA once the refrigeration system is commissioned and implement mitigation measures if the noise levels exceed the noise level limits discussed above. An improvement condition has also been added to ask that the existing Noise Management Plan is updated and submitted to NRW for approval. Please refer to Annex 1 for full improvement condition wording.

8.6 Fugitive emissions

There will be no change to the activities carried out, the raw materials accepted, or wastes produced as a result of this variation.

The new ammonia-based refrigeration system will closed loop and there will be no storage of ammonia on site therefore there is no new risk fugitive emissions of ammonia to water or soil as a result of this variation.

The new whey processing plant to be located within the extended site boundary includes new silos for raw materials. Further information was requested from the applicant on how fugitive emission to water from the new Whey Processing Plant will mitigated.

It was confirmed that the silos will be bunded to a capacity of 110% (165m³) of the largest vessel volume it contains (150m³). During normal operation, any clean rainfall within the bunds and from the delivery area will flow into the surface water system. In the event of a silo failure, water from the bunded area can be diverted, using a valve, to the effluent treatment package for treatment. This valve will also be activated during the unloading of deliveries in case of spillages within the delivery area.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise fugitive emissions and to prevent pollution from fugitive emissions.

9. The permit conditions

9.1 Incorporating the application

We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process and to support the completion of improvement conditions. These descriptions are specified in the Operating Techniques table (Table S1.2) in the permit.

9.2 Monitoring

There is no change to monitoring requirements as a result of this variation.

9.3 Reporting

There is no change to monitoring requirements as a result of this variation.

9.4 Improvement conditions

Based on the information on the application, we consider that we need to impose improvement conditions. Details of the improvement conditions used and timescales for completion can be found at Annex 1.

10. Environment management system

There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

11. OPRA

The OPRA score at permit issue is 48.

ANNEX 1: Improvement Conditions

27a	Following successful commissioning of the new ammonia-based refrigeration system, the Operator shall undertake noise monitoring at the nearest local receptors. An addendum to the existing noise impact assessment for the site shall be submitted to Natural Resources Wales for approval. This shall: • Meet BS4142:2014 standards • Reference to the Welsh Government Noise and soundscape action plan 2018-2023	Within 6 months of commissioning of the new ammonia-based refrigeration system or as otherwise agreed in writing with Natural Resources Wales
27b	Following completion of Improvement program requirement 27a, if the noise impact assessment demonstrates that the new ammonia-based refrigeration system is causing an exceedance of noise level limit recommendations outlined in 'E900 R1A Acoustic Assessment', the Operator shall: • Implement suitable mitigation measures to ensure noise is not exceeding the noise limit recommendations • Complete a revised noise impact assessment following implementation of the mitigation measures to demonstrate the measures are effective The Operator shall submit the revised noise impact assessment to Natural Resources Wales for approval.	Within 9 months of commissioning of the new ammonia-based refrigeration system or as otherwise agreed in writing with Natural Resources Wales

28	The Operator shall update their existing noise management plan following completion of Improvement program requirement 27a and 27b (if applicable). This shall be completed in line with the current relevant guidance. The Operator shall submit the updated noise management plan to Natural Resources Wales for approval.	Within 9 months of commissioning of the new ammonia-based refrigeration system or as otherwise agreed in writing with Natural Resources Wales
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