



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

# Statutory Notice

**Environmental Permitting  
(England and Wales) Regulations 2016  
Regulation 36**

**ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A  
BREACH OF PERMIT CONDITION(S)**

To: DAIRY PARTNERS (CYMRU WALES) LIMITED  
Brunel Way  
Stroud Water Business Park  
Stonehouse  
Gloucestershire  
GL10 3SX

**Environmental permit: EPR/ WP3231NB**

**Regulated facility: The Creamery, Aberarad, Newcastle Emlyn, Carmarthenshire,  
SA38 9DQ**

**Natural Resources Wales** considers that the following condition of the environmental permit is being contravened: 3.2.3 in part because the aeration and balance tanks (used to hold polluting liquids at the regulated facility) have not been provided with secondary containment.

You are required to take the steps set out in Schedule 1 by the date(s) specified in order to remedy the contravention.

**Date: .....17/12/2021 .....**

**Signed: .....**

**Erin Smyth-Evans  
Industry Regulation Team Leader**

Natural Resources Wales  
Maes Newydd  
Llandarcy  
Neath Port Talbot  
SA10 6JQ

**Please see over for notes.**

## Environmental Permitting (England and Wales) Regulations 2016

### Regulation 36

#### Notes:

##### General

1. Failure to comply with this notice is an offence under Regulation 38(3) of the Environmental Permitting (England and Wales) Regulations 2016 and may result in legal action being taken against you.
2. Without prejudice to the requirements of this notice, failure to comply with a condition of an environmental permit is an offence and may result in legal action being taken against you.
3. You may wish to seek independent legal advice.

##### Appeal provisions

You are entitled to appeal against this notice under Regulation 31(1)(f) of the Environmental Permitting (England and Wales) Regulations 2016. Notice of appeal must be made within two months of the date of this notice. An appeal does not affect the requirements of this notice.

You must send written notice of the appeal and the documents listed below to:

The Planning Inspectorate  
Crown Building  
Cathays Park  
CARDIFF  
CF10 3NQ

Tel: 029 2082 3866

Email: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

Website: <http://www.planningportal.gov.uk/planning/appeals>

At the same time you must send a copy of the appeal notice and documents to Natural Resources Wales.

The required documents are:

- A statement of the grounds of appeal
- A copy of any relevant application
- A copy of any relevant environmental permit
- A copy of any relevant correspondence between the appellant and the regulator
- A copy of any decision or notice which is the subject matter of the appeal
- A statement indicating whether you wish the appeal to be in the form of a hearing or dealt with by way of written representations.

You may withdraw an appeal by notifying The Planning Inspectorate in writing and sending a copy of that notification to Natural Resources Wales. Further information about making an appeal and the forms that you will need are available from The Planning Inspectorate detailed above.

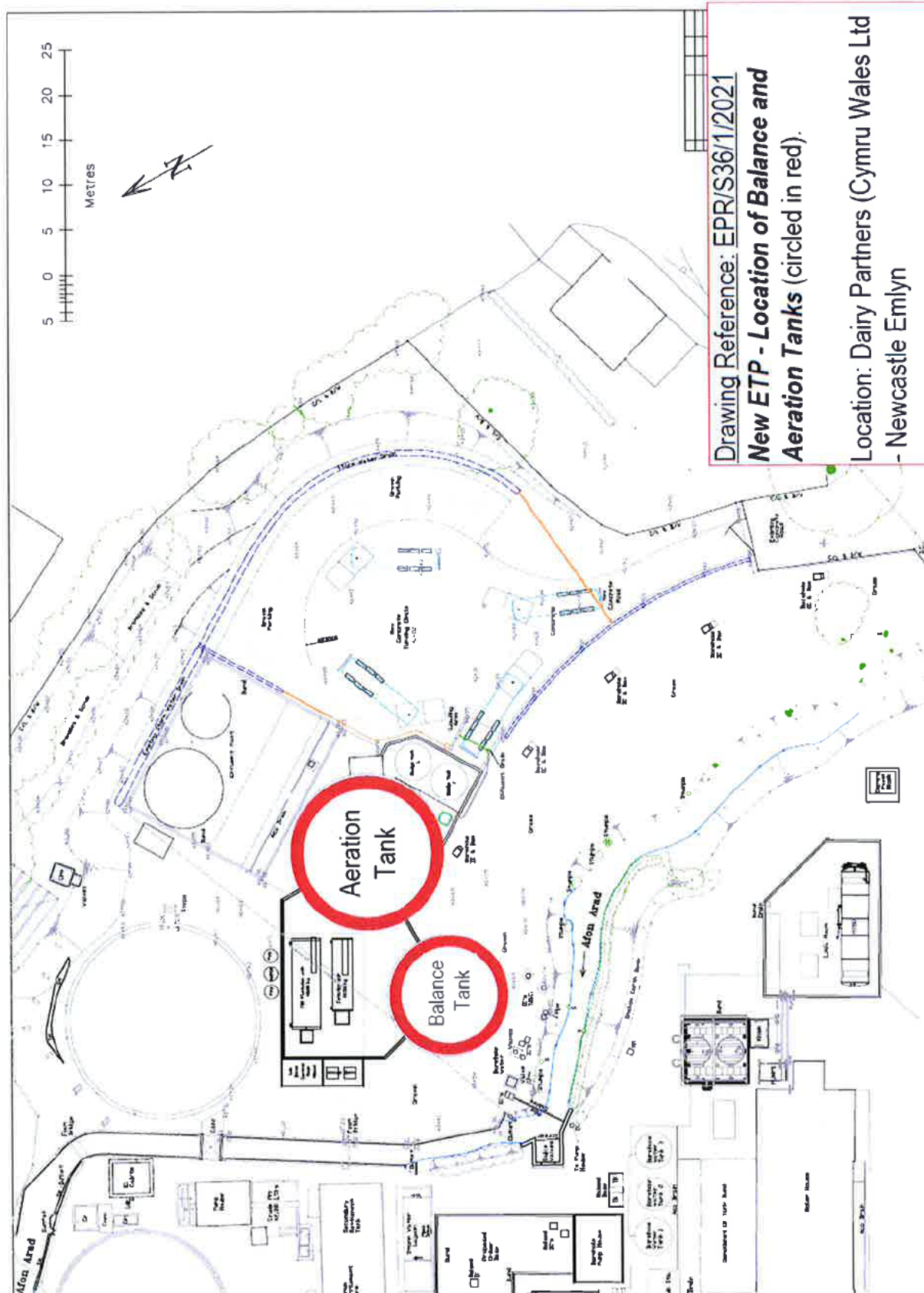
##### Legislation note

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. On 01 April 2013 the Natural Resources Body for Wales (Functions) Order 2013 transferred the relevant functions of the Countryside Council for Wales, and functions of the Environment Agency and the Forestry Commission in Wales to the Natural Resources Body for Wales.

| SCHEDULE 1<br>STEPS TO BE TAKEN |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Condition number                | Steps to be taken                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | By date                                                                                                                                                                                                                                                                                                                                |
| 3.2.3                           | <p><u>Step 1</u></p> <ul style="list-style-type: none"> <li>Dairy Partners (Cymru Wales) Ltd shall submit an application to vary the EPR permit (EPR/WP3231NB) which will include proposed design details of a Secondary Containment System for the Aeration and Balance tanks, sited at the Dairy Partners regulated facility (located at The Creamery, Aberarad, Newcastle Emlyn, Carmarthenshire, SA38 9DQ and as shown in drawing reference: EPR/S36/1/2021 which is enclosed in this notice).</li> </ul> <p>The Secondary Containment System for the aeration and balance tanks will be designed in accordance with the following standards:</p> <ul style="list-style-type: none"> <li>Construction Industry Research and Information Association (CIRIA) C736 – <i>Containment systems for the prevention of pollution: Secondary, tertiary, and other measures for industrial and commercial premises</i>. Dated: 2014 and;</li> <li>Natural Resources Wales Guidance Document - <i>How to comply with your environmental permit</i>. Version 8 October 2014.</li> </ul> | 28 <sup>th</sup> February 2022 <sup>1</sup>                                                                                                                                                                                                                                                                                            |
|                                 | <p><u>Step 2</u></p> <ul style="list-style-type: none"> <li>In the event Natural Resources Wales subsequently approves the EPR permit application, to vary the permit EPR/WP3231NB (as required by step 1 of this notice) AND</li> <li>appropriate planning permission has been granted by the relevant planning authority for the proposed secondary containment structure,</li> <li>Dairy Partners (Cymru Wales) Ltd shall commence the immediate construction of the approved Secondary Containment System (for the aeration and balance tanks) which will be completed within the deadline specified in this notice.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Step 2 shall be completed within 10 months<sup>1</sup> from the date<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>a <b>Notice of variation</b> for EPR/ WP3231NB is issued by Natural Resources Wales <b>and</b>;</li> <li>the appropriate planning permission is granted by the relevant planning authority.</li> </ul> |

<sup>1</sup> Unless otherwise agreed in writing with Natural Resources Wales.

<sup>2</sup> If the issue dates for either permission differ (e.g. EPR Notice of Variation or Planning permission) then the deadline will apply from the date that the latter permission is issued.





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# Statutory Notice

**Environmental Permitting (England and Wales) Regulations 2016 Regulation 36 (7)**

## WITHDRAWAL OF ENFORCEMENT NOTICE

To: DAIRY PARTNERS (CYMRU WALES) LIMITED  
Brunel Way  
Stroud Water Business Park  
Stonehouse  
Gloucestershire  
GL10 3SX

**Environmental permit: EPR/ WP3231NB**

**Regulated facility: The Creamery, Aberarad, Newcastle Emlyn, Carmarthenshire, SA38 9DQ**

With immediate effect the enforcement notice served on you on the 22<sup>nd</sup> October 2021 under Regulation 36(1) of the Environmental Permitting (England and Wales) Regulations 2016, relating to the above environmental permit, is withdrawn.

**Date: .....17/12/2021.....** **Signed: .....**  
**Erin Smyth-Evans**  
**Industry Regulation Team Leader**

Natural Resources Wales  
Maes Newydd  
Llandarcy  
Neath Port Talbot  
SA10 6JQ

### Legislation note

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(FAO Company Secretary)  
**DAIRY PARTNERS (CYMRU WALES) LIMITED**  
Brunel Way  
Stroud Water Business Park  
Stonehouse  
Gloucestershire  
GL10 3SX

**Ein Cyf/Our ref: EPR/WP3231NB**  
**Eich Cyf/Your ref:**

**Date:** 17<sup>th</sup> December 2021

Dear Madam

**Regulated facility: The Creamery, Aberarad, Newcastle Emlyn, SA38 9DQ**

**Notice to comply with permit – unbunded Balance and Aeration Tanks**

As you are aware on the 22<sup>nd</sup> October 2021 Natural Resources Wales issued Dairy Partners (Cymru Wales) Limited, with a regulation 36 notice pertaining to your installation at Newcastle Emlyn.

Since then we have received a request from your representatives seeking an extension to one of the deadlines specified in the notice. This new deadline has now been agreed and is reflected in the re-issued notice (attached).

If you would like to discuss this letter, please do not hesitate to contact me

Yours faithfully

Neil Herbert

**Uwch Arbenigwr - Rheoleiddio Diwidiant a Gwastraff**  
**Senior Specialist – Industry & Waste Regulation**

**Tîm Rheoleiddio Diwydiant a Gwastraff - De-Orllewin Cymru /**  
**South West Wales Industry & Waste Regulation Team**

**Cyfoeth Naturiol Cymru / Natural Resources Wales**  
**E-bost/E-mail: [neil.herbert@cyfoethnaturiolcymru.gov.uk](mailto:neil.herbert@cyfoethnaturiolcymru.gov.uk)**

cc. Andrew Jones, Steve Welch & Robert Peel (email) – Dairy Partners

attached:

- Environmental Permitting (England and Wales) Regulations 2016, Regulation 36 Notice -ENFORCEMENT NOTICE TO TAKE SPECIFIED STEPS IN RELATION TO A BREACH OF PERMIT CONDITION(S) – Notice dated:17 December 2021
- Environmental Permitting (England and Wales) Regulations 2016, Regulation 36(7) Notice - WITHDRAWAL OF ENFORCEMENT NOTICE. Notice dated : 17 December 2021