



(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: 22nd October 2021

Dear Madam

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

Notice to comply with permit – unbunded Balance and Aeration Tanks

Further to our recent discussions with your staff, please find attached an enforcement notice in respect of the above regulated facility.

Please note the following:

- The deadlines specified in the notice have been set following discussion with your site operatives;
- There is no guarantee that any new permit application submitted to NRW will be successful and the issuing of this enforcement notice does not influence the determination of any such application by the permitting team;
- This notice should not be taken to imply that there is consent from NRW for any unauthorised activities taking place at the site;
- You must also ensure that you obtain the necessary planning permission.

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

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: 22nd October 2021



**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:22nd October 2021.....

Signed:

Erin Smyth-Evans

Industry & Waste Regulation Team Leader

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

Please see over for notes.

DDN 140 FORM 9

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

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.

Environmental Permitting (England and Wales) Regulations 2016
Regulation 36

SCHEDULE 1
STEPS TO BE TAKEN

Condition number	Steps to be taken	By date
3.2.3	<u>Step 1</u> - 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). The Secondary Containment System for the aeration and balance tanks will be designed in accordance with the following standards: - 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; - Natural Resources Wales Guidance Document - <i>How to comply with your environmental permit</i>. Version 8 October 2014.	31 st December 2021 ¹
	<u>Step 2</u> - 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 - appropriate planning permission has been granted by the relevant planning authority for the proposed secondary containment structure, - 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.	Step 2 shall be completed within 10 months¹ from the date²: - a Notice of variation for EPR/ WP3231NB is issued by Natural Resources Wales and; - the appropriate planning permission is granted by the relevant planning authority.

¹ Unless otherwise agreed in writing with Natural Resources Wales.

² 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.

