

Compliance Assessment Report CAR_NRW0042599

Permit being assessed: WP3231NB.

For: The Creamery , **held by:** Dairy Partners (Cymru Wales) Limited

At: Aberarad, Newcastle Emlyn, Carmarthenshire, SA38 9DQ.

Type of assessment: Report/Data Review,

Reason: Routine.

On: 10/10/2023.

Parts of permit assessed: Condition 2.4.1, Table S1.3, Improvement Condition 16.

NRW Lead Officer: Kirsty Thomas.

Report sent to: John Potter, HSE Lead, on 10/10/2023.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2A - Operations - Permitted activities	Assessed (A)	

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

Total non-compliances recorded	Total non-compliance score
0	0

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?

No action required.

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.

At this time, we do not intend to take any further action.

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

Improvement Condition 16 - Review of surfacing underlying and surrounding the effluent treatment plant's two 'out of specification' tanks.

The operator has submitted the following documents to discharge the requirements of improvement condition 16:

- *HCE-1498-STR-REP-001-R02 -7 Sep 2023 HCE Ltd Structural Condition Report For Redundant ETP Slab (pdf)*
- *Improvement Condition 16 Response Letter 06102023 – signed.pdf*

Improvement Condition 16 response Letter above was submitted in response to NRW letter sent 29th October 2023 titled “Dairy Partners IC15 and IC16 NRW Response 29.09.2023”.

Condition 2.4.1 from the permit Variation EPR/ WP3231NB/V005 states; “The operator shall complete the improvements specified in schedule 1 table S1.3 (improvement programme requirements) by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales.” The improvement condition 16 in schedule 1 table S1.3 specifies:

IC16	<p>The Operator shall submit a written report to Natural Resources Wales for written approval. The report shall review the surfacing underlying and surrounding the effluent treatment plant's two 'out of specification' tanks. The report shall consider surface thickness, strength, reinforcement, materials of construction and permeability of the surfacing and if the surfacing will prevent pollution to surface water and groundwater in the event of a leak, spill or catastrophic failure of the tanks. The report should reference the CIRIA C736 guidance. If the assessment identifies a risk to surface water and groundwater the report should outline improvements required and an implementation plan including timescales. The Operator shall submit the report to Natural Resources Wales for approval by the date specified.</p> <p>Any improvements required shall be implemented in accordance with the implementation timetable approved in writing by Natural Resources Wales.</p>	09 September 2023
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The structural condition report submitted concluded that the existing slab supporting the redundant ETP equipment and any surface water system should be replaced as part of the secondary containment lagoon works, and that this are be incorporated into the works.

The operator has confirmed in writing (letter dated 6th October 2023), that the existing ETP slab will be replaced. The ETP replacement will be incorporated into the planned works to install a secondary containment lagoon around the existing wastewater treatment plant which is currently in the planning stage.

The operator has also confirmed that an environmental risk assessment as part of the Construction Environmental Management Plan (CEMP) will be undertaken on award of contract and will include the decommissioning of the old ETP and slab.

The operator must ensure that the replacement of the existing ETP slab to be incorporated into the planned work for the secondary containment lagoon are in accordance with CIRIA C736 guidance. The decommissioning and replacement of the old ETP slab must be agreed and will need to form part of the planning application, currently in determination for the secondary containment lagoon.

These changes will need to be discussed and confirmed with the relevant planning authority.
For the purposes of IC16, the relevant information/documents (as listed above) have been provided and accepted by NRW.

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 only relating to the activity assessment
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 Industry compliance criteria (used in section 1 and 2):

1. Management

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

2. Operations

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

3. Emission and Monitoring

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

4. Information

- IR4A – Records
- IR4B – Reporting
- IR4C – 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.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at 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.