

Our Ref: EPR/WP3231NB

Mr Daryl White/ Mr Ashton Daniels
Dairy Partners (Cymru Wales) Ltd.
The Creamery
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Newcastle Emlyn
Carmarthenshire
SA38 9DQ

Date: 15 April 2024

Dear Daryl/Ashton

EPR- WP3231NB Dairy Partners (The Creamery, Newcastle Emlyn) Improvement Conditions Review

Thank you for submitting Dairy Partners' response to discharge the requirements of Improvement Condition (IC) 23 of the environmental permit EPR-WP3231NB.

- Email received on 28/12/2023 from John Potter (Dairy Partners) with response to IC23. Confirmation provided that a previously submitted report remains applicable and would like to be resubmitted for IC23. Existing report - 2006 SPMP submission – 'Application Site Report For PPC Application BN62931K Document Ref 1.3.1/01'.

As you are aware, ICs were included as part of a recent permit variation (application made to include the upgraded Effluent Treatment Plant (ETP)), which was issued by NRW in March 2023. The permit also underwent a review and was varied (May 2023) following the publication of the revised Best Available Techniques (BAT) Reference Documents (BREF) for Food, Drink and Milk Industries. Some additional Improvement Conditions have been included to bring the site up to the necessary standard. IC23 was included as follows:

IC23 - To enable a quantified comparison to be made with the state of soil and groundwater contamination upon definitive cessation of activity the Operator shall complete and submit for approval in writing by Natural Resources Wales:

• A baseline report containing information necessary to determine the current state of soil and groundwater contamination;

or

• Provide a summary report referring to information previously submitted where you are satisfied that such information represents the current state of soil and groundwater contamination.

We have reviewed the response provide in relation to IC23 with assistance from NRW's Geoscience Team. Our review has been undertaken using relevant guidance including: baseline report guidance (IED Guidance format found in ([2014/C 136/03](#)) and H5 guidance - [Environmental Permitting Regulations , Guidance for applicants H5, Site Condition Report, Guidance and Template \(naturalresources.wales\)](#)).

NRW has concerns over the contents and acceptability of the baseline report submitted to address the requirements of IC23. The response provided does not meet the requirements of the IC and further additional work will be required for the reasons set out in the response below.

1. The site's maximum capacity/production has increased over the years and a new Effluent Treatment Plant (ETP) has been installed. It is NRW's understanding that this increase would likely to have resulted in changes to type, quantity and location of storage tanks, milk silos, raw materials, chemicals etc. Therefore, several areas of the report submitted are not understood to be up to date including (but not limited to):

- **Appendix A – Figures and Maps. Including:**

- Location of storage tanks and associated pipework – contamination sources;
- Location/layout of ETP;
- Site drainage plans for the site.

- **Appendix B – Site photographs**

- Site photographs will need to be reviewed and updated following changes to the site over time, e.g upgraded Clean-In-Place and ETP.

- **Appendix E - Potentially polluting substances.**

Table/list of potentially polluting substances will need reviewing and updating as required. Note, as per step 1 of the IED baseline report guidance (Section 5, Table 5.1) the site must identify which relevant hazardous substances are used, produced, or released at the installation and produce a list of these hazardous substances; and

- **Appendix F - Assessment of land pollution potential.**

Assessment will need reviewing and updating as required. NRW has concerns of the mitigation measures and management of potentially polluting substances presented e.g milk silos rely on the site's ETP drainage as a containment measures. With regard to this particular example, the report must evidence:

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- That the ETP drainage system would be able to cope during different scenarios such as a sudden surge of milk entering the system.
 - Is the ETP drainage system still suitable given the site's increased production capacity?
 - Detailed information must also be included with regard to site drainage conditions.
 - Evidence of regularly undertaken drainage surveys and maintenance work over the years to maintain drainage integrity should be included.

All detailed measured within Appendix F will need to be reviewed and updated as required. Particular attention to the primary, secondary, and tertiary containment measures on site must be detailed and updated accounting for the site's evolution over the years. Consideration and reference to containment measures in accordance with CIRIA C736 (*containment systems for the prevention of pollution – secondary, tertiary and other measures for industrial and commercial premises*) must be detailed.

In summary, the submitted report is not reflective of the current site situation. No updated/follow on reports or site condition reports have been submitted to NRW containing the relevant up-to-date information for the site. Please review and update.

2. Information on the site's operational history, for example information on spills, pollution incidents must also be maintained. As above, details on the site's evolution must also be reflected. This baseline report alone doesn't provide a complete picture of all activities at the site over the years that could have directly (e.g. spills or leaks of chemicals) or indirectly (e.g. as a result of poor drainage) resulted in contamination.
3. The submitted document must be in line with the referenced guidance and include up to date information/refer to any previous intrusive investigation baseline work. The collection of baseline data to establish the condition of the site must form part of the Site Condition Report (SCR). The site condition report must follow the H5 guidance - [**Environmental Permitting Regulations , Guidance for applicants H5, Site Condition Report, Guidance and Template \(naturalresources.wales\).**](#)
4. The submitted report does not appear to include analytical data that 'baseline' the hydro chemical conditions at the site even though the site has been in operation since the 1920s. It is important to establish a robust and meaningful baseline and will be of benefit to the site when looking to surrender the permit. Please provide any groundwater monitoring that has been undertaken for the site.

It is noted that there were five boreholes drilled in 2005, but these were not completed as groundwater monitoring wells as far as we are aware. These have not been used to monitor groundwater conditions over time (the five boreholes on site are understood to be used for abstraction purposes).

As per Condition 3.1.4 of the environmental permit, the site is required to periodic monitor at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination. Provide further information regarding plans to installing groundwater wells to carry out groundwater monitoring in line with this permit condition, including rationale of well location and purpose (e.g. focus on areas of potential areas of concern).

Note - useful monitoring wells are those that assess groundwater conditions that are the most likely to be influenced by site activities, so shallow groundwater monitoring wells that intersect and are screened across shallow groundwater systems are the most useful.

5. We note that there is a groundwater abstraction licence for the Dairy Partners site, and we seek evidence on whether the current groundwater abstraction may hydraulically influence the movement of groundwater contaminants originating from the Dairy Partners operations. Such evidence could, for example, come in the form of a simple conceptual site model based on local borehole logs with supporting text to explain the model.
6. It does not appear that the five boreholes that were drilled at the site were chosen to investigate concerns such as the heavy fuel oil storage tank and bund described in the uncertainties in the conceptual site model section of the submitted report. As above, the influence of the abstraction boreholes needs to be assessed and form part of the baseline report in order to help establish a meaningful baseline for the site.
7. The nature of groundwater conditions at the site such as depth, hydraulic gradients and flow directions has not been determined. Neither has the stability of those conditions been assessed, for example, how the site may be influenced by sustained periods of rainfall and stormwater infiltration.
8. Hydraulic conductivities of the near surface materials have not been determined although most of the boreholes describe the presence of clays. Gravels have also been described in one borehole, so the degree of continuity of higher permeability materials across the site is unknown.
9. As queried in point 1, the influence of infrastructure such as drainage (including SuDS) and foundations on the fate and transport of any chemicals that may have spilled or leaked from the various activities taking place at the site over the years and into the subsurface, does not appear to have been incorporated within the overall sense of potential risk posed to the environment.

Note - Even if the ground materials are generally of low permeability and that has not been quantified, anthropogenic features such as drains and buried services can 'fast-track' chemical leakages and spills because they are often embedded in sands and gravels such as pea gravel which are of a higher permeability.

The submitted report is not sufficiently robust to act as a meaningful baseline report for the site. The report does not determine the current state of the soil and groundwater contamination. An updated baseline report is required, and the information must be put into the format required by the IED Commission Guidance.

Please review the comments above and provide an updated response as necessary. You will need to review and submit a response/updated document to NRW by 31 May 2024 (unless otherwise agreed in writing with NRW).

Yours sincerely



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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.

Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.