

## Compliance Assessment Report CAR\_NRW0044868

**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:** 20/06/2024 - 22/08/2024.

**Parts of permit assessed:** Condition 2.4.1, Table S1.3, Improvement Condition 21a.

**NRW Lead Officer:** Kirsty Thomas.

**Report sent to:** Dairy Partners (Cymru Wales) Limited, Operations Manager, on 22/08/2024.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR2E - Installations - Operations - Improvement programme	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 21a - Noise Impact Assessment (NIA)

The operator has submitted the following documents to discharge the requirements of IC21a of the environmental permit EPR/WP3231NB:

- 230808 – *The Creamery Aber-Arad – Noise Impact Assessment*.
- 240618 - *The Creamery Aber-Arad - Noise Impact Assessment* (updated version following NRW's response. Updated NIA included noise monitoring to capture actual noise impacts from daily site operations).

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 21a in schedule 1 table S1.3 specifies:

***"The Operator shall carry out an assessment of the noise impact from the installation by completing an assessment in line with BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound" and UK Environment Agencies' and guidance "Noise and vibration management: environmental permits" by a suitably qualified person.***

***The noise impact assessment must consider all the sound resulting from the installation and consider the following points below:***

- ***The Background sound level used in the assessment will be measured during day time and night time (inclusive of weekend) to establish the sound level in the absence of all operations on the Dairy Partners Installation at Newcastle Emlyn.***
- ***If it is not feasible for the operator to disable all sound sources from the Dairy Partners Installation at Newcastle Emlyn, the operator will instead undertake a day time and night time Background sound assessment (inclusive of weekend) at a "surrogate" location which is not subject to the operational sounds from the installation. The "surrogate" location will have a Residual sound which is comparable to that of the assessment location. Prior to undertaking the Background sound assessment at a "surrogate" location, the operator will submit to NRW their justification for the choice of "surrogate" location. The operator will have regard to the Annex A (Example 10) BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound" which provides guidance when choosing a "surrogate" monitoring location.***

***On completion of the BS4142 assessment, a report shall be submitted to NRW, for approval, by the deadline specified. The operator will include the raw measurement data in a format which is auditable and can be interrogated."***

The NIA provided demonstrates that the noise impact from site at the nearby sensitive receptors constitutes a significant adverse impact at all receptors assessed.

Following a detailed review of the NIA submitted, NRW agrees with the methods used for

assessing potential noise impacts and agree with the conclusions of the NIA.

The requirements of IC21a have been met.

Some points to note:

- There were spikes in noise due to the ETP tanker operations between 0610 and 0625. These timings occur during the night time reference period so consideration could be given to altering the timings of this operation.
- LNG tanker operations appear to cause increase noise. The operator has applied to vary the permit to change operational procedures for refuelling and is pending determination. Agreement to the change of procedure is not guaranteed. Further consideration of this impact is needed.

As the NIA determines noise impacts constitute as a significant adverse impact, the site must implement appropriate mitigation measures to prevent and minimise noise pollution. Mitigation is required to reduce the impact of noise at nearby receptors. The requirement to review and implement noise mitigation measures are further detailed in IC21b and IC22. These ICs will need to be completed following the signoff of IC21a. IC21b and IC22 require the site to undertake a BAT noise assessment including an implementation plan where improvements to the noise control techniques and measures are identified (including a timetable for their installation) and the preparation of a noise management plan.

Dairy Partners must submit the relevant information for IC21b and IC22 as per schedule 1 table S1.3 of the site's permit and within the specified timeframes.

END

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](mailto: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](mailto: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.