

## Compliance Assessment Report CAR\_NRW0045972

**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:** 13/02/2025.

**Parts of permit assessed:** Condition 2.4.1.

**NRW Lead Officer:** Kirsty Thomas, accompanied by Alex Bowder.

**Report sent to:** Dairy Partners (Cymru Wales) Limited, Operations Manager, on 13/02/2025.

### 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	C2 Significant	Condition 2.4.1

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

Total non-compliances recorded	Total non-compliance score
1	31

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?

Criteria	Action needed	Complete by
IR2E	Operator to provide all information as required by IC21b	11/04/2025

Compliance criteria codes are listed in the 'Important information' section below.

### 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.

**You are non-compliant with your permit.**

**We are currently considering taking enforcement action against you for the non-compliance recorded above. We will contact you in due course.**

## 4. Details of our assessment

### **Improvement Condition 21b (IC21b) - BAT review assessment of the noise pollution from the whole installation.**

The requirements of IC21b are listed in Table S1.3 of the environmental permit EPR/WP3231NB as follows:

*IC21b - The Operator shall carry out a BAT review assessment of the noise pollution from the whole installation. Paying attention to the potential for minimising noise pollution from the whole installation. The review shall include:*

- Determination of the level of impact by completion of a noise impact assessment as required by IC21a*
- Review of the noise control techniques and measures outlined in BAT Conclusion 14 of the Food, Drink and Milk Industries BRef Document (EU 2019) to demonstrate noise emissions have been prevented or minimised as far as reasonably practicable. The review should include a feasibility study of installing further noise control techniques and measures, including a cost-benefit analysis where required.*
- An implementation plan where improvements to the noise control techniques and measures are identified including a timetable for their installation.*

*The BAT review assessment shall be submitted to Natural Resources Wales by the date specified for approval.*

*The implementation plan shall be implemented in accordance with Natural Resources's Wales written approval.*

IC21b follows on from the previous IC (IC21a) which required Dairy Partners to undertake a Noise Impact Assessment (NIA) for the whole site. The results of the NIA (based on-site noise monitoring data) concluded site activities are likely having a significant adverse impact. Therefore, the results of the NIA, together with ongoing noise complaints from the community further emphasise the importance for Dairy Partners to make appropriate noise control measure/mitigation improvements.

The operator submitted the following documents to satisfy the requirements of IC21b:

- *240916 - The Creamery Aber-arad BAT Noise Audit.pdf* - submitted 22/10/2024
- *Noise Implementation Plan.xlsx* - submitted 20/12/2024

The information provided does not include sufficient information such as a feasibility study of installing further noise control techniques and measures, including a cost benefit analysis where required. Potential BAT measures identified as improvements have been listed in the report provided, (in some cases multiple improvements have been identified for a single noise source) but the review does not include information regarding the feasibility of these improvement options and no cost benefit information provided (where required).

This incomplete submission delays NRW's ability to approve noise mitigation measures for implementation on site therefore resulting in a continuation of noise at levels with the potential to have a likely significant adverse impact on nearby receptors.

Therefore, the operator has failed to submit a complete response to discharge the requirements of IC21b and is therefore in breach of permit condition 2.4.1 of the site's environmental permit EPR/WP3231NB.

*Condition 2.4.1 - The operator shall complete the improvements specified in schedule 1 table S1.3 by the date specified in that table unless otherwise agreed in writing by Natural Resources Wales (NRW).*

**This represents a non-compliance against permit condition 2.4.1. This non-compliance has scored a Category 2 (C2 significant) breach given the noise being generated from site having the potential to have a significant impact or effect on the environment, people and/or property (likely significant adverse impact concluded in NIA). In accordance with NRW's compliance scoring guidance, a non-compliance score of C2 has been recorded against sub-criteria IR2E.**

**Action - Operator to provide all information as required by IC21b.**

**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.