

Compliance Assessment Report CAR_NRW0044524

Permit being assessed: WP3231NB.

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

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

Type of assessment: Site Inspection,

Reason: Other.

On: 31/12/2024 between 09:15 and 13:15.

Parts of permit assessed: Condition 2.3.1(a), 3.4.1, 3.3.1.

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

Report sent to: Dairy Partners (Cymru Wales) Limited, Operations Manager, on 19/02/2025.

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

Part of permitted activity assessed (compliance criteria)	Assessment result	Permit condition
IR1A - Installations - Management - General Management	Action only (X)	
IR2C - Installations - Operations - Operating techniques	C2 Significant (Suspended)	Condition 2.3.1(a)
IR3D - Installations - Emissions and monitoring - Noise and vibration	C2 Significant	Condition 3.4.1
IR3C - Installations - Emissions and monitoring - Odour	C3 Minor	Condition 3.3.1

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

Total non-compliances recorded	Total non-compliance score
3	35

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
IR1A	(a) Undertake a fire risk assessment for the storage of multiple stacks of wooden pallets within the LNG refuelling area. Submit findings to NRW for review.	Already completed

Criteria	Action needed	Complete by
	(b) Update the site's Environmental Management System (EMS), including your accident management plan to account for the risk of fire from your current storage of wooden pallets.	
IR2C	Operator to only complete Liquefied Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.	19/02/2025
IR3D	Operator to only complete Liquefied Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.	19/02/2025
IR3C	(a) The operator must implement appropriate measures to minimise odour emissions from the sludge tank vents. The operator must provide detailed information and evidence of the suitable appropriate measure implemented to NRW for review and agreement (including specification drawings/figures of the sludge tanks vents and abatement measures). (b) The operator must identify any other potential odour sources on site elsewhere and implement appropriate measures as required. The review and assessment details of this investigation must be submitted to NRW (updates to the sites Odour Management Plan will also be required).	Already completed

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

This CAR has been reissued to amend the scoring of permit non-compliances to reflect the activities observed by NRW Officers during the site inspection on 29 January 2025.

This compliance assessment was undertaken by NRW Officers on 19 February 2025. However, to ensure that the CCS score is attributed to the correct financial year (for billing) the date on CARS has been altered to 31 December 2024. All 'Complete by' dates in the actions table have been amended to reflect the reissue of the CAR.

This Compliance Assessment Report (CAR) details the comments of Natural Resources Wales (NRW) officers for the site inspection conducted on Tuesday 4th June 2024 at The Creamery, Aberarad, Newcastle Emlyn SA38 9DQ for activities undertaken by Dairy

Partners (Cymru Wales) Limited (the Operator) under environmental permit **EPR-WP3231NB**.

Site inspection purpose

Following discussions between NRW noise specialists and Dairy Partners (along with their noise consultants Parker Jones Acoustics), it was agreed that noise monitoring to capture noise from on site activities would help better inform the site's Noise Impact Assessment (NIA). The NIA was submitted to NRW as part of the improvement conditions set in the environmental permit.

The purpose of the visit was to support Dairy Partners and their noise consultants (Parker Jones Acoustics) liaise with nearby residents regarding the set up of noise monitoring equipment at their properties. NRW officers also wanted to observe the LNG delivery taking place.

Site inspection commentary and observations

NRW officers arrived to site at 09:15hrs and parked up in a layby off the B4333 road, opposite the site. On arrival, NRW officers immediately detected an offensive odour. The odour was noted to be a moderate to strong odour described as a strong chemical/sewage like smell. The smell was intermittent in presence but constant in intensity, with weather conditions being wet with light rain and low winds. NRW officers proceeded to walk along the road past the residential and commercial properties east/south-east of the site and the same odour was present at all receptors. The same odour was detected throughout the course of the morning and therefore the decision was made to undertake a formal odour assessment. See the odour section of this report for further information.

Noise

NRW officers observed Parker Jones Acoustics consultant setting up noise monitoring equipment at several locations. NRW officers also observed the acoustic barriers currently installed along the site boundary fence and around the LNG delivery area. Stacks of wooden pallets were also noted to be in place behind the acoustic barrier and within close proximity to the LNG storage tank/refuelling area. Dairy Partners have placed these wooden pallets along the boundary fence to aid as a noise mitigation measure.

NRW are concerned that the wooden pallets could present a fire risk/hazard given the volume in storage and their location. A fire in this location could impact the LNG tank and firewater runoff would likely cause a pollution risk to river Arad. Dairy Partners must undertake a review of the fire risks of storing the wooden pallets in this LNG delivery and LNG storage area.

ACTION 1

(a) Undertake a fire risk assessment for the storage of multiple stacks of wooden pallets within the LNG refuelling area. Submit findings to NRW for review.

(b) Update the site's Environmental Management System (EMS), including your accident management plan to account for the risk of fire from your current storage of wooden pallets.

NOTE - NRW's comments regarding the wood pallets does not infer that NRW are in agreement of their use as a noise mitigation measure.



Figure 1 - Site boundary fence with acoustic paneling/barrier and wood pallets.

At approximately 10:00hrs, a LNG tanker arrived and set up ready for a LNG delivery. A hose was connected to the LNG road tanker and a white coloured vapour escaped from the LNG area was observed. An offensive and continual tonal noise originating from the LNG road tanker/LNG tank was heard by NRW officers whilst onsite.

Additional noise was identified from the running of the vehicle engine.



Figure 2 - LNG delivery with acoustic paneling/barrier and wood pallets.

NRW officers also heard the noise from the LNG delivery at neighbouring properties (outside the site boundary) at 10:15hrs and throughout the morning during the LNG delivery. The noise for the LNG delivery was perceived as offensive by NRW officers. The delivery lasted approximately 1.5 hours.

NRW officers perceived there to be noise at levels likely to cause pollution outside the site boundary at the nearby properties.

The LNG delivery drivers (FloGas) talked NRW officers through the delivery/pump methods. LNG delivery was described by the drivers as normal with the unloading pump taking place at less than 10 bar pressure. NRW officers observed the unloading pump to be running at approximately 9.5 bar pressure.

NRW are aware of a permit variation application that has been submitted by Dairy Partners to update their permit and operating procedures to account for the change in LNG delivery.

The use of the alternative LNG delivery system (not silent delivery) has been previously documented in CAR_NRW0043201 with ongoing discussions taking place between NRW and the operator. The operator has also submitted a variation application form the change in LNG delivery method. This application has not yet been determined and is not guaranteed to be accepted by NRW. CAR_NRW0043201 scored a non-compliance with permit condition 2.3.1 (a) for operating the LNG delivery outside of the techniques and manners described and agreed within the environmental permit (Schedule 1, table S1.2). A Category 2 (C2) score was assigned. In recognition of the permit variation application, NRW will suspend the non-compliance score for 6 months. The previous action detailed in CAR_NRW0043201 is still in effect:

ACTION 2 - Operator to only complete Liquified Natural Gas (LNG) refuelling using the techniques and manner described in the documentation within permit table table S1.2 operating techniques until such a time that alternative techniques and manners are agreed through a permit variation.

The breach has been amended from an Ongoing "O" to a C2 score in accordance with the guidance albeit the score is suspended. The amended action compliance date for the associated action has been entered to reflect the immediate requirement on the operator to comply with the currently agreed operating technique (silent delivery).

Compliance breach

Permit condition 3.4.1 *Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.*

NRW officers heard an offensive noise at nearby receptors located outside the site boundary. NRW officers perceived noise at levels likely to cause pollution outside the site boundary with noise source attributed to the LNG refuelling activity.

The operator has failed to prevent noise at levels to cause pollution outside the site boundary as required by Condition 3.4.1. This is a non-compliance against Condition 3.4.1 and has been assigned a non-compliance score of **Category 2 (C2)** breach. In accordance with NRW's compliance scoring guidance, a non-compliance score of C2 has been recorded against sub-criteria IR3D - noise.

This breach has been upgraded to C2 from the C3 applied in the original CAR issued on 9 July 2024 in accordance with NRW's compliance scoring guidance. This is to reflect the ongoing noise pollution from the distinct activity as observed by NRW Officers on 29 January 2025.

NOTE - NRW is undertaking further review work on noise impact as part of ongoing improvement condition work. Further discussions and information will be required from the operator regarding noise impact and mitigation measures (including those relating to the LNG refuelling). The pending permit variation will also assess the proposed mitigation measures in light of the change to the LNG delivery procedure.

Odour

An odour assessment was undertaken by two NRW officers between 11:18hrs and 12:20hrs at five locations around and outside of the Dairy Partners, the Creamery site boundary. Wind direction was noted as being north-west. Odours were perceived by NRW officers to be polluting at locations east/south-east of the Dairy Partners facility.

NRW officers entered the Dairy Partners facility at approximately 12:35hrs. Dairy Partners were made aware of the odours detected. NRW officers requested to walk around the Effluent Treatment Plant (ETP) area to try and identify the odour source. At 12:50hrs, a strong odour was detected at the ETP area, specifically around the sludge tanks and aeration tank area. NRW officers perceived the odour to be the same as what was detected offsite but was stronger intensity at the ETP itself. Whilst in discussions with Dairy Partners, it was identified that the two sludge tanks each had a vent on top of them. These vents are

two unidentified odour sources (and to NRW's understanding not identified in previous odour assessments) with no appropriate measures in place to minimise odour emissions. NRW officers requested Dairy Partners discuss this further with their odour consultants to consider this potential odour source further.



Figure 3 - Sludge tanks

Compliance breach

Permit condition 3.3.1 - *Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of Natural Resources Wales, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.*

NRW officers perceived an odour at levels likely to cause pollution outside the site with odour source attributed to the ETP area. The sludge tank vents were identified as having no appropriate measures in place.

The operator has failed to prevent odour at levels to cause pollution outside the site boundary as required by Condition 3.3.1. This represents a non-compliance against Condition 3.3.1 and has been assigned a non-compliance score of **Category 3 (C3)** breach. In accordance with NRW's compliance scoring guidance, a non-compliance score of C3 has been recorded against sub-criteria IR3C - odour.

ACTION 3:

(a) The operator must implement appropriate measures to minimise odour emissions from the sludge tank vents. The Operator must provide detailed information and evidence of the suitable appropriate measure implemented to NRW for review and agreement (including specification drawings/figures of the sludge tanks vents and abatement measures).

(b) The operator must identify any other potential odour sources on site elsewhere and implement appropriate measures as required. The review and assessment details of this investigation must be submitted to NRW (updates to the sites Odour Management Plan will also be required).

It is recommended you discuss this action with your appointed odour consultants and findings must be submitted to NRW for review.

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 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.