

Compliance Assessment Report CAR_NRW0048420

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: 16/09/2025.

Parts of permit assessed: See section 4 of this report.

NRW Lead Officer: Kirsty Thomas.

Report sent to: Dairy Partners (Cymru Wales) Limited, Director, on 16/09/2025.

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
IR3B - Installations - Emissions and monitoring - Emissions of substances not controlled by emission limits	C1 Major	3.2.3

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

Total non-compliances recorded	Total non-compliance score
2	91

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 IC24	14/11/2025
IR3B	As above	14/11/2025

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 24 (IC24) - Secondary and tertiary containment plan

The requirement of IC24 is listed in Table S1.3 of the environmental permit EPR/WP3231NB as follows:

The Operator shall submit a written 'secondary and tertiary containment plan' for the installation and shall obtain Natural Resources Wales's written approval to it. The plan shall contain the results of a review conducted, by a competent person, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of the secondary and tertiary containment systems where all potentially polluting liquids and relevant solids are being stored, treated and/or handled within the installation. The review shall consider, but not be limited to, the legacy effluent storage and treatment vessels that are not considered new from V004 variation, chemical reagent storage vessels, bunds, transfer pipework/pumps and milk silos. The plan must contain dates for the implementation of individual improvement measures necessary for the secondary and tertiary containment systems to adhere to the standards detailed/referenced within CIRIA C736 (2014) guidance and How to Comply with your environmental permit guidance or equivalent. The plan shall be implemented in accordance with Natural Resources Wales's written approval.

In response, the operator submitted the following document:

- *HCE-1768-CVD-RA-001– CIRIA 736 Containment Risk Assessment.* Document prepared by HCE Limited on behalf of Dairy Partners, submitted 04.12.2024. **NOTE** - NRW has taken additional time to provide feedback on this IC due to ongoing correspondence regarding other site-related issues, and to avoid overwhelming the operator with too much information at once.

Following a review of these submissions we have concluded that the information provided does not satisfy the requirements of IC24, primarily relating to the risk assessment methodology used, the condition and extent of secondary and tertiary containment across the site and the lack of proposed implementation plan. A more detailed assessment has been submitted to you separately.

As per the site's environmental permit, liquids in containers whose emissions to water or

land could cause pollution, specifies a requirement for secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container (permit condition 3.2.3). This requirement is also further explained in “How to comply with your Environmental Permit” guidance. Ultimately, suitable measures to prevent any leaks or accidental releases of potentially polluting materials must be in place.

The River Arad (a tributary of the River Teifi) flows directly through the site. Both rivers are sensitive receptors, however the Teifi is also a Designated Special Area of Conservation (SAC) which is the highest level of environmental protection that can be afforded to a habitat in Europe. Dairy Partners have had several historical water pollution incidents which has resulting in contaminated material entering the River Arad, with the most recent incident being in May 2025.

Dairy Partners must ensure appropriate containment is implemented on site as required by the permitting regulations, condition 3.2.3 and as per IC24 to help minimise pollution risks.

The failure to submit information complying with the requirements of improvement condition 24 is contrary to condition 2.4.1 of the permit.

This permit contravention has been categorised as a non-compliance C2 – (significant) breach given the liquids on site having the potential to have a significant impact or effect on the environment, people and/or property. The non-compliance score has been recorded against sub-criteria IR2E.

Based on the submission, it is evident that several existing assets are not compliant with condition 3.2.3 of the permit. A recent example evidencing inadequate containment facilities is that of the water pollution incident that took place on the 12th May 2025. The crude pit containment failure is further detailed in CAR_NRW0048395.

The failure to provide appropriate containment is contrary to condition 3.2.3 of the permit.

Given the operators history of non-compliances relating to inadequate or absent provision of secondary containment systems and the sensitivity of surrounding environment, this permit contravention has been categorised as a non-compliance 1 – (major) breach given the liquids on site having the potential to have a major, serious, persistent and/or extensive impact on the environment, people and/or property. The non-compliance score has been recorded against sub-criteria IR3B.

Action - Operator to provide all information as required by IC24 see letter dated 16th September 2025 for detailed requirements

END

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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.