

## Compliance Assessment Report CAR\_NRW0049975

**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:** 16/10/2025.

**Parts of permit assessed:** 2. Operations.

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

**Report sent to:** Dairy Partners (Cymru Wales) Limited, HSE Manager, on 03/12/2025.

### 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	Action only (X)	
IR2E - Installations - Operations - Improvement programme	Action only (X)	
IR2E - Installations - Operations - Improvement programme	C3 Minor	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	4

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	Action REF CAR_NRW0049975.1– Dairy Partners to complete their proposed Dynamic Olfactometry assessment (a quantitative laboratory method performed by a UKAS-accredited facility in accordance with BS EN 13725 for all odour sources identified on site, which will be commissioned by AQC (or an equivalent accredited provider) as part of the	31/03/2026

Criteria	Action needed	Complete by
	next formal odour assessment in February 2026. Findings of the formal assessment must be submitted to NRW.	
IR2E	Action REF CAR_NRW0049975.2 - Following receipt of AQC's report (the Dynamic Olfactometry assessment), an updated version of this Odour Management Plan must be submitted to NRW for review, including any additional planned improvements where identified as necessary.	30/04/2026
IR2E	See Actions 1 and 2.	30/04/2026

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 20 – Odour Management Plan**

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 20 (IC20) in schedule 1 table S1.3 specifies:

***"The Operator shall review and update (where required) their Odour Management Plan to ensure all the requirements as stated in:***

- ***BAT Conclusion 15 of the Food, Drink and Milk Industries BRef Document (EU 2019) – In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system, that includes all of the following elements:***
  - ***a protocol containing actions and timelines***
  - ***a protocol for conducting odour monitoring. It may be complemented by measurement/estimation of odour exposure or estimation of odour impact.***
  - ***a protocol for response to identified odour incidents e.g. complaints***
  - ***an odour reduction programme designed to identify the source(s), to measure/estimate odour exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.***

***The reviewed and revised (if applicable) Odour Management Plan will be submitted to Natural Resources Wales by the date specified for approval. Natural Resources Wales will review the Odour Management Plan to determine if the BAT requirements have been achieved”.***

### **Documents submitted**

The operator has submitted the following documents to discharge the requirements of IC20 of the environmental permit EPR/WP3231NB:

- *EHS-MISC-001 Dairy Partners Odour Management Plan – Issue 8 10.10.2025* (This is the latest version submitted to NRW on 16.10.2025. Several earlier submissions are now superseded).
- Carmarthenshire, Dairy Partners J10-12625G-10\_F2 – Odour review assessment carried out by Air Quality Consultants Ltd (AQC) on behalf of Dairy Partners.
- *DPCW.01.06\_CBA Issue 1 - Cost Benefit Analysis (CBA) for covering/enclosing open pits (crude pit and sludge pit).*

The updated OMP (issue 8) was also submitted to NRW in response to actions set in the compliance reports CAR\_NRW0049594 and CAR\_NRW0049699[1], following NRW Officers detection of offensive odour off-site (October 2025), with odour attributed to the site's effluent treatment plant.

### **NRW's comments**

A review of the submitted documentation was undertaken with support from NRW's Air Quality and Noise Team (AQNT).

Our review has been undertaken using relevant guidance including:

- Best Available Techniques Reference Document for the Food, Drink and Milk Industries (2019);
- Best Available Techniques Reference Document for Waste Treatment (2018);
- JRC Reference Report on Monitoring of Emissions to Air and Water from IED Installations;
- H4 Odour Management How to comply with your environmental permit (H4);
- Guidance on the assessment of odour for planning - Institute of Air Quality Management Version 1.1 (July 2018); and
- the Environment Agency's Odour Management Plan Template Final V2 05/05/21.

NRW undertook a detailed review of each version of the OMP submitted and have been in detailed discussions regarding the site's odour management alignment with Best Available Techniques (BAT).

NRW acknowledges that the latest version of the OMP (Issue 8) has been updated to address several comments raised by NRW previously. The latest version of the OMP reflects the Operator's plans to addressing site-related odour issues. While certain

elements of the plan could benefit from further refinement and more definitive commitments, the submitted documentation includes additional detail aimed at reviewing and improving odour sources across the site. Additional information on containment measures, potential further abatement techniques and commitment to a further formal odour assessment by means of Dynamic Olfactometry testing (quantitative lab based method) has been included. Such additional testing is planned for February 2026 and will be used to further inform the next iteration of the site's OMP.

In the aim of progressing with this IC, NRW agrees to partially accept<sup>[2]</sup> the OMP (IC20), primarily as the operator has committed to a more detailed assessment in the form of quantitative lab based methods to help assess the degree (hedonic tone, odour concentration etc) of odour sources on site. Such assessment must be carried out in accordance with BS EN 13725 by a UKAS accredited laboratory. Samples collected must be representative and account for variable conditions/running of the factory/ETP. The Operator/consultant must ensure BAT 10 of the Waste Treatment BREF (2018) is complied with when undertaking odour monitoring:

***BAT 10. BAT is to periodically monitor odour emissions.***

***Odour emissions can be monitored using:***

- ***EN standards (e.g. dynamic olfactometry according to EN 13725 in order to determine the odour concentration or EN 16841-1 or -2 in order to determine the odour exposure)***
- ***when applying alternative methods for which no EN standards are available (e.g. estimation of odour impact), ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality.***
- ***The monitoring frequency is determined in the odour management plan (see BAT 12)."***

**Action REF CAR\_NRW0049975.1– Dairy Partners to complete their proposed Dynamic Olfactometry assessment (a quantitative laboratory method performed by a UKAS-accredited facility in accordance with BS EN 13725 for all odour sources identified on site, which will be commissioned by AQC (or an equivalent accredited provider) as part of the next formal odour assessment in February 2026. Findings of the formal assessment must be submitted to NRW.**

The consultant must ensure that the assessment includes measurements of all odour sources within the Effluent Treatment Plant (ETP), including the sludge and crude pits, to back-up claims made in this OMP that they are not significant sources of odour.

Following the completion of the formal Dynamic Olfactometry assessment, a further review of the odour sources intensity score, hedonic score and characteristic listed in the OMP must be undertaken and updated as necessary. Please note, NRW has previously sought justification for a change in the hedonic score in Table 2.1 of the OMP in particular for the sludge tank area. The Operator has not provided justification on this matter, therefore the formal Dynamic Olfactometry assessment must be used to inform and clarify the scores in

Table 2.1 of the OMP.

**Action REF CAR\_NRW0049975.2 - Following receipt of AQC's report (the Dynamic Olfactometry assessment), an updated version of this Odour Management Plan must be submitted to NRW for review, including any additional planned improvements where identified as necessary.**

Further guidance is available in the H4 Odour Management guidance here - [How to comply](#).

### **Improvements**

The OMP identifies odour sources on site and mitigation measures in place to help minimise odour. An odour reduction programme is also detailed within the OMP, with some proposed improvements and reviews for some odour sources are as follows:

#### **Open crude and sludge pits**

Dairy Partners OMP concludes that the open crude and sludge pits do not represent a significant odour source and other techniques are in place. Current practice in place to help minimise odour includes; continuous flow of effluent, short residence time, and a documented cleaning regime. Dairy Partners claim this represents a proportionate and defensible BAT-aligned control under Permit Condition 3.3.1.

NRW has previously re-iterated that covering or enclosing open pits and other potential odour sources is a recognised BAT requirement under the relevant sector guidance. The Operator was afforded the opportunity to evidence and justify why meeting BAT (covering the open sludge and crude pits) in this case is disproportionate in terms of cost and benefit. The information provided did not adequately support deviation from BAT[3]. NRW are also concerned about the crude pit in particular having inadequate secondary containment and has been linked to previous water pollution incidents. NRW have not approved any deviation in containment measures for the crude pit in relation to permit condition 3.2.3 of the permit.

It is also noted that in a previously determined permit variation (V004), the pits in question were described as being covered (as stated in Dairy Partners application submission "*Carmarthenshire. Dairy Partners H1 Odour Risk Assessment J10-12625D-10 F1\_issued*" - "*sheet covers on the crude pit and sludge pits with permitter gaps present to prevent accumulation of odour air within the pits headspace to ensure odour releases are kept to a low level when covers are removed*"). Dairy Partners have claimed this option is no longer suitable. No application has been submitted to NRW for a proposed change to this operating technique.

It is important to note that NRW Officer have recently detected distinct, strong and offensive odours at several offsite locations[4] and on several occasions over 2025. NRW Officers perceived the odour to be originating from the site effluent treatment plant with a sewage/sludge and chemical like smell recorded.

Whilst there hasn't been a sufficient cost benefit analysis provided, nor specific details of

the trial for covering the sludge and crude pits (e.g no information on operation, procedures or measures undertaken during the trial have been provided to back up the comments that covering the pits 5 years ago had no net improvement on off-site odours), the operator has committed to conducting a full Dynamic Olfactometry assessment of the site to be undertaken in February 2026, which will inform a revision to the OMP in Spring 2026.

Along with the formal odour assessment, the Operator has proposed to mitigate odour by undertaking the following:

1. Maintain and document the cleaning regime and inspection records.
2. Evaluate surface misting or neutralising sprays during warm or stagnant-air conditions in 2026.
3. Review feasibility of partial hooding or local extraction as part of the 2026 OMP review.
4. Continue odour monitoring (FIDOR and complaint tracking) to evidence control effectiveness.

**The Operator will need to provide full further details regarding these proposed measures and feasibility studies in response to Action REF CAR\_NRW0049975.2.**

**NRW is not currently in agreement that the open crude and sludge pits demonstrate BAT.**

### **Sludge collection and tanker operations**

The Operator has identified that odour associated with sludge removal arises exclusively from venting displaced air from visiting tankers, not from site process infrastructure. However, NRW Officers recently detected offsite offensive odour (on 17<sup>th</sup> November 2025) which the operator confirmed was originating from the sludge tanks themselves. The Operator explained that there had been an issue identified with the sludge tank roofs/hatches, which had resulting in cracks being present, ultimately resulting in fugitive odour being released. A separate compliance report will be issued to the Operator on this matter. **The Operator must make prompt action (repairs and improvements) where odour is identified as an issue, particularly where the source of odour has been clearly identified.**

The OMP details that the Operators has committed to the following planned improvements:

- Install new sludge pump (Q4 2025)
- Engage main sludge-haulage contractor to assess feasibility of carbon vent filters (Q4 2025).
- Record meteorological and odour observations during next three collections (Q4 2025).

- Evaluate cost/benefit of fixed misting nozzle installation (2026).
- Review BAT position annually or following any odour-related complaint.

Such improvements are welcomed but their effectiveness should be reviewed once implemented. Further improvements may also be required.

**Note – NRW has not been provided with detailed information equipment, designs etc of the proposed improvements and therefore cannot confirm their suitability.**

**Recommendation - It is recommended that Dairy Partners should use high integrity equipment when equipment needs replacing (this includes supporting plant such as pumps, valves and pipework).**

### **Compliance overview**

Based on the information presented in the submitted OMP, it appears to contain the elements required by BAT 15 of the Food and Drink BREF (2019). However, given the ongoing odour complaints and substantiated odour offsite by NRW Officers, we are not satisfied the current odour management on site is sufficient and or fully justified for not doing more e.g covering open pits. Additionally, there is a lack of information to back up claims made in the OMP e.g quantitative evidence to confirm low odour from open pits (cost benefit), justification for hedonic score changes etc.

Therefore, the failure to submit information complying with the requirements of improvement condition 20 is contrary to condition 2.4.1 of the permit.

**This permit contravention has been categorised as a non-compliance C3 – (minor) breach reflecting the fact that the Operator has committed to reviewing/making further odour improvements and undertake a formal Dynamic Olfactometry assessment. The non-compliance score has been recorded against sub-criteria IR2E. NRW will consider escalating their response should the Operator fail to progress with the odour reduction plan and formal Dynamic Olfactometry assessment.**

**Action - The Operator must complete Actions 1 and 2 listed in this CAR.**

### **Summary**

On the basis of the proposed formal odour assessment and feasibility studies into other options is planned along with some additional improvements (e.g new pump for sludge collection and tanker loading operations), NRW partially approves the OMP and will review again following the completion of actions set in this CAR - **NOTE:** Approval or partially approval should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the Operators responsibility.

It is important to note that whilst the OMP provides the written framework, it is ultimately the Operators responsibility to ensure that appropriate measures are implemented and that all tasks outlined within the plan are actioned accordingly.

Odour management plans are live documents and should be reviewed regularly, annually as a minimum. Significant odour pollution, unforeseen circumstances, or changes to site operations would be scenarios that would trigger a review.

**END**

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[1] Action - Dairy Partners to submit an updated Odour Management Plan (OMP) as required by Improvement Condition 20 (IC20) of the site's environmental permit. Additionally, the submission must include a detailed response to the comments provided by Natural Resources Wales (NRW) on 30 July 2025, which were issued to Dairy Partners via their consultants, ECL, regarding the site's odour management.

[2] Areas that NRW do not agree with are set out in this CAR and where there is a lack of information.

[3] The submission did not clearly provide evidence at the time that supports the conclusions made in the cost benefit analysis assessment, with a key factor being that there is a lack of quantitative data to demonstrate the limited benefit alleged.

[4] The details of NRW odour assessment and non-compliance recordings are with compliance reports CAR\_NRW0049594 and CAR\_NRW0049699.

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.