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**Natural Resources Wales permitting decisions**

# Maelor Foods Limited permit application decision document

## Bespoke permit

**The application number is:** PAN-001271

**The Applicant / Operator is:** Maelor Foods Limited

**The Installation is located at:** Maelor Poultry Processing Plant, Pickhill Lane,  
Cross Lanes, Wrexham, LL13 0UE

We have decided to grant the permit for Maelor Poultry Processing Plant operated by Maelor Foods Limited.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

## Purpose of this document

This decision document:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

## Structure of this document

- Table of contents
- Key issues
- Annex 2 the consultation and web publicising

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## Key issues of the decision

### 1 Our decision

Based on the information currently available to us we are currently minded to issue a permit to the Applicant. This would, if issued, allow it to operate the Installation, subject to the conditions in the Permit.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

This Application is to operate an installation which is subject principally to the Industrial Emissions Directive (IED).

The permit contains many conditions taken from our standard Environmental Permit template including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations (EPR) and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the permit, we have considered the Application and accepted the details are sufficient and satisfactory to make the standard conditions appropriate.

## **2 How we reached our decision**

### **2.1 Receipt of Application**

The Application was received and accepted as duly made on 7 February 2017. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

The Applicant made no claim for commercial confidentiality. We have not received information in relation to the Application that appears to be confidential in relation to any party.

### **2.2 Consultation on the Application**

We carried out consultation on the Application in accordance with the EPR, our statutory Public Participation Statement (PPS) and our Regulatory Guidance.

Furthermore we have also considered the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 during our assessment process.

We advertised the Application by a notice placed on our website, which contained all the information required by the IED, including telling people where and when they could see a copy of the Application. Details were placed on our website from 3/3/17 until 31/3/17.

A copy of the Application and all other documents relevant to our determination (see below) are available for the public to view. Anyone wishing to see these documents could arrange for copies to be made.

We sent copies of the Application to the following bodies, which includes those with whom we have “Working Together Agreements”:

- Wrexham County Borough Council Planning Department
- Wrexham County Borough Council Environmental Protection Department

- Food Standards Agency
- Health and Safety Executive
- Health Protection Agency
- Public Health Wales
- Betsi Cadwaladr University Health Board

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 3. We have taken all relevant representations into consideration in reaching our determination.

We are now carrying out a consultation on our draft decision.



### 2.3 Requests for Further Information

Further information was requested by way of two Schedule 5 Notices requiring further information on odour modelling, odour emissions, the Effluent Treatment Plant, Bird numbers to be stored and effluent containment. The first Schedule 5 Notice was sent on 20/03/17 with a response date of 20/05/17. The second Schedule 5 Notice was sent on 07/04/17 with a response date of 07/05/17. The Applicants response to both Schedule 5 Notices was provided on 19/04/17. The additional information supplied satisfied the requirements of the Schedule 5 Notices.

A copy of the information notice and e-mails requesting further information were placed on our public register as were the responses when received.

## 3 The Legal Framework

The Permit will be granted, under Regulation 13 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 which also have to be addressed.

We address the legal requirements directly where relevant in the body of this document. NRW is satisfied that this decision is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources. In particular, NRW acknowledges that it is a principle of sustainable management to take action to prevent significant damage to ecosystems. We consider that, in granting the Permit a high level of protection will be delivered for the environment and human health through the operation of the Installation in accordance with the permit conditions.

## 4 The Installation

### 4.1 Description of the Installation and related issues

#### 4.1.1 The permitted activities

The Installation is subject to the EPR because it carries out an activity listed in Part 1 of Schedule 1 of the EPR:

- Slaughtering of animals at a plant with a carcass production capacity of more than 50 tonnes per day
- Treating and processing of animal raw materials intended for the production of food with a finished product production capacity of more than 75 tonnes per day.
- Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by biological treatment.

An installation may also comprise “directly associated activities”, which at this Installation includes:

- Chemical scrubber treating air extracted from odorous parts of the process.
- Storage of chemicals for use on site.
- Chilling of carcasses and processed meats.
- Burning fuel in a combustion plant to heat water.
- Temporary storage of wastes on site prior to removal.

Together, these listed and directly associated activities comprise the Installation.

#### 4.1.2 The Site

The site is constructed on the site of a previous factory about 4km south east from Wrexham. It has good vehicular access and is situated away from any densely populated areas in an agricultural area. The full extent of the site is shown in Schedule 7 of the permit.

#### 4.1.3 What the Installation does

Live birds are delivered to the site in “modules” on HGV lorry trailers. They are unloaded, remaining in the modules into the lairage area. They are then passed into the gas stunning area and are killed, bled, scalded, de-feathered, eviscerated and chilled.

Some birds are packaged for despatch to retail at this stage while the remaining birds pass to the meat processing part of the installation where the products are packaged for dispatch. In the meat processing part of the plant, whole birds will be cut into various portions on automated and manual processing lines, and packaged for dispatch.

The blood tank is emptied and cleaned daily to reduce odour generation. Animal by-products and feathers are stored in trailers within an enclosed building and removed daily. The air from this storage area, the blood tank and de-feathering process is passed through a scrubber to reduce odours before being released from the elevated stack.

Modules and vehicles are washed before leaving the site.

Wash down waters and process effluents flow to the on site effluent treatment plant before being treated and discharged to the River Dee (Approximately half of the treated water is returned to the installation for vehicle and module washing).

Hot water for the process is provided by small scale on site boilers.

#### 4.1.4 Key Issues in the Determination

The control of odours emitted from the site and the potential for these to impact nearby sensitive receptors. Discussed in more detail below.

The impact of emissions from the site to impact the River Dee. Discussed in more detail below.

The potential for accidental escapes of liquids stored on site to reach the River Dee.

## **4.2 The site and its protection**

### **4.2.1 Proposed site design: potentially polluting substances and prevention measures**

The containment of potentially polluting substances was also given scrutiny. The applicant has provided details of the containment of liquids, including specification of the physical containment and of monitoring and control systems. In addition, measures were provided to monitor containment at the effluent treatment plant and to contain any leakages.

#### 4.2.2 Closure and decommissioning

Permit condition 1.1.1 requires the Operator to have a written management system in place which identifies and minimises risks of pollution including those arising from closure.

At the definitive cessation of activities, the Operator has to satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site's current or approved future use. To do this, the Operator has to apply to us for surrender, which we will not grant unless and until we are satisfied that these requirements have been met.

### 4.3 Operation of the Installation – general issues

#### 4.3.1 Administrative issues

The Applicant is the sole Operator of the Installation. We are satisfied that the Applicant is the person who will have control over the operation of the Installation if the Permit were to be granted; and that the Applicant will be able to operate the Installation so as to comply with the conditions included in the Permit, if issued.

We are satisfied that the Applicant's submitted OPRA profile is accurate. The OPRA score will be used as the basis for subsistence and other charging, in accordance with our Charging Scheme. OPRA is Natural Resources Wales method of ensuring application and subsistence fees are appropriate and proportionate for the level of regulation required.

#### 4.3.2 Management

The Applicant has stated in the Application that they will implement an Environmental Management System (EMS) that will meet the requirements for an EMS in our "How to comply with your environmental permit guidance". The Applicant submitted a summary of the EMS with their application.

We are satisfied that appropriate management systems and management structures will be in place for this Installation, and that sufficient resources are available to the Operator to ensure compliance with all the Permit conditions. A pre-operational condition has been included in the permit to require a report on the implementation of the EMS.

#### 4.3.3 Accident management

An Emergency response plan is being incorporated into the EMS. In addition the operator has included additional measures to prevent and to detect escapes of potentially polluting liquids from storage tanks within the site (specifically in the Effluent Treatment Plant).

#### 4.3.4 Site security

Having considered the information submitted in the Application, we are satisfied that appropriate infrastructure and procedures will be in place prior to start up to ensure that the site remains secure.

#### 4.3.5 Off-site conditions

No Off site conditions were required.

#### 4.3.6 Operating techniques

The operator has provided comprehensive details of operating techniques and compared these with the relevant BAT standards. This shows that the proposed operating techniques meet or exceed the BAT standards.

#### 4.3.7 Energy efficiency

We are satisfied that the Applicant will ensure that energy is used in the most efficient way possible.

The Operator is required to report energy usage under condition 4.2 and Schedule 4.

The following parameters are required to be reported: Energy usage per bird. This will enable Natural Resources Wales to monitor energy recovery efficiency at the Installation.

#### 4.3.8 Avoidance, recovery or disposal of wastes produced by the activities

This requirement addresses wastes produced at the facility.

The animal by-products element of the “waste” production is managed to efficiently collect these materials, blood, feathers and offal. Edible offal, heart, lungs, necks, gizzards and feet are recovered and sold. Non edible offal is removed to a licensed facility.

Wash down waters from the operation are directed to the on-site effluent treatment plant. After treatment in the effluent treatment plant approximately 50% of the treated water is re-used on site with the remainder being discharged to the River Dee (this discharge was considered separately).

The operator has identified all other waste arising’s into individual waste streams and ensured suitable re-use and recycling as appropriate.

Having considered the information submitted in the Application, we are satisfied that the waste hierarchy referred to in Article 4 of the WFD will be applied to the generation of waste and that any waste generated will be treated in accordance with this Article.

We are satisfied that waste from the Installation that cannot be recovered will be disposed of offsite using a method that minimises any impact on the environment. Permit condition 1.4.1 will ensure that this position is maintained.

## 5 Minimising the Installation’s environmental impact

Regulated activities can present different types of risk to the environment, these include odour, noise and vibration; accidents, fugitive emissions to air and water; as well as point source releases to air, discharges to ground or groundwater, global warming potential and generation of waste. All these factors are discussed in this and other sections of this document.

For an installation of this kind, the principal emissions are : emissions of odour to atmosphere and emission of treated effluent to the river.

The next sections of this document explain how we have approached the critical issue of assessing the likely impact of emissions from the Installation on human health and the environment and what measures we are requiring to ensure a high level of protection.

### **5.1 Assessment of Impact on Air Quality**

The four on-site boilers are small and are gas fired, with a combined capacity of 3.68 MW (including standby boiler). The applicant carried out an H1 risk assessment and the emissions screened out from the need for modelling. The air impact assessment has been based on the Installation operating continuously at the relevant long-term or short-term emission limit values, i.e. the maximum permitted emission rate.

### **5.2 Assessment of odour impact**

As part of the application, the applicant supplied an odour impact assessment. This was produced by specialist consultants and included odour dispersion modelling. We scrutinised this modelling and requested further information. The further information was sought to substantiate both the intensity of the odour and the offensiveness of the odour.

These details were considered in detail and reviewed in house by our Air Quality Modelling and Risk Assessment Team (AQMRAT) We are satisfied with the details provided and that the odours will not result in unacceptable off site odours. However as a precaution we have included within the permit two improvement conditions to require monitoring of odours within six months of operations commencing and re-modelling of the impacts within a further three months. This also requires further improvements to reduce odours should this prove necessary. In addition the standard odour condition is included in the permit which requires the site to operate without causing odour pollution.



### **5.3 Assessment of impact to surface and ground water**

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent pollution of ground and surface water.

The applicant submitted detailed modelling to show the proposed emissions to the River Dee. These were reviewed by specialist modellers within NRW. The emissions were found to be satisfactory and not of concern for water quality in the Dee. The permit includes limits on the quality and quantity of effluent that can be discharged.

### **5.4 Emissions to sewer**

None.

### **5.5 Fugitive emissions**

Fugitive emissions were scrutinised in detail due to the potential for odours to be carried off site. The operator has proposed measures to contain emissions and pass them to specific emission points in order to minimise fugitive emissions.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise fugitive emissions and to prevent pollution from fugitive emissions.

### **5.6 Noise Assessment**

The applicant has carried out a noise impact assessment and produced a noise management plan as part of the planning application and provided details of these with the permit application. No noise or vibration concerns were identified. As a precautionary measure the standard noise and vibration permit conditions have been included in the permit.

### **5.7 Impact on Habitats sites, SSSIs, non-statutory conservation sites etc.**

A form 1 was completed to record and assess potential impacts on two SAC sites and one Ramsar site within the relevant screening distance from site. This proceeded to demonstrate that the proposed installation, when considered in combination with other potential sources did not present any likely significant effect.

## **6 Setting ELVs and other Permit conditions**

### **6.1 Translating BAT into Permit conditions**

Article 14(3) of IED states that BAT conclusions shall be the reference for permit conditions. Article 15(3) further requires that under normal operating conditions; emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions.

### **6.2 Monitoring**

We have decided that monitoring should be carried out for the parameters listed in Schedule 3, for emissions to the River Dee using the methods and to the frequencies specified in those tables. These monitoring requirements have been imposed in order to demonstrate that the Effluent Treatment Plant is working in accordance with assumptions.

Based on the information in the Application and the requirements set in the conditions of the permit we are satisfied that the monitoring techniques, personnel and equipment employed by the Operator will have either MCERTS certification or MCERTS accreditation as appropriate.

### **6.3 Reporting**

We have specified reporting requirements in Schedule 4 of the Permit to ensure data is reported and to enable timely review by Natural Resources Wales to ensure compliance with permit conditions and to monitor the efficiency of material use and waste recovery at the installation.

## **ANNEX 1:      Pre-Operational Conditions**

Two Pre-operational conditions have been included in the permit. These require the operator to submit a written report on their Environmental Management Systems and an updated site drainage plan before the site becomes operational. The operator is already in the process of preparing these.

## ANNEX 2: Improvement Conditions

The permit includes three improvement conditions. These relate to odour emissions from the facility. They require the operator to carry out a survey of odours once the facility is fully operational so that modelled odour predictions can be verified. They also require further improvements to reduce odour (should the monitoring show potential problems). The remaining condition simply requires the operator to notify NRW of the commencement of operations.

## ANNEX 3: Consultation Responses

### A) Advertising and Consultation on the Application

The Application has been advertised and consulted upon in accordance with Natural Resources Wales Public Participation Statement. The way in which this has been carried out along with the results of our consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex. Copies of all consultation responses have been placed on Natural Resources Wales' public register.

#### 1) Consultation Responses from Statutory and Non-Statutory Bodies

| Response Received from          |                                                     |
|---------------------------------|-----------------------------------------------------|
| Brief summary of issues raised: | Summary of action taken / how this has been covered |
| None received                   | N/A                                                 |

## 2) Consultation Responses from Members of the Public and Community Organisations

None

### a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils

| No Responses Received           |                                                     |
|---------------------------------|-----------------------------------------------------|
| Brief summary of issues raised: | Summary of action taken / how this has been covered |
| None received                   | N/A                                                 |

### b) Representations from Community and Other Organisations

| No Response Received            |                                                     |
|---------------------------------|-----------------------------------------------------|
| Brief summary of issues raised: | Summary of action taken / how this has been covered |
| None received                   | N/A                                                 |

### c) Representations from Individual Members of the Public

| No Response Received            |                                                     |
|---------------------------------|-----------------------------------------------------|
| Brief summary of issues raised: | Summary of action taken / how this has been covered |
| None received                   | N/A                                                 |