

Natural Resources Wales Permitting Decisions

Tillington Top Fruit Limited (Norton Poultry Site)

Decision Document

Application for a Full Transfer

The application number is: PAN-023747

The permit variation number is: EPR/CB3397FZ/T003

The Transferor is: Warren Farm (Powys) Limited

The Transferee is: Tillington Top Fruit Limited

The Installation is located at: Warren Farm

Norton

Presteigne

Powys

LD8 2ED

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.

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1. Executive summary

1.1. Application summary

Application has been made to transfer the environmental permit for Norton Poultry Site from Warren Farm (Powys) Limited (the “transferor”) to Tillington Top Fruit Limited (the “transferee”) in full. There will be a limited change in management.

1.2. Our decision

We have decided to grant the transfer for Norton Poultry Site from Warren Farm (Powys) Limited to Tillington Top Fruit Limited.

2. Receipt of the application

The application was accepted as duly made on 03/11/2023. 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.

3. Confidential information

The applicant made a claim for no claim for commercial confidentiality, and we have not received information in relation to the application that appears to be confidential in relation to any party.

4. Legislation

The transfer will be granted under Regulation 21 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 the decision on this application is consistent with its general purpose of pursuing the sustainable management of natural resources (SMNR) in relation to Wales and applying the principles of SMNR. 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 transfer a high level of protection will be maintained for the environment and human health through the operation of the Installation in accordance with the permit conditions. NRW is satisfied that this decision is compatible 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.

5. Operation of the installation

5.1. Operator competence

The new operator will be is the sole operator of the Installation.

We are satisfied that the new operator is the person who will have control over the operation of the Installation after the permit is transferred and that they will be able to operate the Installation so as to comply with the conditions included in the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator¹.

Relevant Convictions

The new operator has declared they have no relevant convictions.

NRW's COLINS Database has been checked to ensure to confirm are no relevant convictions / that all relevant convictions have been declared. No relevant convictions were found.

¹ [RGN 1 Understanding the meaning of 'operator' \(naturalresources.wales\)](#)

The new operator satisfies the criteria in RGN 5 on Operator Competence².

Financial Provision

The new operator has declared they have no current or past bankruptcy or insolvency proceeding against them.

There is no known reason to consider that the new operator will not be financially able to comply with the permit. The decision was taken in accordance with RGN 5 on Operator Competence.

5.2. Environmental Management System

The new operator has stated in the application that the management structure will stay substantially the same following the transfer and that activities will be managed in largely the same way as they currently are. Evidence has been provided of this with the application.

The new operator 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”³.

The applicant has submitted a summary of the EMS with their application. The applicant will be using their own management system, adopting the previous operator’s management practices.

We have reviewed the application and 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.

² [regulatory-guidance-note-5-operator-competence.pdf \(naturalresources.wales\)](#)

³ [Natural Resources Wales / Guidance to help you comply with your environmental permit](#)

6. The Permit Conditions

There have been no changes to the permit's conditions as a result of the transfer.