

Natural Resources Wales Permitting Decisions

**Barwn Limited (Tir Barwn Poultry
Unit)
Decision Document**

Application for a Minor Technical Variation

The application number is: PAN-023589

The permit variation number is: EPR/NP3533VH/V003

The operator is: Barwn Limited

The Installation is located at: Tir Barwn Poultry Unit, Tir Barwn, Bettws Gwerfil Goch, Corwen, Denbigshire, LL21 9PF.

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

This minor technical variation application is to add extra land to the permit's site boundary to incorporate a closed loop ground source heat pump, the fallen stock store and the relocation of the wash water storage tank.

The operator has confirmed that:

- A closed loop ground source heat pump has been installed. The pumps are located on the existing permit area, the loops are on the adjacent field
- The wash water storage tank has increased in volume and has been relocated
- The fallen stock store has moved a few feet and is now located within the site boundary.

An updated site plan has been provided by the operator and has been incorporated into Schedule 7 of the permit.

1.2. Our decision

We have decided to issue the permit variation for Tir Barwn Poultry Unit, operated by Barwn 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.

2. Receipt of the application

The application was received on 19/10/23. In order for us to be able to consider the application duly made, we needed more information. We requested the following:

- The correct application forms
- Confirmation that the CHP's are not directly associated activities to the installation

- An updated site condition report

A letter requesting this information was sent to the operator on 23/02/24 with additional request for information sent via emails on 12/03/24 and 20/03/24. Upon receipt of this information on 11/03/24, 12/03/24 and 20/03/24, we were able to consider the application duly made. 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 operator made 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 variation will be issued under Regulation 20 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.
- Any other relevant legislation

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 issuing the variation 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. 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

As the EPR regulator in Wales, NRW are required to determine any duly made permit application. This means that we must decide either to grant, or to refuse the variation based upon an objective assessment of the proposals against the detailed legal requirements of EPR. Our public participation statement¹ gives more information on what can, and cannot, be taken into account when making our permitting decision.

The application, and this decision document, only considers the permitting of the facility under EPR as described throughout the document. We only assess the installation and its impacts and cannot take into consideration indirect impacts which are not as a direct result of activity within the installation boundary.

Any proposed development and wider associated activities will be required to be compliant with all relevant and applicable law, for example, environmental law, health and safety law, planning law. This other legislation acts largely independently of EPR (although they may be inter-related). Such other matters are beyond both the scope of this document, and of our regulatory remit and expertise and are not relevant to our EPR permitting decision. Ensuring compliance with all other regulation and obtaining any required consents (such as planning permission) is the responsibility of those undertaking the development and is regulated by the relevant appropriate authority for each.

5. Consultation

There was no requirement to carry out a consultation as part of this minor technical variation. The decision was taken in accordance with the Environmental Permitting Regulations (EPR) our statutory Public Participation Statement¹ and our Regulatory Guidance.

¹ [Natural Resources Wales / Public participation: how you can take part in our permit and licence consultations](#)

6. Requests for information

Further information was requested during determination by way of a Schedule 5 Notice requiring the applicant to provide further information relating to the accident management plan. The Schedule 5 Notice was sent on 12/06/24 with a deadline for response of 26/06/24.

The applicant's response to the Schedule 5 Notice was provided on 13/06/24. The additional information supplied satisfied the requirements of the Schedule 5 Notice.

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

7. The Installation

7.1. The permitted activities

The regulated facility is currently an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations:

- The rearing of poultry in a broiler facility. Section 6.9 A(1)(a) Rearing of poultry or pigs intensively in an installation with more than 40,000 places for poultry.

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

- Operation of biomass boilers for site heating.

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

This variation confirms that the wash water storage tank, fallen stock store and the ground source heat pump are directly associated activities. Table S1.1 in Schedule 1 of the permit has been updated.

7.2. Changes to the installation

There are no changes to the permit conditions. An updated site plan has been incorporated into Schedule 7 of the permit. This variation confirms that the wash water storage tank, fallen stock store and the ground source heat pump are directly associated activities. Table S1.1 in Schedule 1 of the permit has been updated.

8. Operation of the installation

8.1. Operator competence

The operator is the sole operator of the Installation. We are satisfied that the operator is the person who will have control over the operation of the Installation after the variation is issued; 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 operator².

Relevant Convictions

The operator has declared they have no relevant convictions. NRW's COLINS Database has been checked to confirm there are no relevant convictions. No relevant convictions were found.

Financial Provision

The operator has declared they have no current or past bankruptcy or insolvency proceeding against them. There is no known reason to consider that the operator will not be financially able to comply with the permit. The decision was taken in accordance with RGN 5 on Operator Competence.

8.2. Environmental Management System

The operator has stated in the application that they implement an Environmental Management System (EMS) that will meet the requirements for an EMS in our "How to comply with your environmental permit" guidance³. The operator has confirmed that they operate their own management system.

Accident management

We issued a Schedule 5 Notice requesting additional information on the wash water storage tank and the fallen stock store. We requested confirmation that the accident management plan had been updated following the increase in volume and relocation of the wash water storage tank. We also asked for the volume of the wash water storage tank and confirmation that no other changes had been made to the fallen stock store other than the relocation. We received the information on 13/06/24, and we are

² [RGN 1 Understanding the meaning of 'operator' \(naturalresources.wales\)](https://naturalresources.wales/guidance/understanding-the-meaning-of-operator)

³ [Natural Resources Wales / Guidance to help you comply with your environmental permit](https://naturalresources.wales/guidance/how-to-comply-with-your-environmental-permit)

satisfied that appropriate controls are in place to help reduce the occurrence and impact of any accidents that occur.

In order to ensure that the management system proposed by the applicant sufficiently manages the residual risk of accidents, permit condition 1.1.1a requires the implementation of a written management system which addresses the pollution risks associated with, amongst other things, accidents.

In addition, Condition 3.2.3 of the permit confirms that all liquids in containers, whose emission to water or land could cause pollution, shall be provided with 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.

8.3. Operating techniques

Installation activities and assessment of Best Available Techniques

The operating techniques will not change. A Natural Resources led variation and consolidation following the implementation of the Intensive Farming BAT was carried out in February 2018. The variation issued was EPR/NP3533VH/V002.

9. The site

9.1. Site Plan

The operator has provided an updated site plan showing the extent of the site facility and the addition of the new area of land. The site plan also shows the location of the wash water storage tank, the fallen stock store and the ground source heat pump. We consider this to be satisfactory. The updated plan has been incorporated into Schedule 7 of the permit and the operator will be required to carry out the permitted activities within the site boundary.

9.2. Site Condition Report

The operator has proposed to add land to the facility as part of this variation and has provided a description of the condition of that land in a Site Condition Report. We have reviewed this and consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5)⁴.

10. Environmental Risk Assessment

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, water, sewer and discharges to ground or groundwater, global warming potential and generation of waste. All these factors have been considered during our determination and the relevant risks from this proposal are discussed in this and other sections of this document.

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 ensuring a high level of protection.

10.1. Assessment of odour impact

No changes have been made to the fallen stock store other than it has moved a few feet. We are satisfied that the risk of odour pollution at nearby receptors is not significant. There is a very low risk of increase of odour.

Condition 3.3.1 in the permit will require that emissions from the activities are free from odour at levels likely to cause pollution outside the site. We are satisfied that this will be sufficiently protective in conjunction with the measures described by the applicant for minimising odour at the installation.

⁴ [Environmental Permitting Regulations , Guidance for applicants H5, Site Condition Report, Guidance and Template \(naturalresources.wales\)](#)

11. The Permit Conditions

There have been no changes to the permit conditions. The updated site plan has been incorporated into Schedule 7 of the permit.

11.1. Incorporating the variation

We have specified that the applicant must operate the permit in accordance with descriptions in the application, including additional information received as part of the determination process. The operator has confirmed that the accident management plan has been updated following the relocation of the wash water storage tank. This was submitted to Compliance outside of this permit variation and has been officially incorporated into the Operating Techniques in Table S1.2 of the permit as part of this variation.