

## Natural Resources Wales Permitting Decisions

# Martyn Langford (Rhosddu Farm Poultry Unit)

## Decision Document

## Application for a Substantial Variation

**The application number is: PAN-025564**

**The permit variation number is: EPR/AB3095HL/V004**

**The Operator is: Martyn Langford**

**The Installation is located at: Rhosddu Farm, Llansantffraid-ym-Mechain, Powys, SY22 6TH**

### 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. Changes to the installation

The Operator has submitted an application to increase the permitted number of free-range laying birds on the installation from 56,000 to 64,000, a total increase of 8,000 birds.

The site currently comprises three poultry houses: two multi-tier (aviary) houses and one flat-deck (perchery) house. To accommodate the increased number of birds, the Operator is also applying to replace the existing 16,000-bird flat-deck house with a new 24,000-bird multi-tier house. Unlike the current deep-pit manure collection system in the flat-deck house, the new multi-tier house will utilize a manure belt system, with manure removed twice weekly. This change is expected to result in a reduction in ammonia and odour emissions, despite the increase in bird numbers.

The application also includes a request to extend the site's permit boundary to provide additional ranging areas.

### 1.2. Our decision

We are minded to issue the variation for Rhosddu Farm Poultry Unit operated by Martyn Langford.

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 26/04/2024 and allocated to a permitting officer on 13/12/2024. In order for us to be able to consider the application duly made, we needed more information. We requested the following:

- Review and updates to various environmental risk assessments
- Clarification over whether the site boundary was changing as part of the variation

- Updated Site Condition Report and Site Plan
- Clarification over ranging area and manure management

A letter requesting this information was sent to the applicant on 19/12/2025. Upon receipt of this information, on 30/01/2025, 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 applicant 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 Environmental Permitting (England and Wales) Regulations 2016 (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 Industrial Emissions Directive 2010/75/EU;
- 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 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.

All applicable European directives have been considered in the determination of the application.

#### **4.1. Other Legal Matters relevant to the Facility**

Our decision on whether to issue or refuse an EPR permit is defined by legal requirements. In our decision-making, we must ensure that our determination considers all relevant statutory requirements and provides the required level of protection to the environment. This involves assessment of impacts to air, water, land and any ecological receptors from the proposed activities.

The environmental permitting regime and NRW's role as the environmental permitting authority under EPR, applies only to the control of the permitted activities within the boundary of the installation. NRW's function is to assess pollution risk arising from operations on-site, which are capable of being controlled under the environmental permit. In addition, and so as to comply with its general public law duty, NRW's decisions must be reasonable, proportionate and procedurally correct.

The potential for pollution through the land use of a proposal is assessed through the planning application. The Local Planning Authority (LPA) is responsible for considering whether the location of the development is appropriate. NRW is an advisor to the LPA.

## **5.1. Consultation**

#### **4.2. Consultation on the Application**

We have carried out consultation on the application in accordance with the Environment Permitting Regulations (EPR), our statutory Public Participation Statement (PPS) and our Regulatory Guidance.

A copy of the application is available on the public register for anyone to view. We advertised the application to the public by a notice placed on our website directing people to the public register, advising them of how they could arrange for copies to be made if required and how they can provide comments.

We also consulted with the following bodies:

- Food Standards Agency
- Public Health Wales
- Health & Safety Executive
- Powys County Council – Planning
- Powys County Council – Environmental Health

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

The consultation started 03/02/2025 and ended on 03/03/2025.

A summary of consultation comments and our response to the representations we received can be found in Annex 1. We have taken all relevant representations into consideration in reaching our decision.

#### **4.3. Draft Permit Consultation**

Our public participation statement<sup>1</sup> gives more information on what can, and cannot, be taken into account when making our permitting decision.

We carried out consultation on our draft decision. This consultation began on 10/07/2025 and ended on 14/08/2025. A summary of consultation comments and our response to the representations we received can be found in Annex 1. We have taken all relevant representations into consideration in reaching our final decision.

## **5. Further information received during determination**

Further information was requested during determination by way of a formal request for information (also known as a Schedule 5 Notice) requiring the applicant to provide further information relating to:

- Site Condition Report Plan
- Location Plan
- Water management

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

- Pollution prevention
- The 'Technical Standards' document submitted with the application
- House design, specifically ventilation

The Schedule 5 Notice was sent on 04/03/2025 with a deadline for response of 18/03/2025.

The applicant's response to the Schedule 5 Notice was provided on 18/03/2025, with a further response provided on 26/03/2025. The information provided did not satisfy the requirements of the Schedule 5 Notice. An extension was provided until 16/04/2025 to allow the applicant additional time to satisfy the requirements. Additional information was provided on 16/04/2025 which still did not satisfy the requirements. Further advice was provided to the applicant on what they needed to provide and a second extension to the notice deadline was given (02/05/2025). Further information was provided on 06/05/2025 which again, did not satisfy the Notice requirements. Each information submission contained contradictory information, particularly relating to the proposed site boundary and pollution prevention methods.

We issued a second Schedule 5 Notice on 13/05/2025 with a deadline for response of 27/05/2025 in order to attempt to resolve these issues. The response received on 27/05/2025 satisfied the notice request.

A copy of the information notices and informal email information requests were placed on our public register as were the responses when received.

## **6. The Installation**

### **6.1. The permitted activities**

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

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

The limit of the activity will be changed to allow for 64,000 birds (an additional 8,000 birds).

The directly associated activities will be:

- Biomass Boiler
- Combined Heat and Power Units
- Generator
- Wash water tanks<sup>2</sup>

The generator and wash water tank have been added to the permit as part of this variation to reflect existing on site activities.

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

## 7. Operation of the installation

### 7.1. Operator competence

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 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, if issued. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator<sup>3</sup> and EPR RGN 5 Operator competence<sup>4</sup>.

### 7.2. Environmental Management System

The applicant has stated in the application their Environmental Management System (EMS) meets the requirements for an EMS in our “How to comply with your environmental permit” guidance<sup>5</sup>.

The applicant provides their own management system for their facility and has submitted a summary of the EMS with their application.

We have reviewed the application and are satisfied that appropriate management systems and management structures will be in place for this Installation, and that

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<sup>2</sup> Note we have changed the terminology for these tanks from dirty water tanks to wash water tanks to better align with CoAPR

<sup>3</sup> [RGN 1 Understanding the meaning of 'operator' \(naturalresources.wales\)](#)

<sup>4</sup> [RGN 5 Operator competence \(naturalresources.wales\)](#)

<sup>5</sup> [Natural Resources Wales / Guidance to help you comply with your environmental permit](#)

sufficient resources are available to the Operator to ensure compliance with all the Permit conditions.

#### Accident management

The EMS includes an Emergency Management Plan which the applicant has submitted as part of this application. We have reviewed this and are 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.

### 7.3. Operating techniques

#### Installation activities and assessment of Best Available Techniques

The applicant has described the proposed equipment and operating techniques and compared these against the relevant guidance note which for an installation of this type is SGN EPR 6.09 'How to comply with your environmental permit for intensive farming'.

We have reviewed the techniques proposed and consider them in line with them to meet the requirements outlined in the TGN and Best Available Technique (BAT) for intensive rearing of poultry and pigs.

We have specified that the applicant must operate the permit in accordance with descriptions in the application. See section 12 of this document for more information on how we have incorporated the application/variation into the permit.

## 8. The site

### 8.1. Site Plan

The applicant has provided an updated plan showing the extent of the site of the facility and emission points. The new emission point to surface water (see section 10.2) was not labelled. We have added the label for this EP to the site plan ourselves (W1).

We have also removed a wash water tank from the main site plan which was confirmed by the applicant during the determination to be incorrect. The Operator has reviewed these amendments and is in agreement with the changes we have made.

The updated plan will be included in the permit and the operator will be required to carry on the permitted activities within the site boundary.

## 8.2. Site Condition Report

The applicant has proposed to add land to the facility as part of this variation.

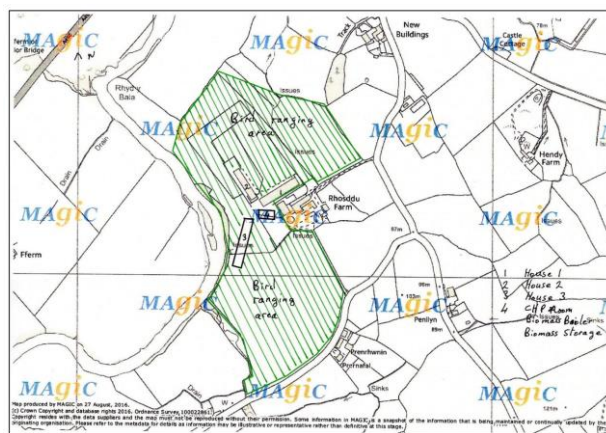


Figure 1: Existing site boundary (taken from permit number EPR/AB3095HL/V003)



Figure 2: New proposed site boundary

As shown by the above plans, land being added is for additional fields, to be used for ranging, to the North East and South East of the site.

The applicant has provided a description of the condition of land in a Site Condition Report (SCR). However there were several iterations of the new site boundary proposed during the application process and the SCR plan originally submitted is for a field which is now not proposed to be part of the site. As no satisfactory SCR has been submitted for the new land we assumed contamination to be zero. However, during the draft decision consultation, the applicant provided an updated satisfactory SCR confirming the fields have no history of contamination.

The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5)<sup>6</sup>.

## 9. Environmental Risk Assessment

In line with our guidance, the applicant has provided an environmental risk assessment with the application which identifies and the sources of key risks from the variation, possible pathways and receptors. This risk assessment and further assessments provided by the applicant and/or completed by NRW will be discussed in further detail below.

### 9.1. Assessment of impact on air quality

The principal pollutant emitted to air from Intensive Farming installations is ammonia.

The scope of assessment for impacts from ammonia emissions from intensive farming installations is usually restricted to sensitive habitat sites and detailed assessment of impact to human health is not required. We consider this appropriate as it has been established that it is unlikely that ammonia emissions from a well-run and regulated farm will be sufficient to cause ill health. Not assessing impact to human health is also in line with the Health Protection Agency on Intensive Farming permit applications (dated 2006).

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<sup>6</sup> [Environmental Permitting Regulations , Guidance for applicants H5, Site Condition Report, Guidance and Template \(naturalresources.wales\)](#)

The applicant has used calculations using the standard emission factors<sup>7</sup> to assess the impact of the proposed changes on ammonia emissions. We are in agreement with this approach in this instance.

The proposal involves swapping out a single tier house (perchery). This house currently houses 16,000 birds and manure is collected within a “deep pit” system where it is collected within the house and cleared out at the end of each cycle (approx 13 months). This house will be replaced with a modern multi-tier house (aviary) where manure is removed regularly from the house via a belt system. Although the new house will house more birds than the current house (8,000 more), by using a modern manure removal systems, ammonia emissions will reduce.

The applicant demonstrated the reduction using calculations based on the standard Ammonia emission factors for poultry<sup>6</sup>. The ammonia emission factor (kg/NH<sub>3</sub>/animal place/year) for the free range layers in modern multi-tier houses with belt removal is:

- 0.066 for the indoor proportion of birds and;
- 0.024 for the outdoor proportion of birds.

In comparison, for free range single tier houses with deep pit manure collection, the ammonia emission factor (kg/NH<sub>3</sub>/animal place/year) is:

- 0.123 for the indoor proportion of birds and;
- 0.024 for the outdoor proportion.

For typical free range systems, in a 24-hour period it is estimated that birds spend:

- 10% of time on the range
- 90% of time within the housing

Using these assumptions, the annual ammonia emissions from the house to be replaced and the proposed new house are calculated as follows:

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<sup>7</sup> [Natural Resources Wales / Emission factors for poultry for modelling and reporting](#)

	Indoor emissions (kg/NH <sub>3</sub> /year)	Outdoor emissions (kg/NH <sub>3</sub> /year)	Total emissions (kg/NH <sub>3</sub> /year)
Existing single tier 16,000 house	16,000 x 0.123 = 1,968	16,000 x 0.024 = 384	2,352
Proposed 24,000 multi- tier house	24,000 x 0.066 = 1,584	24,000 x 0.024 = 576	2,160

This demonstrates an estimated reduction of 192 kg NH<sub>3</sub>/year, equating to an approximate 8.7% decrease in ammonia emissions from the replacement house.

In response to a Schedule 5 Notice, the applicant also provided further information regarding the new house's ventilation system. The existing house is fitted with six high-velocity fans with side inlets and pop holes. The proposed house will include nine high-velocity fans and six air inlet re-circulation fans. We have reviewed this change and do not anticipate any significant change to ventilation and subsequent dispersion. It is reasonable to assume that the new system will perform at least as effectively as the existing one, if not better, supporting the conclusion of a reduction in ammonia emissions when also considering the change to a manure belt system.

## 9.2. Assessment of impact to surface and ground water

The operator has applied for clean, uncontaminated water from the poultry house roofs (existing and new) to be discharged directly into the River Vyrnwy. The existing permit incorrectly identified this discharge as an emission to land, despite describing it as a discharge to the River Vyrnwy. This error has been addressed as part of this permit variation. The incorrect emission point to 'land' has been removed, and the permit now correctly lists an emission point to the River Vyrnwy (in Table S3.3, designated as emission point S1), in line with the operator's application and the updated drainage plan. The clean roof water will be discharged via a piped system, ensuring it does not come into contact with any manure in the ranging field it runs through and remains uncontaminated prior to discharge.

The operator has detailed in the application how contaminated drainage (e.g. from washdown) from the new house and existing houses will be collected in underground storage tanks and diverter bungs will be used during wash down periods to prevent contamination of clean surface water systems. The wash water tanks will be built to

confirm to specifications in SGN EPR6.09 'How to comply with your environmental permit for intensive farming' and will be emptied and disposed of regularly with litter from the shed.

In free range systems such as these, birds have access to the outside environment and so it is inevitable that some manure droppings will be deposited in fields.

However, the increase in the number of birds ranging is not expected to have a significant impact on the rivers water quality, considering it is anticipated the birds only range for 10% of their time<sup>8</sup>. The applicant has confirmed that manure collected from the sheds will not be stored or spread within the installation boundary and that all manure will be exported to anaerobic digestion (AD) facility – see section 10.7 for more information. The operator, as well as any third parties receiving the manure, will be required to comply with the controls set out in the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR), which are introduced to reduce and prevent water pollution from agricultural activities.

The River Vrynwy (or the River Severn of which it is a tributary of) is not designated as a Phosphorous Sensitive SAC Catchment but to reduce risk of pollution to surface water from the ranging poultry, the operator will need to manage the ranging areas appropriately. The Operator has confirmed they will manage run-off from the ranging fields by ranging the birds in a rotational field system which will ensure any nutrient is spread evenly and nutrient rich deposits are avoided. The River Vrynwy will also be given a 10 metre buffer strip and be fenced off. However the level of detail submitted in the application was limited and the Operator did not consider any tributaries of the River Vrynwy which run through or border the new ranging fields. We have therefore imposed an pre-operational condition requiring the operator to submit to NRW for approval written confirmation and evidence of the surface water pollution prevention measures in place to reduce the risk of run-off from the free-range poultry fields polluting any nearby surface water features. We are satisfied that this is sufficiently

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<sup>8</sup> As per the assumptions made for ammonia assessments and Inventory Emissions Reporting in line with guidance

protective as the measures put in place by the operator will need to be approved by NRW before birds can be placed on the new ranging fields. (see Annex 2).

### **9.3. Fugitive emissions**

A risk assessment has been provided by the applicant which has identified a number of sources of potential fugitive emissions from the activity, such as dust, noise and loss of wash water.

The applicant has confirmed that appropriate measures for preventing and minimising fugitive emissions are in place in accordance with the SGN EPR6.09 'How to comply with your environmental permit for intensive farming'.

An Emergency Plan has been provided which details how other risks of fugitive emissions will be managed during times of equipment failures, flood, spills etc. This will be incorporated into the Operating Techniques of the permit.

We note that the applicant has not produced a specific dust or dust and bioaerosol management plan, despite the presence of receptors close to the installation. Based on the application information above, we are nevertheless satisfied that emissions will be adequately controlled in line with our guidance. Controls for dust and other specified operating techniques will also be effective in managing bioaerosol risk.

Permit condition 3.2.1 requires that emissions of substances not controlled by emission limits (i.e. fugitive emissions) shall not cause pollution. Condition 3.2.2 requires that a management plan shall be developed if pollution is subsequently identified.

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.

### **9.4. Assessment of odour impact**

Preventing odour from intensive farming activities is rarely possible due to the inherently odorous nature of animals but there is a need to minimise odour and prevent

it reaching neighbours. The sections below describe how the applicant has assessed odour impact from the facility, with the outlined controls in place.

One of the principal sources of odour emissions from the facility is ventilation air from poultry houses, including ammonia (which is itself odorous). There are 4 receptors within 400m of the sheds from which the ventilation air is the principle source of odour. 1 of these receptors is the farmhouse itself and the other 3 are located just under 400m away. There are multiple receptors located within 400m of the ranging areas, consisting of rural properties or other farms.

The applicant has screened for odour impacts using the following odour emission rate factors (0.94 ouE/bird/sec):

- 0.94 for poultry houses with deep pit manure collection
- 0.47 for houses with manure belt removal
- 0.25 for ranging birds

The odour emission factors used are consistent with those applied in the original permit application for the permit and are considered appropriate for a screening-level assessment in this case. The applicant has based outdoor emission calculations on the assumption that 20% of birds will be using the range at any one time, which is the same approach taken in the original assessment. However, in accordance with current guidance, we consider it more appropriate to assume that 10% of birds will be on the range for the purposes of this screening assessment. Predicted odour emissions can be calculated as follows:

	Indoor emissions (ouE/sec)	Outdoor emissions (ouE/sec)	Total emissions (ouE/sec)
Existing single tier 16,000 house	14,400 x 0.94 = 13,536	1,600 x 0.25 = 400	13,936
Proposed 24,000 multi-tier house	21,600 x 0.47 = 10,152	2,400 x 0.25 = 600	10,752

Based on the revised assumptions and the calculated emission rates, the total odour emissions from the proposed 24,000-bird multi-tier house are lower than those from

the existing 16,000-bird single-tier house. This supports the applicant's conclusion that the variation will result in reduced odour emissions. As discussed in section 10.1 we have also reviewed the proposed ventilation arrangements and do not expect any significant changes to ventilation and subsequent dispersion which will change this conclusion.

The site has not been subject to any odour complaints and the operators compliance with the existing permit is good.

The applicant has stated they will use measures outlined in EPR 6.09 to manage odour emissions from the site and an updated Odour Management Plan has been submitted as part of the application. The Odour Management Plan details various measures to minimize and mitigate odour issues. These include (but are not limited to):

- Twice daily odour checks with any abnormalities to be recorded and investigated
- Sealed feed delivery systems and well maintained feed bins
- Use of high velocity roof extraction fans to aid dispersion
- Good litter management

We have compared the measures proposed to minimise odour at the site to EPR 6.09 and H4 Odour Management<sup>9</sup> and are satisfied the techniques represent appropriate measures for the installation. The OMP will be incorporated into the operating techniques section of the permit.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where not practicable to minimise the effects of odour.

Condition 3.3.1 in the permit will also 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.

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<sup>9</sup> [H4 Odour Management / How to comply \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101444/h4-odour-management-how-to-comply.pdf)

## 9.5. Noise and vibration assessment

There are sensitive receptors within 400m of the installation.

The applicant has identified the following sources of noise from the site in their environmental risk assessment:

- Vehicle movements
- Feed transfers
- Ventilation Fans
- Alarm systems
- Standby generator
- Chickens
- Personnel
- Repairs and servicing

As the variation is for additional birds, the only potential additional noise source is from the additional birds. Chickens themselves are not usually considered a significant source of noise, although the stocking and destocking between cycles is. As this is a free range laying facility, catching will only occur once per year and the applicant has stated noise will be minimised with careful bird handling by trained catchers and prompt departure of loaded lorries. There are no anticipated substantial changes to the other noise sources as a result of this variation.

The application details measures which will be in place for preventing and minimising noise and/or vibration. The applicant has also submitted a Noise Management Plan (NMP) which details various measures to minimise and mitigate noise issues. This includes risk management measures detailed in [EPR 6.09 Noise Management at Intensive Livestock Installations](#)<sup>10</sup>. We are satisfied the techniques represent appropriate measures for the installation. The NMP will be incorporated into the operating techniques section of the permit.

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where not practicable to minimise the effects of noise.

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<sup>10</sup> [EPR 6.09 Noise Management at Intensive Livestock Installations](#)

Conditions 3.4.1 of the permit requires noise from the activities to be below that which could 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 noise at the installation.

We are satisfied that vibration is unlikely to be an issue at the installation. The nature of the activity means that there are no significant sources of vibration on site. Therefore, vibration does not need to be included in the management plan.

## **9.6. Manure Management**

The EPR regime applies only to activities within the boundary of the installation, meaning that NRW does not have a legal basis upon which to impose conditions or regulate the storage, disposal and application of chicken manure to land through the installation EPR Permit. The situation would differ if these activities took place within the green installation boundary shown on the site plan in Schedule 7 of the permit, but that is not the case here. The activity of manure spreading is subsequent to, and beyond the scope of this permitted activity, which means that the permit cannot create legally enforceable direct obligations on third parties regarding the management of manure produced by the regulated facility.

The operator has confirmed that manure storage and spreading does not take place within the installation boundary, meaning it is outside the regulatory scope of the Environmental Permitting (England and Wales) Regulations 2016.

However, NRW will continue, in association with other authorities, to work with landowners and farmers to help ensure the nutrients in manures are applied following best practice. This includes the Code of Good Agricultural Practice, which applies to all farms in England and Wales and provides guidance on nutrient management (including land spreading of manure). NRW's remit includes ensuring any off-site manure storage, use of fertiliser or further treatment must comply with CoAPR. These regulations are enforced by NRW and apply to all agricultural land in Wales. Where it is clear best practice is not being followed, we will take the appropriate action in

accordance with our powers and duties. Depending on the waste status of the manure leaving the installation boundary there may be further controls that will apply to the transfer, storage, treatment and use of the manure. It is the responsibility of the producer or holder of the manure to ensure its status is correct and all regulatory requirements complied with.

As detailed in section 9.1, we also act as an advisor to the LPA in the land use planning process as Statutory Nature Conservation Body, advising on when a land use could undermine a European sites' conservation objectives. We can also raise concerns in respect adverse impact on the quality of local water courses in line with our duties under the Water Framework Directive.

Whilst a manure management plan is not required by the permit, we have set condition 2.3.3 which requires the operator to maintain and implement a system to record the quantities of solid manure or slurry exported from the installation. The record must include the date of export from the site, quantity exported and details of the receiving site. . This will assist NRW in verifying that the operator is meeting the requirements of CoAPR and where applicable, the Duty of Care for waste.

## **10. Impact on National Site Network Sites, SSSIs and non-statutory sites**

A full assessment of the application and its potential to affect the identified sites has been carried out as part of the permit determination process. National Site Network sites, Sites of Special Scientific Interest (SSSI) and non-statutory conservation sites will be discussed separately below. In line with relevant guidance<sup>11</sup>, a screening distance of 5 km have been used to identify sites which require assessment.

### **10.1. The National Site Network**

Our Habitats Risk Assessment (HRA) approach for an intensive poultry farm EPR permit application is limited to the assessment of any potential impact on the integrity

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<sup>11</sup> [Natural Resources Wales / Ammonia assessments: initial screening and evidence gathering \(GN 020\)](#)

of a European Site (i.e. SAC, SPA, Ramsar) from the proposed regulated activities carried out within the installation boundary.

Any material that leaves the installation boundary is considered outside the scope of the HRA assessment for the Environmental Permitting Regulations (EPR) Installation permit. This includes any subsequent emissions arising from activities involving these materials, once beyond the control and boundary of the permit. Therefore, our HRA is necessarily limited to assessing potential likely significant effects or adverse impacts associated with regulated activities occurring within the installation boundary. Responsibility for HRA decisions related to the off-site management of these materials lies with other competent authorities. Specifically, in the context of an intensive poultry farm EPR application, we defer the HRA decision regarding off-site manure management to the LPA. This is supported by Regulation 67 (2) of the Conservation of Habitats and Species Regulations 2017 which allows a competent authority (NRW in this case) to not assess the impacts of an activity which would be “more appropriately assessed by another competent authority”. NRW have previously written to all LPA’s setting out our position with regards to roles and responsibilities and will notify Powys County Council that we have granted this permit variation.

As an advisor to the LPA, the land use planning process is an opportunity for NRW to raise any concerns in respect of off-site manure management that may adversely impact on the quality of local water courses. As the Statutory Nature Conservation Body (SNCB) for Wales, NRW advise on whether a land use could undermine a European site's conservation objectives.

The following National Site Network sites has been assessed:

- Tanat and Vyrnwy BAT sites SAC

A Habitat Regulations Assessment (HRA) was completed to assess the potential to affect any of the sites identified. The project was screened for likelihood of significant effects and is considered not likely to have a significant effect on any National Site Network site (as documented in section 3.2 of OGN 200 Form 1, or section 5 if

applicable). The full assessment is available to view on the public register: [PAN-025564 – OGN 200 Form 1](#).

### **10.2. Sites of Special Scientific Interest (SSSI)**

The following SSSIs have been assessed:

- Gweundd Ty Brith SSSI
- BrynHall Stables and Coach House SSSI
- Allt Y Main Mine SSSI
- Gwern-Brain Single SSSI

As a Section 28G Authority as defined in the Countryside Rights of Way Act 2000 permitting teams within NRW has a legal duty, under Section 28I of the Wildlife and Countryside Act 1981, to consult with NRW for formal advice when permitting an activity which has been determined to be likely to damage the features of a SSSI.

To determine if consultation is required, a SSSI Assessment was completed. The assessment concluded that the proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest. Therefore, no consultation with NRW's protected sites advisors is required.

A copy of the assessment is available to view on the public register: [PAN-025564 – SSSI Assessment v2](#).

The assessment was updated on 13/10/2025 as a result of comments received as part of the draft decision consultation. The updates were to align the air emissions calculation, with those in the decision document and NRW guidance. The conclusion of the assessment remains the same.

### **10.3. Non-statutory conservation sites**

The primary pathway to non-statutory sites from intensive farming units is emissions of ammonia to air. As detailed on NRW's open map<sup>12</sup> there are 2 ammonia sensitive

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<sup>12</sup> [View open data on access, flood, habitats, landscapes, marine, designated land, water quality, and woodlands](#)

ancient woodlands located within 5 km of the site. As discussed in detail in section 10.1, ammonia emissions are anticipated to reduce as a result of this variation.

Based upon the information in the application, the information available and the information provided to us in the consultation, we are satisfied that there will be no adverse impact to the non-statutory conservation sites identified.

## **11. The Permit Conditions**

### **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 and information which will be received in response to the pre-operational condition.

These descriptions have been specified in the Operating Techniques table (S1.2) in the permit.

### **11.2. Pre-operational Conditions**

Based on the information on the application, we consider that we need to impose pre-operational conditions. Details of the pre-operational conditions used can be found in Annex 2.

### **11.3. Monitoring**

We have decided that monitoring should be carried out for the parameters listed in Schedule 3 of the permit using the methods and to the frequencies specified in those tables. These monitoring requirements have been imposed in order to demonstrate compliance with the emissions limits in the permit.

### **11.4. Reporting**

We have specified the reporting requirements in Schedule 4 of the Permit to ensure data is reported 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: Consultation Responses

## 1. Advertising and Consultation on the Application

The application has been advertised and consulted upon in accordance with Natural Resources Wales Public Participation Statement. Responses to this consultation and how we have taken consultation responses into account in reaching our draft decision is summarised in this Annex.

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

<b>Response Received from Powys County Council – Planning</b>	
<b>Brief summary of issues raised:</b>	<b>Summary of action taken / how this has been covered</b>
Provided copies of decision notices and management plan relating to the planning decisions at the site (P/2009/0563 and P/2014/0742)	None required
Completion of noise proforma confirming no noise issue at the site.	None required

<b>Response Received from Powys County Council – Environmental Protection</b>	
<b>Brief summary of issues raised:</b>	<b>Summary of action taken / how this has been covered</b>
Completion of noise proforma confirming no noise issue at the site.	None required

<b>Response Received from Public Health Wales</b>	
<b>Brief summary of issues raised:</b>	<b>Summary of action taken / how this has been covered</b>
Recommendation for detailed risk assessment that considers management of emissions including ammonia, odour and bioaerosols to minimise impacts on receptors within 100 metres	We do not need to assess risk of Ammonia emission on human health in this case as explained in section 10.1.  See section 10.4 regarding assessment of odour.  Section 10.3 covers fugitive emissions, including control of bioaerosol risk.
Evidence to support ammonia emission reduction is scant. Recommendation for NRW to be satisfied such an emission reduction is achievable.	See section 10.1 regarding our assessment of ammonia.  We requested the applicant to confirm the ventilation parameters are the same for the

	existing and new house to further satisfy us that proposed approach to claiming ammonia reduction was appropriate.
Evidence to support odour emission reduction is scant. Recommendation for NRW to be satisfied such an emission reduction is achievable.	See section 10.4 regarding our assessment of odour.  We requested the applicant to confirm the ventilation parameters are the same for the existing and new house to further satisfy us that the proposed approach to claiming odour reduction was appropriate.
Recommendation for NRW to be satisfied the Noise Management Plan effectively reduces noise and there is no noise nuisance at nearby sensitive receptors.	See section 10.5 regarding our assessment of the Noise management Plan.
Recommendation that the applicant ensures any local watercourse are not adversely impacted due to increased nutrient loading.	See section 10.2 for our assessment of impact on surface water.
Recommendation that NRW are satisfied with control measures in place for dust and bioaerosols.	See section 10.3 for our assessment of dust and bioaerosol risk.
Recommendation that NRW are satisfied with storage and control measures in place for on-site storage of liquid.	The variation does not include any new storage of potentially polluting substances.
Recommendation that all waste water storage is built in line with regulators guidance.	The operator has confirmed wash water tanks will be built to the specification in SGN EPR6.09 How to comply with your environmental permit for intensive farming.
Recommendation that NRW should agree a timetable for seeking external accreditation for their own EMS e.g. ISO4001	See section 8.2 regarding our assessment of the Operators EMS.  We do not require all Operators' EMS to be accredited.
Recommendation that NRW should be satisfied that the applicant has mitigation against any flooding should this be a flood risk area.	The applicant has detailed mitigation measures against flooding in their 'Emergency Plan' although the focus is on flooding within/around the shed area which is not in a flood risk zone.  The field to the north being added to the facility for the purpose of ranging is partially within a low risk flood zone. The environmental risks in the event of flooding are managed by measures the applicant has in place to protect surface water features from high nutrient run-off.

## 2. Advertising and consultation on the draft decision

Our draft decision has been advertised and consulted on in accordance with requirements under the Industry Emissions Directive. We received a total of **191** responses. A summary of the responses and how we have taken them into account in reaching our final decision are summarised below.

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

<b>Response Received from Leigh Day</b>	
<b>Brief summary of issues raised:</b>	<b>Summary of action taken / how this has been covered</b>
<p>Concerns that the press release accompanying the consultations misrepresents recent court judgments relating to the regulation of poultry farm manure management and how the environmental permitting and planning regime interact. It's argued that:</p> <ul style="list-style-type: none"> <li>• While the Caffyn judgement confirmed that planning authorities may consider off-site manure impacts, this does not remove the need for impacts to be considered as part of the permitting process.</li> <li>• The NFU judgment concluded that agricultural manure is defined as waste under the Waste Framework Directive (WFD) unless there is high confidence it will be used safely in farming without environmental harm. WFD is implemented through environmental permits.</li> </ul> <p>Comments that permit applications and variations should include an assessment of all potential impacts from manure, including its management and use off-site.</p>	<p>Section 4.1. and 10.1 of this document outlines our position on the assessment of off-site activities. These sections have been updated to provide further clarity following the draft decision consultation.</p> <p>NRW has undertaken a review of the recent decisions including but not limited to the Caffyn and NFU judicial decisions and their implications for decision-making under the Environmental Permitting (England and Wales) Regulations 2016 (EPR) and other relevant regimes.</p> <p>The conclusion of the Court of Appeal case in England (<i>R (on the application of Squire) v Shropshire Council</i>) ruled that the potential impacts from off-site manure spreading fell to be considered as part of the Local Planning Authority's (LPA) decision, as there is no legal basis for this to be regulated by the environmental permit for the facility. The Caffyn judgement strengthens the legal basis that it is for the LPA to assess the impact of off-site manure spreading.</p> <p>This is supported by Regulation 67 (2) of the Conservation of Habitats and Species Regulations 2017 which allows a competent authority (NRW in this case) to not assess the impacts of an activity which would be "more appropriately assessed by another competent authority".</p> <p>NRW recognises that manure may be classified as waste. The NFU v Herefordshire judgement has not altered NRW's position regarding the classification of livestock manures and slurries as waste. Rather, the decision has clarified the evidential thresholds required</p>

	<p>to demonstrate compliance with the criteria for by-product status or exclusions under Article 2 of the revised Waste Framework Directive. These legal tests have been in place since that Directive was transposed.</p> <p>NRWs current advice is available externally and is currently being reviewed in light of the recent judgements.</p>
<p>The statement that NRW cannot regulate manure management once it leaves the permitted site boundary has been challenged. Key points raised include:</p> <ul style="list-style-type: none"> <li>• Although NRW cannot directly impose conditions outside site boundaries, it can regulate activities within the site that affect how manure is handled after leaving</li> <li>• <a href="#">Natural Resources Wales / Manure and nutrient management plans</a> supports the use of manure management plans to address risks and ensure manure is not classed as waste and NRW requires a manure management plan before a permit is granted</li> <li>• <a href="#">Natural Resources Wales / How to carry out a risk assessment for an Environmental Permit</a> requires applicants to assess all relevant risks, sensitive receptors and environmental impacts</li> </ul> <p>It was also noted that where manure is treated as waste, off-site recipients would themselves need (waste) permits, bringing the material within NRW's regulatory remit.</p>	<p>We understand the concerns raised regarding the regulation of manure management. Following NRW's 2021 report on phosphorus compliance in Welsh river SACs, we paused determining permit applications for intensive poultry farms, which could potentially increase the phosphorus load, whilst we reviewed our policy and procedural requirements in relation to off-site manure management and sought legal advice. The conclusion of our review confirms that the fate of manures from permitted facilities cannot legally be regulated by NRW through permit conditions once it has left the permitted boundary of a unit (this approach is outlined in section 4.1 of this document).</p> <p>Depending on the legal status of the manure on dispatch from the site boundary and its destination, there may be additional regulatory controls required under the Duty of Care for waste.</p> <p>The manure management plan referred to in the link quoted is a tool that can be used to provide evidence that any claim of non-waste status can be supported.</p> <p>It is already a requirement that where manures and slurries are taken for further treatment, that these receiving sites are appropriately authorised under EPR.</p> <p>In Wales, organic manures are defined under the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR), which set controls for manure storage and use. Which includes nitrogen limits, spreading restrictions and the requirement to plan and record all applications. NRW is the enforcing body for CoAPR and has a prioritised inspection programme.</p> <p>Section 9.6, which has been updated since the consultation to provide further clarity, explains why a manure management plan was not required as part of this variation. Sections 10 and 11 summarise the environmental risk assessment undertaken, which includes the operator's submissions and NRW's own</p>

	<p>assessment. We consider this sufficient to support our decision.</p> <p>Comments relating to manure being used as waste have been addressed above.</p>
<p>Objections to NRW's approach to Habitats Regulations Assessment (HRA) in the draft decision document. They argue:</p> <ul style="list-style-type: none"> <li>The idea that assessment of off-site manure impacts on European Sites are more appropriately assessed by the local planning authority is misinterpretation of Regulation 63 of the Conservation of Habitats and Species Regulations 2017</li> <li>NRW, as a competent authority, must itself assess whether permit variations could have likely significant effects on European sites, including effects arising from off-site manure management.</li> </ul> <p>Comments that any HRA undertaken by NRW should not omit potential impacts, regardless of whether the local planning authority also conducts an assessment.</p>	<p>Section 10.1. of this document outlines our approach to the HRA assessment. NRW maintains that assessment of the impacts of off-site manure spreading is more appropriately undertaken by the LPA.</p> <p>We have taken full account of our duties under the Conservation of Habitats and Species Regulations 2017 which as discussed above, does not require a competent authority, i.e., NRW in this case, to assess any implications of a plan or project which would be more appropriately assessed under the provisions of the 2017 Regulations by another competent authority.</p> <p>As the application fulfils the requirements of EPR, we have a duty to determine the application and as there are no legally defensible grounds for refusal, the decision is to grant the permit variation.</p>

<p><b>Response Received from Save the Wye</b></p> <p>The majority of consultation responses raised similar concerns, which originated from the community group <i>Save the Wye</i>. Submissions were received from individuals as well as the Radnorshire Wildlife Trust. Due to the high volume of objections raising identical points, we have listed the comments as submitted in the table below without summarising them.</p>	
<p><b>Issues raised:</b></p>	<p><b>Summary of action taken / how this has been covered</b></p>
<p>"Any such permit fails to include or consider the impact of waste products from the site once they leave the site. Therefore the proposed permit does not provide "a high level of protection" as NRW claim."</p>	<p>NRW have carefully considered this issue in light of relevant legislation and case law. Our position remains that the HRA decision on off-site manure spreading is more appropriately undertaken by the LPA.</p> <p>As the application fulfils the requirements of EPR, we have no legal basis for refusal of the permit.</p>
<p>"The permit is limited to the site boundaries and therefore does not consider the full impacts of the development to air, water,</p>	<p>NRW's permit determination process includes a detailed assessment of emissions from activities within the site boundary. This covers emissions to</p>

<p>land and any ecological receptors from the proposed activities as required.”</p>	<p>air, water and land, and considers the potential impacts these emissions may have on human health and the environment. A summary of our technical assessment is provided in Section 10 of the decision document.</p> <p>Activities that occur outside of the boundary are not appropriate to assess under EPR as outlined in section 4.1 of this document.</p>
<p>“NRW Environmental Management System (EMS) guidance are not fit for purpose because they do not protect the environment or deal with the impacts of the permitted development off site, therefore making it impossible for NRW to meet its statutory requirements for the prevention significant damage to ecosystems.”</p>	<p>Our decision has been made in accordance with the best available guidance at the time of determination. It is not clear from the comment which specific guidance documents or sections are being referred to. Without further detail, we are unable to provide a specific response.</p>
<p>“NRW include only Nature Conservation Sites designated as of National Importance. The impact of this development on Local Nature Reserves and SSSIs is omitted.”</p>	<p>NRW’s assessment includes consideration of all designated nature conservation sites within the relevant screening distance for this type of installation as set out in section 10.</p>
<p>“The Intensive Poultry farm EPR permit application is limited to the assessment of any potential impact on the integrity of a European Site (i.e. SAC, SPA, Ramsar) represents a failure of NRW’s statutory duty to prevent damage to locally important ecosystems.”</p>	
<p>“The pollution from the contaminated ‘wash-down’ water from the new buildings (that contains antibiotics, chicken litter, and biocides) causes significant damage to those ecosystems where it is later spread.”</p>	<p>Wash water is defined as slurry and is therefore controlled under CoAPR which is enforced by NRW. Following careful consideration, we consider the impact of off-site manure spreading, which includes the spreading of wash water from intensive farming activities, to not be within scope of this application.</p>
<p>“The permit does not prevent further agricultural pollution from the spreading of chicken manure because compliance with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR), has clearly failed to prevent devastating pollution of the Wye.”</p>	<p>While the effectiveness of compliance with CoAPR as a regulatory framework to prevent pollution is outside the scope of this specific permit determination, NRW continues to work to achieve compliance with legislation. and improve water quality across Wales.</p> <p>We are undertaking a targeted CoAPR compliance inspection and enforcement programme of higher risk agricultural activities. All identified non compliances are addressed as stated in our <a href="#">Natural Resources Wales / Enforcement and sanctions policy</a>.</p>

<p>“Because the applicants Environmental Management System is not available for public scrutiny.”</p>	<p>For permit variations, NRW only requires submission of a summary of the Environmental Management System (EMS). The EMS itself is a live document, and its adequacy and implementation are reviewed as part of ongoing compliance monitoring under permit condition 1.1.</p>
<p>“There is no determination of the impact of the release of antibiotics from these facilities. These IPU’s increase the use of antibiotics in agriculture; this is widely recognized by the NHS, World Health Organisation and others as a major contributor to the clinical problem of antibiotic resistant disease in human medicine.”</p>	<p>We fully acknowledge the concerns raised regarding risks of antimicrobial resistance.</p> <p>We do not require applicants to provide a specific risk assessment for AMR nor is it a requirement under the Intensive Farming Best Available Techniques (BAT) to implement specific techniques aimed at reducing AMR risk.</p> <p>Antibiotics use in intensive poultry farming is a matter for the Animal and Plant Health Agency.</p> <p>In determining this permit, NRW is satisfied that it has properly exercised its powers and discharged its statutory duties in accordance with the requirements of the relevant legislation and guidance. When consulted, Public Health Wales have not raised any concerns regarding AMR. We are confident that we have met our legal requirements.</p>
<p>“Permitting fails to support the actions commitment by the UK government in the Global Action Plan on antimicrobial resistance, committed to in 2015.”</p>	<p>The Global Action Plan covers a broad range of topics related to AMR and does not contain specific guidance for permitting intensive poultry farming under EPR.</p> <p>Welsh Government have launched the Animal Health Antimicrobial Resistance Control Plan for Wales<sup>13</sup> relating to antimicrobial resistance in animals and the environment. Wales have also signed up to the UK Strategy for a 5 year action plan (2024 – 2029) to tackle AMR<sup>14</sup>. NRW is an active participant in groups and initiatives focused on tackling AMR in animals and the environment.</p> <p>As outlined above, we are satisfied this decision on this application is in accordance with the requirements of the relevant legislation and guidance.</p>

<sup>13</sup> [WG37904 AMR Plan English](#)

<sup>14</sup> [Confronting antimicrobial resistance 2024 to 2029](#)

“Due to persistent residues of antimicrobials found in sediment downstream from IPUs in the Wye valley granting the permit would be in direct opposition to the decision on environmental safety taken by the European Food Safety Authority (EFSA)”	The consultation response does not provide specific evidence (e.g. scientific studies or data) to substantiate the claim regarding antimicrobial residues or how it directly relates to this proposed permit variation. As such, we are unable to comment.
“Any increase in the number of birds requires an increase to the quantity of antibiotics used and therefore an increase in deadliness (due to the resistance caused by intensive poultry farms) untreatable MRSA infections.”	We are satisfied this decision on this application is in accordance with the requirements of the relevant legislation and guidance.
“The proposed permit will cause the deterioration of a protected site (an Ancient woodland located 600m from the proposed development) and local riverine systems from aerial ammonia emissions due to nitrogen deposition leading to nitrification.”	As explained in section 9.1 and section 10, the applicant has demonstrated that there will be a reduction in ammonia emissions as a result of this proposal. Therefore, there is no mechanism for the variation to cause deterioration of any protected site.
“NRW has failed to address the impact of increased traffic on highway safety, road maintenance costs and harm to local ecosystems.”	This matter is outside of the scope of the environmental permitting process. Off-site traffic movements and associated impacts are considered by the Local Planning Authority (LPA).

<b>Response Received from The Welsh Countryside Charity (Campaign for the Protection of Rural Wales )</b>	
<b>Brief summary of issues raised:</b>	<b>Summary of action taken / how this has been covered</b>
Concerns that the application was of poor quality but this has been excused by NRW	We are satisfied that following several information requests, the information in the application allowed us to carry out a robust assessment and reach a decision on the proposed variation in line with our regulatory requirements.
Issues raised with NRW guidance on emission factors for intensive farming, specifically in regards to a typo for the emission factor listed for single tier barns for free range laying hens and the factors used in the SSSI Assessment	<p>We acknowledge that there were errors in the emission factors listed on the NRW website and apologise for any confusion this may have caused. The specific typo highlighted in relation to single-tier barns for free-range laying hens has now been corrected. We are also undertaking a broader review of the published emission factors to ensure their accuracy.</p> <p>Despite this, we have carefully reviewed the emission factors used in the assessment for this application (see section 9.1) and are confident that the correct values were applied in determining the permit variation.</p> <p>We also note the differences between the emission factors used in the main air quality assessment and those</p>

	initially presented in the SSSI Assessment. Our investigation found that the discrepancy arose from figures that were still in use when the SSSI Assessment was first drafted. We have since updated the SSSI Assessment calculations to align with the main air quality assessment. This update has not changed the outcome of the assessment (see section 10.2).
Concerns regarding the monitoring and reporting requirements of the permit.	The permit's monitoring and reporting requirements have been set in accordance with Best Available Techniques (BAT) for Intensive Farming. We are satisfied that the permit includes appropriate monitoring and reporting measures.
Concerns that manure storage has not been assessed	The applicant's proposal does not include manure storage within the site boundary. As discussed in this document, we cannot assess activities outside of the site boundary.
Challenges to how odour has been re-assessed based on revised emission factors and how this is not relatable to reality.	We are satisfied with our assessment approach as summarised in section 9.4 of this document.
Concerns the clean water discharged from the roof will be contaminated as a result of nitrogen deposition.	We consider the rainwater from the roofs of the sheds to be uncontaminated and pose no pollution risk to the river.
Comments relating to the effectiveness of the surface water pollution prevention methods.	Detailed surface water pollution prevention measures will be agreed in writing with NRW as part of the permit's pre-operational requirements for future development.
Challenges to the approach of using pre-operational measures to confirm surface water pollution prevention methods and the view that the permit should not be issued until the risks have been addressed.	The operator is not permitted to proceed with the variation until these measures have been reviewed, confirmed as satisfactory, and formally approved by NRW. We are satisfied that this approach provides sufficient protection of the watercourse from activities within the site boundary.
Comments relating to the lack of dust and bioaerosol management plan	Please see section 9.3 of this document which has been updated following the draft decision consultation (as discussed in the response to the comment received from Save the Wye).
Concerns there is no soil testing of the existing range.	The existing range has not been considered as part of this variation application which focuses on the changes to the site proposed by the applicant. Soil testing is not a BAT requirement for Intensive Farming.
Challenges to how noise has been assessed	We are satisfied with our assessment approach as summarised in section 9.5 of this document.

Concerns that manure management, specifically transfer and storage, have not been assessed	The operator has confirmed no manure will be stored within the site boundary. The Emergency Plan details measures to be taken the event of containment failure, which will include any manure/slurry spills and the areas in front of the houses are impermeable. As discussed in section 9.3, we satisfied there are suitable measures in place in regards to fugitive emissions risks.
Queries regarding water requirements and water source.	The applicant has demonstrated compliance with the BAT requirements for the efficient use of water, as set out in the relevant BAT conclusions for intensive farming. EPR does not regulate water abstraction. Any water abstraction activities would be subject to separate regulatory controls and, where applicable, require a separate abstraction licence from NRW.
Comments and concerns relating to the LPA's monitoring	The effectiveness of the LPA's monitoring or enforcement is not relevant to this permitting decision.
Concerns regarding the regulatory gap between the LPA and NRW.	<p>We have shared our findings of our internal investigation, alongside wider concerns that the current regulatory frameworks controlling the application of organic manures to land are complex and are inconsistent in approach, with the Welsh Government, which has also initiated a WG review of organic manure regulatory frameworks.</p> <p>NRW will use available mechanisms to regulate the appropriate use of organic manures through the existing regulatory frameworks available, such as The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, and are inputting to the Welsh Government review of organic manure regulatory frameworks.</p>
Questions regarding NRW having the resources or expertise to fully evaluate reports submitted with the application	While resourcing is a common challenge across the public sector, NRW is satisfied that in this case we had the necessary resources and expertise to properly evaluate and determine the application.
Concerns issues are "too difficult" for NRW to address and that there are inconsistencies with other intensive farming applications	We have fully addressed all the relevant considerations legally required of us by EPR and all other relevant legislation as outlined in this document.

### Response Received from Individuals

The table below summarises additional comments received from individuals in relation to the draft decision. Some of these were submitted alongside the 19 points raised by Save the Wye, while others were submitted independently. Where comments duplicate issues already addressed above, we have referred the reader back to the relevant section for ease

of reference. Nevertheless, all comments are summarised here for completeness and transparency.	
<b>Brief summary of issues raised:</b>	<b>Summary of action taken / how this has been covered</b>
Concerns regarding pollution affecting the River Severn, River Teme, and other watercourses (e.g. Leintwardine) and that these watercourses will suffer as the Wye has been seen to.	We fully acknowledge the concerns raised. We have assessed the impact of the activity's emissions on surface water features as far as possible as outlined in section 10.2 of this document.
Specific ecological concerns including impact of pollution on salmon, crowfoot, kingfishers, dippers, and fly fish	As discussed above, we are legally unable to assess the impact of any activity which occurs outside the installation boundary, such as off-site manure spreading, as part of the determination of this permit variation application.
Concerns that surface water pollution as a result of the activity will affect recreational uses such as swimming, canoeing and fishing	
Objections to the variation on the basis that full environmental impact of the proposal has not been assessed where the permit fails to consider pollution impacts of 'waste' (manure) once it has left the site boundary	
Concerns that ammonia emissions will impact riverine features and SAC water quality features	
Comments regarding lack of water in the catchment	Please see table above (responses to Save the Wye).
Concerns about impact to ancient woodland sites and sensitive sites	Please see table above (responses to The Welsh Countryside Charity).
Concerns regarding the cumulative impacts have not been addressed (on the rural community and ecosystems)	Please see table above (responses to Save the Wye).
Comments relating to the decision not being in accordance with the Well-being of Future Generations (Wales) Act 2015 or Sustainable Management of Natural Resources, including some comments stating this is because intensive poultry farming uses fossil fuels and causes deforestation in the Amazon (for feed).	NRW considers cumulative impacts where relevant. In this case, the nearest similar installation is 0.5 km away. However, where the proposed variation includes measures that are expected to reduce air quality and odour emissions and measures to control noise, we do not consider there to be a significant risk of cumulative impacts.
Comments relating to the decision contradicting the Environment (Wales) Act 2016	NRW has taken full account of its duties under the Welsh Legislation.  Permit conditions will ensure the operator carries out the activity in accordance with Best Available Techniques which in turn will lead to resources being used efficiently and proportionately, in a way that limits impact to the environment.

	2016 and our decision is consistent with the provisions of the legislation.
Comments relating to the effectiveness of Water Resources (control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR)	Please see table above (responses to Save the Wye).
Comments regarding the decision contradicting Welsh Government's net zero waste goals as chicken manure is waste.	The Welsh Government Net Zero strategy <sup>15</sup> does not prohibit the permitting of installations that may produce waste. The strategy emphasises the importance of managing waste responsibly and reducing environmental harm. These principles that are embedded into our permitting and compliance processes. This includes application of the circular economy and the waste hierarchy.
Comments regarding the decision contradicting the Global Action Plan on antimicrobial resistance	Please see table above (responses to Save the Wye).
Objections to the fact impact assessments have not been made available to the public.	All impact assessments, completed by the applicant and NRW are available on the public register
Frustration with planning nutrient neutrality requirements for other developments which conflicts with poultry expansion approvals	As discussed, we have assessed the impact of the activity on watercourses as far as we are legally able to.
Queries about the role of Avara Foods in the application	No mention of Avara Foods has been made in the application.
Concerns the Environmental Management System is not available for public scrutiny	Please see table above (responses to Save the Wye).
Concerns regarding zero contamination having been assumed.	This is a conservative approach in accordance with our guidance. Since the draft decision the operator has provided updated evidence and section 8 of this document has been updated accordingly.
Objections and comments relating to pig rearing	These comments are not relevant to this application which is regarding rearing of poultry.
Concerns about pest control methods being ecologically harmful and unethical	Pest control measures are outlined in section 10.5. We consider the methods proposed BAT (Best available Technique). Matters related to animal health and welfare are outside of the scope of EPR and subject to the control of other authorities.
Use of antibiotics contributing to antimicrobial resistance	See table above (responses to Save the Wye).
General animal welfare concerns	Animal health and welfare is outside the scope of EPR and subject to the control of other authorities.

<sup>15</sup> [towards-zero-waste-our-waste-strategy.pdf](#)

Concerns regarding human health risks from watercourse pollution and airborne particles	<p>We are confident we have fully assessed impacts on human health, in accordance with the relevant considerations legally required of us by EPR and all other relevant legislation and guidance as outlined in this document.</p> <p>In addition, NRW consulted with Public Health Wales during the determination process. No specific concerns were raised regarding this activity, provided that the relevant environmental assessments were completed and appropriate management plans were in place. As outlined in this document, we are satisfied that these requirements have been met.</p>
Concerns about odour and noise pollution	We are satisfied we have assessed the impact of odour and noise from the site as outlined in section 9.4 and 9.4 respectively.
Challenges to the term 'manure' – should be chicken litter or waste	We don't consider these comments relevant to the permitting decision.
Queries as to how we will monitor manure not being stored on the site.	See section 9.6 on how we have assessed manure management at the site. This includes an explanation of relevant permit requirements.
Objections to the operations continuing until 11pm, affecting local residents	<p>The operation will technically be 24 hours. Reference to 7am - 11pm in the application is in regards to fuel deliveries, litter removal, placement of livestock and testing of the standby generator. These proposed hours are outside what UK Environmental Law (such as Noise Act 1996) defines as night time hours. Notwithstanding this, permit condition 3.4.1. requires noise from the activity to not cause pollution outside of the site. As this condition is enforceable, we will take the appropriate action if it is not complied with, in accordance with our powers and duties.</p>
Concerns that by granting the permit variation there is a lack of local benefits	These matters are outside the scope of the EPR. They may be matters for the LPA to consider during planning applications.
Concerns about traffic, road damage, and light pollution	
Queries as to if the generator and dirty water tank have been operating without a permit	<p>The generator and wash water tank were included within the operator's existing operating techniques and were assessed as part of the previous permit applications.</p> <p>As part of this variation, these activities have now been listed under the permit's directly associated activities for clarity. This does not represent a new approval, but rather a formalisation of activities that</p>

	were already considered within the scope of the existing permit.
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## Annex 2: Pre-operational Conditions

**Table S1.4 Pre-operational measures**

Reference	Pre-operational measures
1	<p>1 month prior to birds being placed on the additional ranging fields permitted by V004, the operator shall submit to Natural Resources Wales, for written approval, confirmation and supporting evidence of all surface water pollution prevention measures in place to reduce the risk of run-off from the free-range poultry areas polluting nearby surface water features.</p> <p>This shall include, but not be limited to:</p> <p>Identification and mapping of all surface water receptors within or adjacent to the free-range areas.</p> <p>Details of measures in place to prevent runoff of nutrient-rich water into any surface water body (e.g. buffers, run-off controls, proposals for managing soil and crop cover, particularly around livestock access points like potholes and verandas).</p> <p>Details of how field conditions will be monitored and managed to maintain the effectiveness of pollution prevention measures over time.</p>