

Natural Resources Wales permitting decisions

Llanshay Farm Limited (Llanshay Farm) Decision Document

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Substantial Variation

The variation number is: EPR/AB3593ZL/V002

The operator is: Llanshay Farm Limited

The Installation is located at: Llanshay Farm, Llanshay Lane, Knighton, Powys, LD7 1LW

We have decided to issue the variation for Llanshay Farm operated by Llanshay Farm Limited.

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

Purpose of this document

This decision document:

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

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

1. Receipt of application

The application was received on 27/06/2022. In order for us to consider the application duly made we needed further information. We requested, via email on 31/10/2022, a revised site installation site plan and ammonia modelling. The applicant provided justification for not providing an ammonia modelling with this application which we accepted for the purpose of duly making. Upon receipt of this justification and a revised site plan, we accepted the application as duly made on 31/10/2022. 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.

1.1 Confidential information

No claim for commercial or industrial confidentiality has been made.

2. Outline of the application

The existing permit allows for the rearing of up to 110,000 broiler birds in 2 poultry sheds. This substantial variation is to vary the permit to increase the number of broiler birds permitted to 200,000. To accommodate this increase, 2 new poultry sheds are proposed. Air scrubbing units are proposed to be installed on the new sheds and the existing sheds to reduce ammonia emissions, odour emissions and other pollutants. The applicant has predicted the variation would result in 82% reduction in ammonia emissions compared to the existing permitting scenario whereby the existing sheds are not permitted to have air scrubbing units installed.

3. Consultation

3.1 Consultation on the application

The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.

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

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

- Health & Safety Executive
- Public Health Wales
- Powys County Council – planning department
- Powys County Council – environmental health department

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

The consultation started on 08/02/2023 and ended on 08/03/2023. An advert was also placed on our website for the purpose of consulting with the public.

Further details along with 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 determination.

3.2. Draft Permit Consultation

Our public participation statement¹ gives more information on what can, and cannot, be taken into account when making our permitting decision.

We have carried out a 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.

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

4. Requests for further information

Further information was requested during determination by way of Schedule 5 Notices.

The first Schedule 5 Notice requiring the applicant to provide further information relating to ammonia emissions, was sent on 24/11/2022 with a response date of 07/12/2022, which was extended at the request of the applicant, until 17/12/2022. A response to the Schedule 5 Notice was provided on 14/12/2022.

The second Schedule 5 Notice information request was sent on 16/05/2023 with a response date of 13/06/2023, which was extended at the request of the applicant, until 13/07/2023. A response to the Schedule 5 Notice was provided on 14/06/2023.

These information requests and the applicant responses will be discussed in detail in section 10.1 of this document.

5. The Facility

The regulated facility is an installation which comprises the following activity listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations (EPR):

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

The limit of this activity will be changed on the permit as a result of this variation whereby the maximum number of broilers permitted will be increased from 110,000 to 200,000. As the increase in the number of broilers was above 40,000 the variation was deemed a substantial variation in accordance with the Regulatory Guidance Note 8².

An installation may also comprise “directly associated activities”, which at the existing facility included:

- Wash water tanks³

² [Substantial changes in operation at installations, mining waste facilities and other facilities involving solvent and combustion \(naturalresources.wales\)](#)

³ Note we have changed the terminology for these tanks from dirty water tanks to wash water tanks to better align with CoAPR

As part of this variation, the following directly associated activities will also be added:

- Air scrubbers
- Generator
- Fuel oil tank
- Chemical store
- Liquid Petroleum Gas (LPG) tanks

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

6. Operation of the Installation - Management

The applicant has stated in the application that following the variation they will have in place an Environmental Management System (EMS) that will meet the requirements for an EMS in our guidance. The applicant submitted a summary of the EMS with their application which we consider satisfactory.

7. Legislation

The variation will be issued under Regulation 20 of the Environmental Permitting 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 Emission Directive 2010 (IED);
- subject to aspects of the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 which also have to be addressed.

We address the legal requirements directly where relevant in the body of this document. NRW is satisfied that this decision is consistent with its general purpose of pursuing the sustainable management of natural resources (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 permit a high level of protection will be delivered for the environment and human health through the operation of the Installation in accordance with the permit conditions.

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

7.1 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.

8. The site

The existing site is located to the southeast of Knighton, Powys. The predominant land use surrounding the site is grassland and grazing.

The operator has applied to extend the site boundary as part of this variation and has provided an updated plan which we consider is satisfactory, showing the new extent of the facility. The updated plan shows the existing and new air emission points, location of discharges of uncontaminated water to land from the new sheds and the locations of the wash water tanks which will be used to store washdown water.

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

8.1 Site condition report

The applicant has provided description of the condition of the additional land being added to the site.

We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5)⁴.

9. Impact on National Site Network, SSSIs, non-statutory conservation sites

The applicant has used a screening distance of 5 km to identify relevant ecological receptors in line with [Natural Resources Wales / Ammonia assessments: initial screening and evidence gathering \(GN 020\)](#).

Relevant National Network Sites⁵, Sites of Special Scientific Interest (SSSI) and non-statutory conservation sites will be discussed separately below.

9.1 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 of a European Site (i.e. SAC, SPA, Ramsar) from the proposed regulated activities carried out within the installation boundary. In this case, no National Site Network sites have been identified within 5 km of the installation and so no assessment is required.

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.

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

⁵ Previously referred to a Natura 2000/RAMSAR sites

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.

9.2. SSSI Assessment

River Teme, Gwernaffel Dingle and Brampton Bryan Park SSSI are within 5 km of the installation.

An Appendix 4 form was completed to assess the potential of the proposed variation to affect this site. The assessment concluded the proposed variation is not likely to damage the SSSI. Please refer to the Appendix 4 form (saved to the public register, dated 14/08/2023) and section 10.1 of this report for more information.

9.3 Non statutory site assessment

The applicant has assessed the impact of ammonia emissions on sensitive non-statutory sites within 5 km of the installation as shown on our external mapping system)⁶. This included sensitive Ancient Woodland sites. The applicant provided ammonia modelling which predicted emissions of ammonia at these sites. The modelling results indicated impacts as a result of the variation would be insignificant.

⁶ [View open data on access, flood, habitats, landscapes, marine, designated land, water quality, and woodlands](#)

As a result, there are no anticipated adverse impacts to non-statutory sites as a result of this variation. See section 10.1 for more information.

10. Environmental Risk Assessment

10.1 Air

Modelling and assessment approach

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

The application submitted did not initially include any ammonia modelling due to the addition of certified air scrubbers to the site (one to each poultry house, including the two existing houses) predicted to result in a significant reduction in ammonia emissions, despite nearly doubling the broiler population. This was demonstrated with calculations based on the standard emission factors for broilers with a 90% abatement factor applied based on the certified performance of the air scrubbing unit proposed. To verify the betterment, a Schedule 5 Notice was sent to request information related to the design and sizing of the scrubbers. The applicant provided details of how the scrubbers ventilation capacity had been calculated which was in line with NRW guidance⁷.

Responses to the initial consultation on the application (see Annex 1) highlighted that the planning permission granted for the 110,000 broilers in 2 sheds (19/0743/FUL) has conditions requiring scrubbers to be installed⁸, despite this not being a stipulation of the existing environmental permit. An informal information request was sent to the applicant, asking for clarification on if the 2 sheds already permitted had been built and if these have had scrubbers installed as per the planning condition requirements. The applicant confirmed that the existing permitted sheds had not yet been constructed.

We therefore determined that the claim that the proposed extension will result in a reduction of ammonia emissions, is therefore not a result of a comparison against the true existing scenario. We were unable to determine if the impact on sensitive sites is acceptable or not based on the information submitted. Ammonia modelling to assess

⁷ [Natural Resources Wales / Ammonia scrubber design and use](#)

⁸ [19_0743_FUL-FULL_APPROVAL_NOTICE-446351.pdf \(powys.gov.uk\)](#)

the impact of the entire proposed site (200,000 birds) was therefore requested by way of Schedule 5 Notice (see section 4).

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).

Ammonia critical levels (Cle) are used as a standard to ensure sensitive habitat sites are protected and sustainable development is enabled. Depending on the habitats and species that may be adversely affected from ammonia emissions, a critical level of either 1 $\mu\text{g}/\text{m}^3$ or 3 $\mu\text{g}/\text{m}^3$ is to be used.

The relevant guidance⁹ for assessing the impact of intensive farming activities on air quality advises ammonia “Process Contribution” (PC) (i.e., amount of ammonia that will be emitted from the development) should be determined and provided as a percentage of the identified sensitive sites ammonia Cle.

If it can be shown that:

- When PC plus the background levels of ammonia at all relevant sensitive sites does not exceed the Cle and;
- there are no other sources of ammonia to consider

then emissions can be considered insignificant, no detailed modelling is required, and the application can progress.

However, if:

- PC plus background levels of ammonia at a sensitive site exceeds the Cle or;
- there are other sources of ammonia to consider

then detailed modelling is required.

⁹ [Natural Resources Wales / How to interpret the results from your screening or modelling exercise for Ammonia Emissions \(GN 020\)](#)

If detailed modelling shows that PC is below 1% of the relevant Cle, the application can proceed regardless of background level providing there are no other sources of ammonia to consider which would not be included in the background data.

The applicant has provided modelling which has calculated PC of ammonia at the relevant ecological receptors from the entire proposed facility should the variation be granted.

The modelling was undertaken using ADMS 5 using meteorological data (2017 to 2020 inclusive) interpolated from forecast fields of the Global Forecast System (GFS) Numerical Weather Prediction (NWP) system at the site location.

Modelled emissions from the 4 sheds have been based on the maximum emission concentration of 1 ppm from the scrubber model specified in the application (Inno+ Pollo-M 1-stage chemical air cleaner system). This performance is verified in the scrubbers DLG Test Report which was provided with the application. NRW agree with this approach in this instance.

The scrubbers provide the primary ventilation for the new sheds and each scrubber will be sized to remove a maximum 332,000 m³ of air per hour (per shed). This is in alignment with NRW guidance¹⁰, assuming birds will be grown to 2kg. When this capacity is exceeded, additional ventilation will be provided by summer cooling roof fans. These will only be used occasionally as a backup ventilation system and predicted emissions from these have been included within the applicant's modelling scenario.

For developments that propose the use of scrubbers, NRW guidance states a 5km screening distance should be used to identify sensitive sites upon which impact needs to be assessed when carrying out ammonia modelling¹¹. The applicant has correctly identified 3 SSSI's within 5km (River Teme, Gwernaffel Dingle and Brampton Bryan

¹⁰ [Natural Resources Wales / Ammonia scrubber design and use](#)

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

Park SSSI) but has incorrectly used a 2km screening distance for ammonia sensitive ancient woodlands. However, our checks indicate that there are no further ammonia sensitive ancient woodlands within 5km that has not been identified in the assessment. NRW therefore accept the screening distances used in this instance. Note that the applicant has also assessed the impact on ancient woodland sites not classified as ammonia sensitive. This is not a requirement of the current guidance and hence the results for these sites will not be considered further.

The detailed modelling provided has calculated PC of ammonia at the sensitive sites identified and compared these against the relevant Cle. The applicant has not considered background levels of ammonia and this will be further discussed below (see modelling results). The assessment also considers Critical Load, however this is not a requirement of the current guidance and hence these results will not be considered further.

Modelling results

The detailed modelling results indicate that at all sensitive sites identified, the maximum PC is below 1% of the relevant Cle. The most impacted site was an ammonia sensitive ancient woodland where PC was predicted to be 0.62% of the relevant critical level ($1.0 \mu\text{g}/\text{m}^3$). NRW's Air Quality and Noise Team have completed check modelling and our results broadly agree with the applicant's.

As discussed, the applicant has not considered background levels of ammonia at the sensitive sites. However, this is considered acceptable in this instance as PC has been shown to be below 1% of the relevant Cle at all receptors and assessment of background levels would not alter the conclusions of the assessment.

Conclusions

The applicant has demonstrated that impacts on air quality in respect of ammonia can be screened out as insignificant. This is attributed to the use of scrubbers on all 4 poultry sheds. The permit will contain conditions and process monitoring requirements to ensure the facility is built and operated as applied for. We have also specified, as an improvement condition, the operator shall submit written confirmation and training documents to Natural Resources Wales to show that the necessary operating

techniques are in place for the operation of the air scrubbing units and that all staff have received the necessary training.

10.2 Water

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

All contaminated water from the wash down of the new buildings and yard will be stored in underground wash water tanks which will be built in line with recommendations set out in Sector Guidance Notes (SGN) EPR6.09 'How to comply with your environmental permit for intensive farming'¹². When full, water from the tanks will be taken outside of the installation for spreading in accordance with CoAPR and where applicable, relevant waste controls.

Clean uncontaminated water from the new building's roofs will be diverted via a guttering system to soakaway.

The applicant has confirmed that all manure will be exported from the site, with no storage or spreading of manure taking place within the installation boundary.

10.3 Odour

An odour risk assessment was provided as part of the application which concluded there was no increased risk of odour as a result of the variation. We agree with this conclusion as a result of the risk management measures proposed in the risk assessment and when also considering the proposal is to include scrubbers on all poultry sheds. Whilst the scrubbers will be in place to reduce ammonia emissions in the first instance, they will also act to control odour.

As there are sensitive receptors within 400 metres of the installation, the applicant has submitted an Odour Management Plan (OMP) for the installation as required by SGN EPR 6.09 'How to Comply with your Permit for Intensive Farming'.

¹² [how-to-comply-with-your-environmental-permit-additional-guidance-for-intensive-farming-saesneg-yn-unig.pdf \(naturalresources.wales\)](https://www.naturalresources.wales/naturalresourceswales.gov.uk/~/media/12/11/2025/how-to-comply-with-your-environmental-permit-additional-guidance-for-intensive-farming-saesneg-yn-unig.pdf)

The following further sources of odour have been identified by the applicant:

- the Broilers themselves
- Feed, including delivery and storage
- Problems with ventilation and heating systems
- Litter management
- Carcase disposal
- House clean out and washing operations
- Fugitive emissions (e.g., leaks on bins or fuel and chemical storage)

The OMP details various measures to minimise and mitigate odour issues including (but not limited to):

- Twice daily olfactory checks coinciding with stock inspections where any abnormalities are to be recorded and investigated.
- No on-site milling of feed and careful selection of feed (supplied from UKASTA accredited feed mill and reducing protein during the cycle)
- Feed delivery systems are sealed to minimise atmospheric dust and any spillage of feed around the bin is immediately swept up
- The ventilation and heating system is regularly adjusted to match the age and requirements of the flock.
- Carcasses to be placed into seal plastic bags and stored in sealed, shaded and vermin proof containers away from sensitive receptors.

We have compared the measures proposed to minimise odour at for the site to the Best Available Techniques (BAT) standards in SGN EPR 6.09 'How to Comply with your Environmental Permit for Intensive Farming' – Appendix 4 – 'Odour Management' and are satisfied that the techniques represent appropriate measures for the installation following this variation.

The OMP and the risk management methods outlined in the odour risk assessment will be incorporated into the operating techniques section of the permit.

Condition 3.3.1 in the permit requires odour 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 odour at the installation.

10.4 Noise

A noise risk assessment was provided as part of the application which concluded there was no increased risk of noise as a result of the variation. We agree with this conclusion as a result of the risk management measures outlined in the application.

As there are sensitive receptors within 400 metres of the installation, the applicant has submitted a Noise Management Plan (NMP) for the installation as required by SGN EPR 6.09 'How to Comply with your Permit for Intensive Farming'.

The following sources of noise have been identified by the Applicant:

- Ventilation fans
- Feed and fuel deliveries
- Feeding systems
- Alarms systems
- Bird catching
- Clean out operations
- Maintenance and repairs
- Standby generator testing

The NMP details various measures to minimise and mitigate noise issues including (but not limited to):

- Noise at the installation to be assessed twice a day
- Large capacity lorries to reduce number of deliveries required and lorries fitted with silencers
- Daily inspections of feed bins to prevent them running empty (and hence reduce noise when filled)
- Bird catching to be carried out by fully training catch team
- Maintenance and repairs to be carried out during working hours (07.00am – 23.00pm)

We have compared the measures proposed for the site to the BAT standards in SGN EPR 6.09 'How to Comply with your Environmental Permit for Intensive Farming' –

Appendix 5 – ‘Noise management at intensive livestock installations’ and are satisfied that the techniques represent appropriate measures for the installation. The NMP will be incorporated into the operating techniques section of the permit.

The NMP and the risk management methods outlined in the noise risk assessment will be incorporated into the operating techniques section of the permit.

Condition 4.4.1 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 intensive farming operation means that there are no significant sources of vibration on site. Therefore, vibration does not need to be included in the noise management plan.

10.5 Fugitive emissions

A risk assessment has been provided by the applicant which has identified a number of sources of potential fugitive emissions.

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’. Examples of these measures include:

- Risk of pests managed by ensuring feed spillages are cleared up promptly and using a specialist contractor to control pests when needed
- The wash water tanks will be built to specifications in in SGN EPR6.09 ‘How to comply with your environmental permit for intensive farming’.

The fuel oil storage tanks for the generator and back up boiler are bunded. The operator has confirmed that the storage meets the requirements of the Water Resources (Control of Pollution)(Oil Storage)(Wales Regulations 2016

The Fugitive Risk Assessment which includes the proposed risk management measures will be incorporated into the Operating Techniques of the permit.

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

Dust and Bioaerosols

A dust and/or bioaerosol risk assessment and management plan is only required where sensitive receptors are located within 100 metres of the site boundary, as concentrations of bioaerosols typically return to background levels beyond this distance. In this case, no receptors have been identified within the 100-metre threshold.

Notwithstanding this, we are satisfied that dust and bioaerosol emissions will be adequately controlled, as the applicant has outlined appropriate dust mitigation measures which will also be effective in minimising bioaerosol risks. These include:

- Use of suitable bedding materials
- pelleted feed delivered in sealed systems, and no mixing of feed is to take place at the farm
- feed is blown directly into storage silos where it is then piped directly into the sheds
- litter removed carefully during cleanout
- trailers (transporting dusty substances) sheeted before leaving the site
- areas around the building will be kept free of build-up of any manure, slurry or spilt feed
- ventilation will be controlled so that it is appropriate to the age and weight of the chicken

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.

10.6 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.

11. Permit Conditions

11.1 Operating Techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance note: SGN EPR6.09 'How to comply with your environmental permit for intensive farming'. We consider them to represent appropriate techniques for the facility.

We have updated in Table S1.2 of the permit to include updated management plans and supporting documentation submitted with his application relating to the operation of the installation.

11.2 Monitoring

We have determined that the proposed certified scrubber will be capable of achieving the ammonia emission reduction specified in the application. In order to ensure the scrubbers continue to work effectively throughout operation of the installation, the permit will contain the following process monitoring requirements (in Table S3.5 Process limits and monitoring requirements):

- pH of Scrubber Liquor – 3.5 (Maximum)
- Conductivity of Scrubber Liquor - 200 $\mu\text{S}/\text{cm}^3$

No other monitoring requirements have been added or changed following this variation.

11.3 Reporting

Table S4.1 of the permit was updated to include the requirement for the operator to report on existing standard monitoring detailed in Table S3.1 in line with the standard requirements for intensive farming permits. The operator will also be required to report

on the new process monitoring requirements discussed above on an annual basis following this variation.

No other reporting requirements have been changed following this variation.

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

Consultation Responses from Statutory and Non-Statutory Bodies

Response Received from Public Health Wales	
Brief summary of issues raised:	Summary of action taken / how this has been covered
NRW should be satisfied the ammonia emission reduction is achievable as it is difficult to comment further based on the information provided in the application.	As discussed in section 4 of this document further information by way of Schedule 5 Notice was requested from the applicant regarding the anticipated ammonia emissions. See section 10.1 regarding our assessment of the detailed ammonia modelling submitted in response to the information request.
Comments regarding importance of odour controls	See section 10.3 regarding our assessment of the odour management plan.
Comments regarding manure spreading activities and important that the applicant ensures that any local watercourses are not adversely impacted due to any increased nutrient loading.	See section 10.2. The applicant has confirmed that manure will be exported from the installation. Therefore, this matter is outside of the scope of the application
NRW should be satisfied with the control measures to mitigate fugitive emissions with specific mention of dust and bio-aerosols.	See section 10.5 regarding our assessment of fugitive emissions including dust and bio-aerosols.
NRW should ensure they are satisfied with storage of on-site liquids and control measures in place to avoid any emergency incidents, which could have off-site implications.	We have assessed the applicants proposed operating techniques in relation to storage of liquids and responses to emergency incidents and are satisfied the appropriate measures will be in place. See section 10.5.
Comments regarding the effectiveness of the noise management plan.	See section 10.4 regarding our assessment of the applicants noise risk assessment and

Suggestion of a noise survey at the nearest residential receptor.	management plan. We do not consider a noise survey is required in this instance.
Comments regarding the need for the Environmental Management System (EMS) needing to cover all operational controls and procedures for the increased number of broilers and for a timetable to be agreed for the operator to obtain external accreditation for their EMS e.g. ISO4001.	See section 6 regarding our assessment of the operators EMS. We do not require all operators' EMS to be accredited. ISO 14001 is a voluntary certification.
Comments regarding the operator needing to have sufficient mitigation in place should this be a flood risk area.	The site is not located within a flood risk area.

Consultation Responses from Members of the Public and Community Organisations

Response Received from Brecon and Radnor Campaign for the Protection of Rural Wales	
Brief summary of issues raised:	Summary of action taken / how this has been covered
Concerns regarding no ammonia assessment being submitted with the initial application.	As a result of the information received in this consultation response and further investigation by NRW, further information was requested from the applicant (including detailed ammonia modelling). See section 10.1 for more information.
Information regarding the planning permission for the 'existing' facility being subject conditions requiring the 2 'existing' sheds to have scrubber fitted, unlike the existing environmental permit. Concerns the initial risk assessment provided by the applicant, which is based on the existing sheds not having scrubbers installed is therefore incorrect.	
Recommendations that NRW should reconsider the applicant's argument that the variation will result in a betterment.	

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 **198** 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

Response Received from Leigh Day	
Brief summary of issues raised:	Summary of action taken / how this has been covered
<p>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"> • While the Caffyn judgement confirmed that planning authorities may consider off-site manure impacts, this does not remove the need for impacts for be considered as part of the permitting process. • 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 <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 7.1. and 9.1 of this document outlines our position on the assessment 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 vires 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</p>

	<p>decision has clarified the evidential thresholds required 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"> • Although NRW cannot directly impose conditions outside site boundaries, it can regulate activities within the site that affect how manure is handled after leaving • Natural Resources Wales / Manure and nutrient management plans 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 • Natural Resources Wales / How to carry out a risk assessment for an Environmental Permit requires applicants to assess all relevant risks, sensitive receptors and environmental impacts <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 7.1 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 10.6, 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</p>

	<p>includes the operator’s submissions and NRW’s own 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"> • 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 • 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. <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 9.1. 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>Response Received from Save the Wye</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>Issues raised:</p>	<p>Summary of action taken / how this has been covered</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, land and any ecological receptors from the proposed activities as required.”</p>	<p>NRW’s permit determination process includes a detailed assessment of emissions from activities within the site boundary. This covers emissions to 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 7.1 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 9.</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 Natural Resources Wales / Enforcement and sanctions policy.</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 Wales¹³ 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 AMR¹⁴. 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>

¹³ [WG37904 AMR Plan English](#)

¹⁴ [Confronting antimicrobial resistance 2024 to 2029](#)

<p>“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)”</p>	<p>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.</p>
<p>“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.”</p>	<p>We are satisfied this decision on this application is in accordance with the requirements of the relevant legislation and guidance.</p>
<p>“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.”</p>	<p>As explained in section 10.1 and section 11, 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.</p>
<p>“NRW has failed to address the impact of increased traffic on highway safety, road maintenance costs and harm to local ecosystems.”</p>	<p>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).</p>

<p>Response Received from The Welsh Countryside Charity (Campaign for the Protection of Rural Wales)</p>	
<p>Brief summary of issues raised:</p>	<p>Summary of action taken / how this has been covered</p>
<p>Comments related to procedural consistency</p>	<p>The examples provided are relate to phasing and do not affect the outcome of the permit determination and is not material to the decision itself.</p>
<p>Comments that that there is no evidence that a response to the initial application consultation has been considered and comments have not been adequately addressed.</p>	<p>We have carefully considered the comments received during the initial consultations where relevant comments were raised. This decision document and its annex provide a detailed explanation of how those comments were taken into account and how in response to them, further information was requested from the applicant. These actions are outlined in Section 10.1 of the decision document.</p>
<p>Concerns the operator has started operating two sheds whilst the applicant has confirmed in the application the sheds have not been built. The sheds have been built with two scrubbers which are not permitted and hence not compliant with their permit.</p>	<p>These comments relate to compliance monitoring of the installation, therefore are not relevant to the permitting decision.</p>

<p>The draft permit also contains requirements for the operator to provide necessary operating techniques in are in place prior to the scrubbers operating. It is unclear if this has been actioned by the operator.</p>	
<p>NRW failed in its Sustainable Management of Natural Resources (SMNR) duty by not “withdrawing” the original permit when planning conditions changed.</p>	<p>The permitting and planning process are independent. It is the operators responsibility to obtain all the required permits and permissions and ensure the activity is compliant with all the relevant legislation and guidance.</p> <p>NRW's role is to assess and regulate compliance with the conditions of the environmental permit.</p>
<p>The ammonia report references Environment Agency (EA) guidance, not NRW guidance, despite the site being in Wales where more recent guidance is available and where NRW are the regulatory authority.</p>	<p>The air quality modelling has been assessed by NRW's air quality experts and as discussed in section 10.1, we agree with the model approach in this instance.</p>
<p>Concerns ancient woodland located nearer the site, where ammonia contributions would be higher, have not been assessed</p>	<p>As discussed in section 10.1, the variation is anticipated to reduce ammonia emissions at all sensitive receptors.</p>
<p>Clarity requested as to why 2019 and 2022 graphs have been presented in the ammonia report – particularly when modelled meteorological years are 2017-2020</p>	<p>The air quality modelling has been assessed by NRW's air quality experts who reviewed the inputs to the model and as discussed in section 10.1, we agree with the model approach in this instance.</p>
<p>Scrubber capacity in report are stated to be 346,500 m3/hr whilst permit allows a smaller capacity of 332,000m3/h. Ventilation capacity not discussed in decision document.</p>	<p>The ammonia assessment was for a greater (220,000) number of birds and hence the scrubber's ventilation capacity was assumed to be larger. The applicant confirmed during determination the number of birds was to be 200,000 and the ventilation capacity was confirmed to be 332,000m3/hr. These emails are saved to the public register.</p> <p>Our assessment of ventilation capacity of the scrubbers is discussed in section 10.1 of this document.</p>
<p>Ammonia emissions from loading before transport not accounted for nor from fields after spreading.</p>	<p>NRW's ammonia assessment guidance focuses on emissions arising from activities within the permitted site boundary.</p>
<p>Concerns the Inno Scrubbers only have a two-year warranty and performance may decline with age</p>	<p>Any decline in the performance or pollution control equipment that results in non-compliance with permit conditions would be subject to enforcement action.</p>

<p>NRW have accepted no modelling against guidance which states if PC plus background levels of ammonia at a sensitive site exceeds the critical level or there are other sources to consider detailed modelling is required</p>	<p>As outlined in Section 10.1 of the decision document, NRW did not accept the absence of modelling in this case.</p>
<p>No details given regarding NRW check modelling results</p>	<p>Our air quality audit is summarised in section 10.1 of this document.</p>
<p>Modelled emissions will not have remained the same in 2025 given climate change.</p> <p>Queries as to why we have accepted modelling results from past cooler weather periods.</p>	<p>The applicant's air quality modelling was based on meteorological data from the Global Forecast System (GFS) for the years 2019–2022. We carried out our own check modelling using higher-resolution (1.5 km) meteorological data from the UK Met Office's Numerical Weather Prediction modelling system, which we consider more appropriate for this type of assessment. While we acknowledge that variations in weather conditions can influence modelling results, we do not consider the temperature climate changes over a three-year period (from 2022 to 2025) to be significant enough to justify requesting updated modelling. Furthermore, the proposed variation includes the installation of ammonia scrubbers, which is expected to reduce ammonia emissions from the site. Even if updated meteorological data were to slightly alter the modelling results, it is highly unlikely that this would change the overall conclusion that the variation will lead to an improvement in air quality.</p>
<p>Concerns regarding the regulatory gap between the LPA planning and NRW. NRW should be seeking to eliminate this gap under duties under SMNR.</p>	<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>
<p>Concerns about AS Smith Modelling & Data, used in the majority of intensive</p>	<p>We are unable to advise on which consultant's applicants should use. Each application is assessed</p>

<p>farming applications. Concerns that they not follow NRW guidance and there is a lack of independent oversight.</p>	<p>on its own merits, regardless of the consultant involved.</p>
<p>Comments relating to Environmental impact assessments required for spreading on operator controlled land (and “outside of the installation”). Notes that Planning decision specifies which fields the manure/dirty water cannot be spread on.</p>	<p>As discussed, the permitting and planning application processes are independent and NRW cannot legally assess activities outside of the site boundary and part of the permit application and hence cannot ask for assessments of these activities. The storage and use of organic manures is controlled under The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and identified non compliances are enforced by NRW.</p>
<p>No consideration on impact on nearby proposed housing development.</p>	<p>We cannot consider impacts upon developments which are not finalised.</p>
<p>Questions regarding NRW having the resources or expertise to fully evaluate reports submitted with the application</p>	<p>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.</p>
<p>Concerns issues are “too difficult” for NRW to address and that there are inconsistencies with other intensive farming applications</p>	<p>We are confident we have fully addressed all the relevant considerations legally required of us by EPR and all other relevant legislation as outlined in this document.</p>

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.

Brief summary of issues raised:	Summary of action taken / how this has been covered
<p>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.</p>	<p>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.</p>
<p>Specific ecological concerns including impact of pollution on salmon, crowfoot, kingfishers, dippers, and fly fish</p>	<p>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.</p>
<p>Concerns that surface water pollution as a result of the activity will affect recreational swimming and causing illness</p>	
<p>Objections to the variation on the basis that full environmental impact of the proposal has not been assessed where the permit</p>	

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	See table above (responses to Save the Wye).
Comments regarding lack of water in the catchment	Abstraction of water is not an activity considered under EPR.
Concerns about impact to ancient woodland sites and sensitive sites	Please see table above (responses to Save the Wye).
Concerns regarding the cumulative impacts have not been addressed (on the rural community and ecosystems)	NRW considers cumulative impacts where relevant. In this case, the proposed variation includes measures that are expected to improve air quality, and the nearest similar installation is located over 4 km away. Given this separation and the control measures in place at the site, we do not consider there to be a significant risk of cumulative impacts in relation to ammonia, odour, or noise
No ecological survey at Llanshay Farm, contrary to biodiversity principles (e.g. 'bioamrywiaeth' from the Rio Earth Summit)	Our records do not show any protected species at the site which may be impacted as a result of this proposal. Species and habitats protected under the Conservation of Species and Habitats Regulations 2017 and the Wildlife and Countryside Act 1981 have been assessed as discussed in section 9 of this report.
Light pollution affecting the Spaceguard Centre	This matter is outside of the scope of the EPR. It may be within scope of the planning process.
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 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 (BAT) which in turn will lead to resources being used efficiently and proportionately, in a way that limits impact to the environment.
Comments relating to the decision contradicting the Environment (Wales) Act 2016	NRW is satisfied that we have considered the relevant provisions of the Environment (Wales) Act 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 ¹⁵ 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 assessment have not been made available to the public.	All impact assessments, completed by the applicant and NRW are available on our 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 as to where the scrubber liquor will be "exhausted" and the need for it to be "neutralised".	<p>We have specified in the permit that any used liquor generated will need to be stored in a bunded tank whilst it is waiting to be taken off-site.</p> <p>The applicant has confirmed that by-product liquid from the scrubbers will have the pH adjusted to neutral before any use.</p> <p>No application has been made for the used scrubber liquor to be used within the permitted boundary. We consider the used liquor to be waste and as such the operator will need to ensure it is treated in accordance with the revised Waste Framework Directive (as specified in condition 1.4 of the permit).</p>
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.

¹⁵ [towards-zero-waste-our-waste-strategy.pdf](#)

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.
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, especially near schools and holiday lets	We are satisfied we have assessed the impact of odour and noise from the site as outlined in section 10.3 and 10.4 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 10.6.
Objections to the operations continuing until 11pm, affecting local residents	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 boundary. We will take the appropriate action, in accordance with our powers and duties under EPR should noise become an issue at the site.
Concerns that by granting the permit variation there is a lack of local benefits: no employment gains, damage to tourism	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	

ANNEX 2: Improvement Conditions

Table S1.3 Improvement programme requirements

	Requirement	Date
1	The Operator shall submit written confirmation and training documents to Natural Resources Wales that the necessary operating techniques are in place for the operation of the air scrubbing units and that all staff have received the necessary training	A minimum of 10 days before the operation of the air scrubber on poultry building 1- 4