Soaltar Limited
Cinders Farm

Decision Document

Bespoke permit

The application number is: PAN-002086

The permit number is: EPR/AB3894HW

The Applicant / Operator is: Soaltar Limited

The Installation is located at: Cinders Farm, Cinders, Ruabon, Wrexham, LL13 6HL

We have decided to grant the permit for Cinders Farm operated by Soaltar Limited.

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

Purpose of this document

This decision document:

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

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

Structure of this document

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

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Key issues of the decision

1 Our decision

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

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

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

2 How we reached our decision

2.1 Receipt of Application

The Application was received on 10 November 2017 and was duly made on 28 November 2017. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we would need to complete that determination.

2.2 Consultation on the Application

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

We advertised the Application by a notice placed on our website, which contained all the information required by the IED, including telling people where and when they could see a copy of the Application.

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

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

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

- Food Standards Agency
- Health Protection Agency
- Public Health Wales

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

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 1. In this instance no comments were received.

2.3 Requests for Further Information

Additional information about drainage on site was requested via email on 13 February 2018. The information was provided on 14 February. It was not necessary to formally request any information via a Schedule 5 Notice.

Further information was requested as a result of NRW being asked to consult on the planning application for the site. Drainage information in the planning application did not match that supplied in the permit application. The applicant was asked to clarify this and they provided updated documentation and plans for the permit application on 06 March 2018.

The applicant was also asked to provide additional information about the proposed attenuation ponds. This was requested via email on 27 March 2018 and a response was received on the same day.

3 The Legal Framework

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

- an *installation* as described by the IED

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

4 The Installation

4.1 Description of the Installation and related issues

4.1.1 The permitted activities

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

- Section 6.9 Part A(1)(a)(i) Rearing poultry in an installation with more than 40,000 places.

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

- Dirty water storage
- Feed silos
- Fuel storage
- Biomass boilers

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

4.1.2 The Site

The site lies approximately 1.5km east of Ruabon, south of Wrexham at grid reference SJ 32419 44014. Four new poultry houses are to be constructed on a green field site approximately 150 meters to the north of the existing farm buildings at Cinders.

The operator has provided a plan which we consider is satisfactory, showing the extent of the facility. In addition the operator has provided a site layout/drainage plan which includes discharge points.

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

4.1.3 What the Installation does

The facility will comprise of four poultry houses, with capacity for 225,000 broilers. Birds will be housed at a day old and depopulated at around 37-56 days of age. With approximately ten days empty in between, there will be six cycles a year. This will be done on an all-in, all-out basis.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

There will be four newly constructed poultry houses, each the same size with a combined capacity for 225,000 birds. Housing design and management will be in accordance with Best Available Technique (BAT) standards. The working area where vehicles operate will be laid with concrete and hardstanding. A biomass building is to be constructed to house two biomass boilers to fuel hot water heaters in the poultry houses.

4.2.2 Closure and decommissioning

Permit condition 1.1.1 requires the Operator to have a written management system in place which identifies and minimises risks of pollution including those arising from closure. At the definitive cessation of activities, the Operator has to satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site's current or approved future use. To do this, the Operator has to apply to us for surrender, which we will not grant unless and until we are satisfied that these requirements have been met.

The operator has included a site closure plan with their application detailing the steps that will be taken on the event of the facility closing.

A site condition report has been completed providing a baseline for the site at the time of the permit application. It is noted that the land has previously been used for agricultural purposes. No pollution incidents have previously occurred at the site. We consider that the description provided is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).

4.3 Operation of the Installation – general issues

4.3.1 Administrative issues

We are satisfied that the Applicant, Soaltar Limited will have control over the operation of the Installation; and that the Applicant will be able to operate the Installation so as to comply with the conditions included in the Permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.

4.3.2 Relevant convictions

Our Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.

4.3.3 Management

The Applicant has stated in the Application that they will implement an Environmental Management System (EMS) that will meet the requirements for an EMS in our "How to comply with your environmental permit guidance". The Applicant submitted a summary of the EMS with their application which includes sections on normal operations, maintenance schedule recording, incidents and abnormal operations, complaints, accident/emergency plan, training, installation plans and site security.

All written management systems will be subject to regular review by the Operator.

We are satisfied that appropriate management systems and management structures will be in place for this Installation, and that sufficient resources are available to the Operator to ensure compliance with all the Permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

4.3.4 Accident management

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.

The operator has an emergency plan which will be subject to regular review. It includes contingencies for events such as fire, power failure, flood, disease and containment failure.

4.3.5 Site security

The site itself does not have a secure boundary fence. The poultry houses, fuel stores and all store rooms will be kept locked and secure, preventing any unauthorised access.

Having considered the information submitted in the Application, we are satisfied that procedures will be in place to ensure that the site remains secure.

4.3.6 Operating techniques

Before bird arrival the houses will be pre-warmed with hot water heaters fuelled by the biomass boilers. Floors will be covered to a minimum depth of 2cm of sawdust. Temperature and humidity are computer controlled and will be closely monitored on a daily basis. Ventilation will be by roof mounted high velocity fans and side inlets. Water is provided via a nipple drinking system fitted with cups to reduce leakage and spills leading to drier litter.

Birds will be fed a minimum of three diets during their cycle, with gradually reducing levels of protein and phosphorous as bird weight increases with age. Feed is delivered from a UKASTA accredited feed mill and blown into bulk, covered feed bins situated at the end of the houses, from the feed bins the feed is augered into the houses and distributed to the birds via a pan feeding system.

At depletion litter will be removed and the site will be pressure wash disinfected and dried out prior to the cycle beginning again.

We have reviewed the techniques proposed by the operator and compared these with the relevant guidance notes. We are satisfied that the techniques represent appropriate measures for the installation in line with BAT standards in EPR 6.09. The applicant has specified that they will operate in accordance with this guidance.

4.3.7 Incorporating the application

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. These descriptions are specified in the Operating Techniques table in the permit.

4.3.8 Energy efficiency

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

4.3.9 Avoidance, recovery or disposal of wastes produced by the activities

At depletion litter will be removed from site and spread on the operator's land.

Any fallen stock will be collected and recorded daily, and stored in sealed vermin proof containers before being collected by a licensed renderer.

5 Minimising the Installation's environmental impact

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

For an installation of this kind, the principal emissions are:

- Ammonia
- Dust
- Odour
- Noise
- Effluent discharges

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

5.1 Assessment of Impact on Air Quality

The applicant has carried out a risk assessment identifying potential risks to human health including dust and ammonia. Operating procedures have been put in place to minimise the risks, in line with BAT procedures. It is considered that if the site is operated in line with these procedures, there is no significant risk to human health as a result of activities at the site.

Two biomass boilers will be housed in a separate biomass building to the east of the poultry sheds. The boilers will fuel hot water heaters, which will heat the poultry houses. Each boiler has a thermal input of 1088kwh with a combined thermal output of approximately1800kwth. The boilers will be fuelled by virgin woodchip, miscanthus and straw. The exhaust stacks are 7 metres high and located at SJ 32500 43875 and SJ 32475 43850. The emission points will be listed in the permit as emissions to air.

We have a position statement with regards to assessing air emissions from biomass boilers at EPR intensive farms. The statement applies to boilers with a thermal input of up to 2MW. The boilers at Cinders have a combined thermal input of 2176kwh. The other criteria of the position statement have been checked and:

- the boilers are eligible for the Renewable Heat Incentive
- the nearest local wildlife site is 1.1km to the west
- the nearest ancient woodlands are 0.9km and 1.1km away
- the nearest buildings are 6 metres in height, the boiler stacks are 7 metres

On this basis, even though the thermal input of the boilers is slightly over the 2MW, all of the other criteria of the position statement are being met or exceeded. We have therefore decided not to ask the applicant for any additional information. As stated in the position statement, air emissions from small biomass boilers burning virgin timber are not considered likely to pose a significant risk to the environment or human health.

5.2 Assessment of odour impact

The applicant has submitted detailed dispersion modelling of the impact of odour from the facility. The modelling has been carried out based on the four new poultry sheds, each being ventilated by high speed ridge fans and side inlets.

H4 Odour Management guidance explains that the odour benchmarks are based on the 98th percentile of hourly average concentrations of odour modelled over a year at the site/installation boundary. The benchmarks are:

- 1.5 odour units for most offensive odours
- 3 odour units for moderately offensive odours
- 6 odour units for less offensive odours

Odours from poultry rearing are usually placed in the moderately offensive category. Therefore for their modelling the applicant has used the benchmark of 3.0 ou_E/m^3 to assess the potential impact of odour on nearby sensitive receptors.

The results of the modelling predict the highest maximum odour concentration, 4.55 ou_E/m^3 at Cinders Farmhouse which is occupied by the operator. The results for all other locations assessed are below the benchmark of 3 ou_E/m^3.

We are satisfied that the risk of odour pollution at nearby receptors, not directly associated with the farm, is not significant. NRW has assessed the modelling and is satisfied that it accurately represents the predicted odours. It is recognised that this modelling does only represent the expected odour concentrations for 98% of the time and that odours may be higher for the remaining 2% of the time. NRW is not able to ensure that odour impacts on nearby receptors are reduced to zero, but is determined to ensure that they are minimised.

The applicant has submitted an odour management plan (OMP) for the installation as required by EPR 6.09 "*How to Comply with your Permit for Intensive Farming"* because there are sensitive receptors within 400 metres of the installation. The OMP describes the measures and controls in place to minimise odour and includes twice daily olfactory checks. We have compared the measures proposed for the site to the BAT standards in EPR 6.09 and are satisfied that the techniques represent appropriate measures for the installation. The OMP has been incorporated into the operating techniques section of the permit.

Permit condition 3.3.1 requires that emissions from the activities are free from odour at levels likely to cause pollution outside the site, as perceived by an officer of NRW. We are satisfied that this condition will be sufficiently protective in conjunction with the measures described by the applicant for minimising odour production at the installation.

5.3 Assessment of impact to surface and ground water

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

Clean, uncontaminated rainwater from roofs will drain to French drains running the length of the houses. The French drainage connects to a central pipe, draining to an attenuation pond. The pond is unlined and acts as a soakaway. There is also a discharge from the pond to an offsite ditch at the northern boundary of the installation.

Natural Resources Wales were consulted on the planning application for the site. Based on the information provided with that application surface water is to be discharged to two unnamed watercourses to the northern and south-eastern boundaries of the site, and drawings show two attenuation ponds. The permit application only showed one attenuation pond and discharge to surface water as described above. The applicant has confirmed that there will also be surface water runoff from the biomass building, to a second attenuation pond that will discharge as described in the planning application. The applicant has provided updated site plans and documentation. Both of the attenuation ponds will be newly created as part of the site construction.

The permit includes a condition that requires periodic monitoring to be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

5.4 Emissions to sewer

When birds are removed from the poultry houses, the site will be pressure washed, disinfected and dried out prior to the next cycle. All wash waters will be contained in a sealed underground tank, with a 10,000 litre capacity prior to being spread on operator controlled land. There are no emissions to sewer.

5.5 Fugitive emissions

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

5.6 Assessment of noise impact

A risk assessment of the potential impact of noise from the site on nearby sensitive receptors has been carried out by the applicant. Potential sources of noise include vehicles travelling to and from site and ventilation fans.

Because 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 EPR 6.09 "*How to Comply with your Permit for Intensive Farming".* The NMP describes the measures and controls in place to minimise noise and includes twice daily inspections of the site.

Roof mounted ventilation fans will be subject to regular, end of cycle maintenance by qualified electricians and noisy fans will be isolated and an electrician notified. Silencers will be fitted to feed delivery lorries. The movement of vehicles outside of the installation boundary is not within the regulatory scope of the Environmental Permitting (England and Wales) Regulations 2016 and is a matter for the local planning authority.

We have compared the measures proposed for the site to the BAT standards in EPR 6.09 and are satisfied that the techniques represent appropriate measures for the installation. The NMP has been incorporated into the operating techniques section of the permit.

Permit condition 3.4.1 requires that emissions from the activities are free from noise at levels likely to cause pollution outside the site, as perceived by an officer of NRW. We are satisfied that this condition will be sufficiently protective in conjunction with the measures described by the applicant for minimising odour production at the installation.

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

The application is within the relevant screening distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process.

The following sites have been considered:

SACs (within 5km)

Johnston Newts 2km NW

River Dee & Bala Lake (Wales) 3km SE and 3.5km SW

River Dee & Bala Lake (England) 3km SE

SSIs (within 5km)

Stryt Las A'r Hafod 2km NW

Sontley Marsh 3.6km NNE

Nant y Belan and Prynela Woods 3.4km SW

River Dee 3km SE and 3.5km SW

SINCs/Local wildlife sites (within 2km)

Caldecott's Wood 1.1km W

Gefeiliau Brook 1.5km NNE

Nanterral Wood 1.5km SE

Longwood & Grassland 1.6km SE

Bathground Wood 1.8km SW

Sall's Wood 1.9km ENE

Oak Wood 1.9km NE

Ancient woodland (within 2km)
34 areas of restored ancient woodland, ancient semi natural woodland and plantation on ancient woodland, the nearest being 1.1 km to the east and 0.9km to the SW.

The applicant has carried out detailed modelling of the potential impacts of the dispersion and deposition of Ammonia from the farm. The preliminary modelling

showed that at all Ancient Woodland receptors the figures were below the thresholds for ammonia concentrations and nitrogen deposition rates. The potential impact is therefore insignificant.

The applicant has not done separate modelling for the SINCs and Local Wildlife Sites but they all correspond with areas of ancient woodland so the same conclusion as above can be assumed, and the potential impact is therefore considered insignificant.

For SSSIs and SACs the majority of the figures from the preliminary modelling were between 1 and 8%, the lower and upper thresholds meaning that detailed modelling was required.

The modelling for the Johnstown Newts SAC/Stryt Las A'r Hafod SSSI has been carried out assuming a critical level of 3.0µg-NH_3/m^3. The figures at two locations within the SAC exceed the 1% threshold at 1.3 and 1.1%. We have sought advice from our local Natural Resource Management (NRM) team who advised that newts are not sensitive to ammonia concentrations. Vegetation in the newts' habitat could be potentially sensitive where it is above the water. APIS (Air Pollution Information System) gives the background concentration of ammonia at the SAC as 2.48µg-NH_3/m^3 so there is headroom when using the critical level of 3. APIS does not give a critical load for newts As the conservation objectives for the site are for the newts themselves, and the figures are only just above the 1% threshold we have decided not to request that the applicant carries out an in combination assessment for the site in this instance.

The modelling for the River Dee SAC/SSSI has been carried out assuming a critical level of 1.0µg-NH_3/m^3 for bankside and 3.0µg-NH_3/m^3 for aquatic. The concentrations at the aquatic locations screen out, for the bankside locations however two of the figures are slightly above the 1% threshold at 1.1 and 1.2%. We have sought advice from our local NRM team who advised that for this particular stretch of the River a critical level of 3 can be assumed in this instance as it is considered highly unlikely sensitive species will be found here. Using the higher level, all of the results screen out and potential impacts are considered insignificant.

The figures derived from the detailed modelling for ammonia concentrations at both Sontley Marsh and Nant y Belan and Prynela Woods SSSIs screen out. The figures for nitrogen deposition at Sontley Marsh are 1.0 and 1.4%, so on or slightly over the threshold of 1%. APIS does not give a critical load for the site.

If process contributions calculated in detailed modelling are between 1 and 8%, an in combination assessment should normally be carried out. The figures that exceed the threshold at the protected sites, only do so by a small amount. Based on information about the protected sites from our NRM officers, and having consulted with our planning team on potential sites within a 5km radius, there being one proposed poultry farm within 5km of the Johnstown Newt Site, we have decided not to request that the applicant carry one out on this occasion.

An OGN Form 1 Habitats Regulations Assessment has been completed and forwarded onto the local Natural Resource Management team for consultation. No response was received. The form 1 was also sent to Natural England for consultation as the River Dee and Bala Lake (England) SAC falls within the relevant screening

distance. They responded and agreed with our conclusion. A CRoW Appendix 4 has also been completed for info.

Full details of the assessment carried out of the potential effect of ammonia emissions from the proposed site on the SACs and SSSIs listed above are detailed in the forms. Our conclusions were that the proposal is not likely to have a significant effect on any of these sites. The forms are available from our public register.

5.8 Impact on European Protected Species (EPS)

We have consulted with our species officers and have been advised that the poultry farm is within the predicted range of at least two local populations of great crested newts (GCNs). The predicted range of the species is 500m from natal ponds, though dispersal can be up to 1200m.

Given the location of this facility, the attenuation ponds being constructed on site are predicted to be colonized by this species. As a direct consequence of this colonization, any maintenance of the ponds will need to be subject to a EPS derogation licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017. A condition has been included in the permit requiring the surveillance of the ponds for GCN every 5 years. If GCN are subsequently found operational conditions may need to be revised. If their presence is not confirmed no further action will be required.

Any measures to be implemented during the construction phase of the site will be considered through the planning application.

Based on the nature and spatial location of this proposal it is not considered that the application will not be detrimental to the maintenance of the favourable conservation status (FCS) of any known populations of European Protected Species (EPS) in the locality, including the GCNs.

6 Setting ELVs and other Permit conditions

6.1 Translating BAT into Permit conditions

Article 14(3) of the Industrial Emissions Directive (IED) states that BAT conclusions shall be the reference for setting the permit conditions to installations covered by the Directive. As a result of the Commission Implementing Decision (EU) 2017/302 of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs, the format of our Permit for the intensive farming sector has been updated. Appendix 1 of the Permit sets out generic conditions which apply to all sites. Appendix 2 sets out site specific conditions based on the activities being carried out.

6.2 Monitoring

Monitoring should be carried out for the parameters listed in Appendix 1, Schedule 3 of the permit using the methods and to the frequencies specified in Table S3.1 for broilers. These monitoring requirements have been introduced in order to demonstrate compliance with the best available techniques (BAT) conclusions for the intensive rearing of poultry or pigs, as set out in the Commission Implementing Decision (EU) 2017/302 of 15 February 2017.

No monitoring is required from the point source emissions on site.

6.3 Reporting

We have specified reporting requirements in Appendix 2, Schedule 4 of the Permit to ensure compliance with permit conditions and to monitor the efficiency of farming activities at the site in line with BAT.

ANNEX 1: Consultation Reponses

A) Advertising and Consultation on the Application

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

1) Consultation Responses from Statutory and Non-Statutory Bodies

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

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

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

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

b) Representations from Community and Other Organisations

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

c) Representations from Individual Members of the Public

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