

Natural Resources Wales permitting decisions

Upper Ffrydd Decision Document

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Variation

The variation number: EPR/AB3298ZG/V003

The applicant /operator is: Mr Gareth Evans

The Installation is located at: Upper Ffrydd Poultry Unit, Upper Ffrydd, Trefeglwys, Caersws, Powys, SY17 5QS

We have decided to issue the permit for Upper Ffrydd operated by Mr Gareth Evans.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the variation 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.

Key issues of the decision

Receipt of application

The Application was accepted as duly made on 17/08/18. 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.

The Applicant made no claim for commercial confidentiality. We have not received any information in relation to the Application that appears to be confidential in relation to any party.

Consultation

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”:

- **Powys County Council Planning Authority**
- **Powys County Council Environmental Protection Department**
- **Public Health Wales (PHW)**

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 31/08/18 and ended on 28/09/18.

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.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after issue of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.

The facility

The regulated facility is an installation which comprises the following activities listed in Schedule 1 Part 2 of the Environmental Permitting Regulations (EPR) and the following directly associated activities.

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

Legislation

The Permit will be issued, under Regulation 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 which also have to be addressed.

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 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.

The site

The facility currently houses 43,000 free range layers in two poultry houses. The variation adds a third house to the installation to house an additional 16,000 birds (59,000 birds in total). The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

Site condition report

The Applicant has completed a Site Condition Report when applying for the permit. The land had previously been used predominantly for general agricultural use, grass and grazing. 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).

Biodiversity, Heritage, Landscape and Nature Conservation

The application is within the relevant 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. We consider that the application will not affect the features of the sites.

The following sites have been considered:

SAC, SPA and Ramsar sites (within 5km):

None

SSSI (within 5km):

Llyn Mawr

We also considered the potential impacts on nearby ancient woodlands, local wildlife sites, local nature reserves and national nature reserves (within 2km).

The applicant has carried out detailed modelling of the potential impact of dispersion and deposition of ammonia from the site.

The submitted report concludes should the permit be granted at Upper Ffrydd, the ammonia emissions from the unit would increase. The modelling predicts that the maximum annual ammonia concentrations at the nearest SSSI sites would be below 1% of critical levels (CLE) for ammonia, therefore, not likely to have a significant effect on any of these sites. There are no SAC, SPA or Ramsar sites within 5km of the installation.

HRA consultation:

CRoW Appendix 4 has been completed and forwarded onto our internal Natural Resource Management (NRM) team for consultation and notification. Full details of the assessment carried out of the potential effect of ammonia emissions from the proposed site on Llyn Mawr SSSI are detailed in the Appendix 4 form. It was also noted that there were no known European Protected Species that would be adversely impacted by this installation.

Environmental Risk Assessment

Air

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.

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 and yard areas will drain to soakaways. The soakaways will be stone filled infiltration trenches and a piped system each side of the poultry sheds. All dirty water from wash down of the new shed will be collected in an underground sealed tank.

Odour

The applicant has submitted detailed dispersion modelling of the impact of odour from the proposed facility.

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 OUE/m³ to assess the potential impact of odour on nearby sensitive receptors. Modelling has been carried out based on emissions from three poultry houses and their ranging areas.

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 modelling indicates that the emissions from the existing and proposed housing in isolation, are unlikely to result in an exceedance of the odour benchmark level. Management of the onsite manure store will comply with the BAT standards in 6.09 to

reduce odour emissions. Effluent channels and collection tanks will be maintained to avoid blockages and contaminated run-off.

Permit condition 3.3.1 requires that emissions from the activities are free from odour at levels likely to cause pollution outside the site. 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.

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.

Noise

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, ventilation fans, feed transferring from lorries to bins, bird catching and clean out operations.

There are sensitive receptors within 400 metres of the installation. The applicant has submitted a noise assessment for the installation, the assessment describes the measures and controls in place to minimise noise and includes twice daily inspections of the site.

The noise assessment states that roof mounted ventilation fans will be subject to regular, end of cycle maintenance by qualified electricians and that noisy roof mounted ventilation fans will be isolated and an electrician notified. Good maintenance and cleaning procedures will ensure additional noise from out of balance or worn roof mounted ventilation fans is unlikely to occur. Effective inspection and maintenance forms a key part of compliance with permit condition 1.1.1 on environmental management systems and condition 1.1.2 on associated record keeping.

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. 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.

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.

Fugitive emissions

The applicant has assessed the risk of fugitive emissions from the site. Potential sources of fugitive emissions include dust emissions to air and pests. To minimise dust emissions, feed is stored in purpose built covered feed silos located next to the sheds. No milling or mixing of feed takes place at the farm, all feed is delivered to the farm by lorry from a UKASTA accredited feed mill. Feed is piped from the silos to the sheds minimising dust emissions. Dust is controlled through the management of litter and air quality. Feed spillages will be cleared up promptly and a specialist contractor will be used to control pests.

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.

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 laying chickens. 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.

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. We made this decision in accordance with EPR 6.09 “*How to Comply with your Permit for Intensive Farming*”.

No additional reporting is required as a result of this variation.

Operating techniques

Birds will be housed at point of lay and depopulated at the end of the birds egg laying cycle (approximately one cycle per annum). Birds are allowed to range by means of pop holes at the base of the houses. The new shed poultry shed will be ventilated by high speed ridge mounted fans. Fallen stock will be recorded daily and securely stored in vermin proof containers awaiting regular collection by a licensed renderer.

Avoidance, recovery or disposal of wastes produced by the activities

At depletion any remaining litter will be removed from the site and sold to third parties, namely the adjoining anaerobic digestion plant. At the end of the cycle the site will be pressured washed, disinfected and dried out prior to the cycle beginning again. All wash waters will be contained in sealed underground tanks. Wash water along with sediment traps will be emptied and removed with litter, reducing emissions. Records of tonnage of litter and wash water removal are recorded.

Inorganic waste generated by the farm will mainly consist of paper, plastic and glass. Plastic waste will normally be in two forms, wrapping from bales of wood shavings and bottles from used disinfectants and detergents. The amount of plastic waste will be minimised through good managerial techniques. By good management of the litter quality, fewer bales of wood shaving will be needed, thus lowering the amount of plastic wrapping discarded. Large empty plastic bottles from detergents will be ‘recycled’ and used for food dip containers or smaller rubbish bins for the storerooms.

Poultry carcasses are, under normal circumstances, collected and stored in sealed containers awaiting regular collection under the fallen stock scheme by a licensed collection agent. As a contingency plan or if an outbreak of high mortality should arise, carcasses will be placed in sealed containers and removed, as detailed in the emergency plan.

In the event of high mortality caused by disease, the operator will follow the guidance of the allocated veterinarian dealing with the outbreak. The mortality would be disposed of at an approved landfill site under the advice of that veterinarian, after consideration of weather conditions and geographical haulage parameters.

We are satisfied that waste from the Installation that cannot be recovered will be disposed of offsite using a method that minimises any impact on the environment. Permit condition 1.4.1 will ensure that this position is maintained.

Incorporating the application

We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.

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

ANNEX 1: Consultation Responses

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

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

A number of the issues raised during the consultation process are outside Natural Resources Wales remit in reaching its permitting decisions. Specifically questions were raised which fall within the jurisdiction of the planning system, both on the development of planning policy and the grant of planning permission. Specific planning issues raised related to the location of the site, the location of the stack, traffic movements and emissions from off-site traffic movements.

Guidance on the interaction between planning and pollution control is given in PPS23 / Planning Policy Wales. It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues, which fall within regulatory scope of the Environmental Permitting Regulations.

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

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

b) Representations from Community and Other Organisations

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

c) Representations from Individual Members of the Public

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