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Natural Resources Wales permitting decisions

Court House Farm

Decision Document

Bespoke permit

The application number is: PAN-003020

The Applicant / Operator is: David Davies and Co

The Installation is located at: Court House Farm, Mellington, Churchstoke, Montgomery, Powys, SY15 6TQ

We have decided to grant the permit for Court House Farm operated by David Davies and Co.

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 1 the consultation and web publicising responses

Table of Contents

Contents

Bespoke permit	2
The application number is: PAN-003020	2
The Applicant / Operator is: David Davies and Co	2
The Installation is located at: Court House Farm, Mellington, Churchstoke, Montgomery, Powys, SY15 6TQ	2
Purpose of this document	2
Structure of this document.....	2
Table of Contents	3
Contents	3
Key issues of the decision.....	5
1 Our decision	5
2 How we reached our decision	5
2.1 Receipt of Application	5
2.2 Consultation on the Application	5
2.2.1 Draft Permit Consultation	6
3 The Legal Framework.....	6
4 The Installation	7
4.1 Description of the Installation and related issues	7
4.2 The site and its protection	8
4.3 Operation of the Installation – general issues	9
5 Minimising the Installation’s environmental impact.....	12
5.1 Assessment of Impact on Air Quality	12
5.2 Assessment of odour impact.....	13
5.3 Assessment of impact to surface and ground water	15
5.4 Emissions to sewer	15
5.5 Fugitive emissions	15
5.6 Assessment of noise impact	16
5.7 Impact on Habitats sites, SSSIs, non-statutory conservation sites etc.....	17
HRA consultation:	18
6 Setting ELVs and other Permit conditions	18
6.1 Translating BAT into Permit conditions	18
6.2 Monitoring	19
6.3 Reporting	19
ANNEX 1: Consultation Responses	20

A)	Advertising and Consultation on the Application	20
1)	Consultation Responses from Statutory and Non-Statutory Bodies.....	20
2)	Consultation Responses from Members of the Public and Community Organisations	20
a)	Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils	20
b)	Representations from Community and Other Organisations.....	20
c)	Representations from Individual Members of the Public	20

Key issues of the decision

1 Our decision

We consider that, in reaching that 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 August 2018 and was duly made on 05 November 2018. 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”:

- **Powys County Council Planning Authority**
- **Powys 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.

2.2.1 Draft Permit Consultation

We are now carrying out a consultation on our draft decision. This consultation will begin on 15 February 2019 and end on 15 March 2019.

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
- 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 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:

- Feed silos
- Dirty water tanks
- Fuel storage
- Carcass storage

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

4.1.2 The Site

The pullet unit lies south of Churchstoke, Powys, approximately 6km South East of Montgomery at grid reference SO 26481 92286. The surrounding area is hilly and within a rural area. The site is bound on all sides by hedgerows and the existing farm complex.

The operator has provided a plan which we consider is satisfactory, showing the extent of the site 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.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

This site is currently operated as an egg laying site with 39,950 birds on site housed in five old sheds with low speed, cowled ridge fans. This permit application is to build one poultry house of steel together with a steel roof on a concrete base, which will overlie a visqueen membrane. Feed will be purchased from a separately-owned feed mill and stored on site in fully-enclosed galvanised steel bins. Diets are formulated according to the birds' requirements and the stage of growth. Protein and phosphorus levels are reduced over the growing period.

At the end of the rearing period all birds will be removed from the houses. The empty houses are then washed and disinfected ready for the next crop. All used litter and dirty water will be spread to land owned by a separate farming business. This will be done in line with the Code of Good Agricultural Practice and the Litter Management Plan. The dirty water tanks will meet SSAFO regulations and will hold approximately 5000 litres or at least 1 complete wash down.

Birds which die during the production cycle will be removed from house each day and the numbers are recorded. The carcasses are put in sealed, vermin proof containers prior to collection under the National Fallen Stock Scheme.

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.

4.3 Operation of the Installation – general issues

4.3.1 Administrative issues

An organisation of individuals, Mr Matthew Davies, Mr Roderick Davies, Mrs Anne Davies (trading as David Davies and Co) will be the Operators of the Installation. We are satisfied that the Applicant is the person who 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

NRW's COLLINS 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. We are satisfied with the Applicant’s Emergency Plan.

4.3.5 Site security

The site will have a secure perimeter fence, as well as being well hidden from the nearby road by trees and a hedgerow. All store rooms are kept locked and secure, preventing any unauthorised access. Sheds and Site gates will be locked at night to prevent vehicle access out of hours.

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

Prior to the arrival of the day-old birds, the concrete floors in the house will be covered with wood shavings to a depth of 15mm and the houses will be pre-warmed to 31°C using a hot water boiler system. Birds will then be brought in from a hatchery and are transported to an egg laying unit at the end of the growing period. The average cycle length is 18 weeks. All ventilation will be provided by high velocity ridge fans and side inlets in house.

Feed will be purchased from a separately-owned feed mill and stored on site in fully-enclosed galvanised steel bins, these will be situated adjacent to the pullet house. Feed will then be piped into the houses directly from the feed bins. Water will be provided via cupped, nipple drinkers which are designed to minimise spillage.

At the end of the rearing period, all birds will be removed from the houses and the site will be washed, disinfected and dried out prior to the next cycle beginning again. The wash water will be channelled to underground collection tanks close to the houses. The dirty water tanks will meet SSAFO regulations and will hold approximately 5000 litres or at least 1 complete wash down.

Birds which die during the production cycle will be removed from house each day and the numbers are recorded. The carcasses are put in sealed, vermin proof containers prior to collection under the National Fallen Stock Scheme.

4.3.7 Energy efficiency

We are satisfied that the Applicant will ensure that energy is used in the most efficient way possible. Low energy lighting systems will be used throughout the site. The house will be insulated and have adequate ventilation to help regulate the temperature and maintain a better environment for the birds.

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

At depletion any remaining litter will be removed from the site and used on operator controlled land with any extra sold to third parties. The site has a litter agreement where the receiving party will need to sign a relevant form which includes the tonnages of litter received and the total area of land that the litter can be spread on. The Applicant also has a litter analysis agreement where litter that is be analysed.

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.

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. The site is not within an Air Quality Management Area (AQMA). 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.

5.2 Assessment of odour impact

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 the one poultry house.

The results of the modelling predict the highest maximum odour concentrations at the buildings directly associated with Court House Farm. Due to the changing of the operations due to this application the odour units of this site will drop significantly from the previous operations. 6 receptors will exceed the benchmark of three odour units, one of these being the farm dwelling itself.

Although the odour units are higher than three odour units, the odour will be reduced to around ten times less than the existing operations. This is due to the changes in bird type being reared at the site and previous five sheds were fitted with low speed cowled fans. The proposed site will have one shed and be fitted with high velocity ridge fans, which are more efficient and have a greater dispersion of the air/odour at a higher altitude. The farm has not received any complaints due to the odour when it was operating previously.

NRW has assessed the modelling in detail 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 described the following measures which will be in place to minimise odour emissions during house depopulation/de-littering:

- Litter will be carefully placed into trailers positioned at the entrance of each house
- Trailers containing litter is covered and leaves the site immediately
- Buildings are sealed during and/or after cleanout
- Litter removal will take place as soon as possible following destocking
- Only DEFRA approved disinfectants and detergents will be used for cleaning

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.

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 roof water will be directed to Shirley Brook before joining River Camlad at 327320,293729. Some roof water and the surrounding yard area water will be passed through French drains where they will soakaway.

During the wash down phase all water will be diverted using diverter bungs which will prevent contamination of surface water systems and will divert the wash water to the dirty water tanks. The capacity of the tanks will be around 5000 litres, which will hold at least one complete wash down.

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 sealed underground tank prior to being spread on operator controlled land. There are no emissions to sewer.

5.5 Fugitive emissions

The applicant has assessed the risk of fugitive emissions from the site and will have appropriate measures for preventing and minimising fugitive emissions from the site. These will be in accordance with SGN EPR6.09. One of the fugitive emission the Applicant has identified is dust. To minimise the dust emissions from the site, feed will be stored in purpose built covered feed silos located near the shed. Feed will be piped directly into the silos and then directly into the pullet house. 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.

There are neighbours (sensitive receptors) within 100m of the farm however the farm will have an dust management plan In line with the SGN EPR6.09 and the H1 assessment refer to Appendix 9 Dust Management Plan.

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.

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. Vehicles are required to be driven with consideration to neighbours. Deliveries are only to be made during day (between 0700 and 1800 hours) Vehicles are to be maintained and engines to be switched off when not in use. 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 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. 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 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:

SSSI (within 5km)

Coed Pentre SSSI (1.67km South East)

Roundton Hill SSSI (3.52km North East)

Brithdir a Chwm Mawr SSSI (3.95km North East)

Corndon Hill SSSI (5km North East)

Spy Wood & Aldress Dingle SSSI (3.55km North)

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 Court House Farm, the ammonia emissions from the unit would decrease compared to the existing site.

The modelling predicts that the maximum annual ammonia concentrations at the nearest receptors considered would be above the threshold for a designated site (1% of CLe for SSSI (1 µg/m³)) at Coed Pentre SSSI. Our conclusions were that the proposal is not likely to have a significant adverse impact on the nearby SSSI's or ancient woodland.

HRA consultation:

A CRoW Appendix 4 has been completed and has been forwarded onto our internal Natural Resources 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 any SSSI site detailed above are detailed in the forms. It was also noted that there were no known European Protected Species that would be significantly adversely impacted by this installation.

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

No monitoring is required from any point source emission on site as there are no BAT emission factors specified for pullets.

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

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 Public Health Wales	
Brief summary of issues raised:	Summary of action taken / how this has been covered
Site ammonia and odour management and a manure management plan in place	Applicant has submitted an Ammonia report and has an odour management plan in place
Noise and Dust emissions from site	Applicant has both Noise and Dust management plans in place
Environmental Management System (EMS)	Applicant has an EMS in place

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