

**Natural Resources Wales permitting decisions**

# Upper Bryn Free Range Poultry Decision Document

## New bespoke permit

**The permit number is:** **EPR/BB3297FH**

**The applicant is:** **Mr Tom Lloyd Hamer & Ms Irene Margaret Elizabeth Lloyd**

**The Installation is located at:** **Upper Bryn Free Range Poultry, Upper Bryn, Abermule, Montgomery, Powys, SY15 6JW**

We have decided to grant the permit for Upper Bryn Free Range Poultry operated by Mr Tom Lloyd Hamer and Ms Irene Margaret Elizabeth Lloyd under the farming partnership WL Hamer.

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

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## Key issues of the decision

### Receipt of application

The Application was received on 20 December 2018 and was duly made as of 6 February 2019 following the receipt of additional information. 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.

### 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”:

- **Public Health Wales**
- **Powys County Council – Environmental Health**
- **Powys County Council – Planners**
- **Powys County Council – Public Protection**

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 14/02/2019 and ended on 14/03/2019.

An advert was also placed on our website, this started on 14/02/2019 and ended on 14/03/2019. No responses were received.

On completion of the draft determination, we advertised this draft determination on our website from 30/04/2019 until 30/05/2019. No responses were received.

Further details along with a summary of consultation comments and our response to the representations we received can be found in Annex 3. 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 the grant 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 Part 2 of Schedule 1 to the Environmental Permitting Regulations and the directly associated activities below.

- **Intensive rearing of poultry with a maximum of 64,000 free range birds;**  
Section 6.9 A(1)(a)(i) Rearing of poultry or pigs intensively in an installation with more than 40,000 places for poultry

Supported by the following directly associated activities;

- **Feed silos**
- **Dirty water tank**
- **Fuel and chemical storage**

## Legislation

NRW is satisfied that this decision is compatible 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

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

## The site

The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The operator has also provided a site layout and drainage plan which include discharge points.

There will be two poultry houses (maximum capacity 64,000) which will be managed in accordance with Best Available Technique (BAT) standards. The permit allows the expansion of an existing 32,000 egg-laying poultry unit (erected in 2018) to accommodate a further 32,000 birds in a second adjoining poultry unit. The chickens have daytime access to an outdoor ranging area via a series of pop holes along the side of the house. Each production cycle is approximately one year. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.

The poultry sheds will operate a manure belt system which will be operated twice weekly to remove litter.

The surrounding land is exclusively agricultural. Settlements surrounding the site include Abermule and Montgomery. The site is classed as open countryside in the Powys County Council Local Plan.

## Site condition report

The operator has provided a description of the condition of 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).

## Biodiversity, Heritage, Landscape and Nature Conservation

The site 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. Where the Process Contribution (PC) is below 1% of the appropriate ammonia critical level / nitrogen critical load no further assessment is required.

Specifically we looked at the potential impacts on the Montgomery Canal SAC and SSSI and Hollybush Pastures SSSI.

Maximum process contribution of the proposed site on the Hollybush Pastures SSSI is below 1% of the critical level of  $3\mu\text{g}/\text{m}^3$  so screens out. No further modelling was required.

The modelled impacts of the potential ammonia emissions on Montgomery Canal SAC and SSSI slightly exceeded NRW's lower threshold limit of 1% of the critical level of  $3\mu\text{g}/\text{m}^3$ . Detailed modelling shows that deposition rates do not exceed NRW upper threshold percentage of 8% critical level. Modelling predicts that the process contribution of the proposed activity at Upper Bryn Poultry Unit to ammonia



concentrations would be lower than the critical level of  $3\mu\text{g}/\text{m}^3$  for SAC. When looked at in-combination with background ammonia concentrations and process contributions of other poultry units within 5km (Belan Newydd, Black Hall, Black Wood, Brynrorin and Cloddiau), the total predicted environmental concentration is  $2.045\mu\text{g}/\text{m}^3$ . This is below the critical level of  $3\mu\text{g}/\text{m}^3$ . Further details are available on the Form 1 and Appendix 4 documents which were prepared.

## Environmental Risk Assessment

### Air

The Applicant has assessed the Installation's potential emissions to air against the relevant air quality standards, and the potential impact upon human health. These assessments predict the potential effects on local air quality from the Installation's stack emission.

The air impact assessments, and the dispersion modelling has been based on the Installation operating continuously at the relevant long-term or short-term emission limit values, i.e. the maximum permitted emission rate.

We are in agreement with this approach.

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. The only water discharge proposed is for the drainage of clean, uncontaminated rainwater from the roofs and yard areas to discharge to ground via a soakaway.

## Odour

The applicant has submitted an odour modelling report. This report was reviewed by NRW and we concluded that the predicted results were reliable. These results showed no significant impacts at properties not owned by the operator.

The applicant has described a detailed series of measures that will be put in place to minimise odour emissions in the odour 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 measures for the installation. The techniques described in the documents submitted in support of the application have been incorporated into table S1.2 of the permit as operating techniques. Permit condition 2.3.1 requires the operator to operate the installation in accordance with the techniques listed in Table S1.2 of the permit.

Odour is controlled at intensive agriculture sites in several ways, from the design of the building to the handling of manure. 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 the risk from the permitted facility of odour pollution at nearby receptors is not significant.

## Noise

The applicant has described a detailed series of measures that will be put in place to minimise noise emissions 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 measures for the installation. The techniques described in the documents submitted in support of the application have been incorporated into table S1.2 of the permit as operating techniques. Permit condition 2.3.1 requires the operator to operate the installation in accordance with the techniques listed in Table S1.2 of the permit.

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.

Movement of vehicles outside the installation boundary is outside the regulatory scope of the Environmental Permitting (England and Wales) 2016 and is a matter for the local authority.

Permit condition 3.4.1 requires that emissions from the activities shall be free from noise and vibrations at levels to cause pollution outside the site. This will be checked during NRW site inspections and if it is not, we will take appropriate action.

Noise is not generally a source of complaints for the intensive farming sector in Wales. This conclusion is supported by information on noise complaints from NRW's own database.

We are satisfied that pollution due to noise will be managed to acceptable levels. We consider the permit conditions and operating techniques to be sufficiently protective and are satisfied that the operational measures taken to minimise noise are compliant satisfactory.

### **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 and to prevent pollution from fugitive emissions.

### **Operating techniques**

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.

The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.

### **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.

## Environment management system

There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

## Relevant convictions

Our Enforcement Database has been checked to ensure that all relevant convictions have been declared.

No relevant convictions were found.

The operator satisfies the criteria in RGN 5 on Operator Competence.

## Financial provision

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

# 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
<p>Based upon the information submitted by the applicant and provided that Best Available Techniques (BAT) and management controls are applied as per relevant sector guidance, we have no grounds for objections from a public health perspective.</p> <p>We would highlight the need for a cumulative impact assessment where there are any existing or proposed poultry units at nearby locations. We are not aware of any other units in the locale.</p> <p>A site ammonia management scheme be implemented and maintained to ensure no adverse ammonia concentrations or associated odours at nearby sensitive receptors. It is important that these are adequately controlled and do not adversely impact on human health, especially given the perceived association between odour and ill health. It is noted that modelling of ammonia has been undertaken and shown to be below concentrations likely to cause nuisance or health effects.</p> <p>The applicant should be required to produce and maintain a manure management plan detailing when</p>	<p>The applicant has proposed BAT and has stated that they have the appropriate management controls.</p> <p>There are no other units of any significance in the locale</p> <p>As stated the modelling has demonstrated that there are no predicted adverse impacts. Odour management plan in place along with odour condition and ammonia reporting requirements within the permit.</p> <p>Agricultural Practice. Manure spread off-site is outside of the installation boundary and is beyond the scope</p>

<p>and where waste litter and manure will be stored and applied to land to avoid off-site impacts from odour and pests. This should include avoiding cumulative odour impacts from any other sources or activities.</p> <p>Dusts and bio-aerosols may have possible health effects. Appropriate assessment and operational management of such emissions in accordance with BAT is recommended.</p> <p>All on-site storage of liquids should be accompanied by bunding.</p> <p>The regulator must be sure that the noise from the proposed activities does not cause nuisance at nearby sensitive receptors.</p> <p>Recommendation that a timetable be agreed for the applicant to seek external accreditation for the Environmental Management System eg ISO4001</p>	<p>of what can be regulated by the permit.</p> <p>The site is operated in accordance with BAT and no sensitive receptors are located within close proximity to the site.</p> <p>Diesel fuel tank is to be bunded.</p> <p>A noise management plan is in place and the permit includes relevant noise condition.</p> <p>While NRW would welcome such an accredited management system, we have reviewed the proposed management system and while not externally accredited, it is fit for this installation and is in keeping with the industry standards.</p>
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## 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	
Brief summary of issues raised:	Summary of action taken / how this has been covered
None	None

**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	None

**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	None