

## **Natural Resources Wales Permitting Decisions**

# **Evenjobb Poultry Unit**

# **Decision Document**

# Application for a Normal Variation

**The application number is: PAN-025331**

**The permit variation number is: EPR/CP3037MC/V005**

**The operators are: E Davies, C Davies and M Davies**

**The Installation is located at: Evenjobb Poultry Unit, Cottage Farm, Evenjobb, Presteigne, Powys, LD8 2SA**

## 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.

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## 1. Executive summary

### 1.1. Application summary

The applicants have applied to vary the permit for Evenjobb Poultry Unit to add a biomass boiler. The boiler has been operating since 2015 but has not been included in the permit. The net rated thermal input of this boiler is 990kW. The permit also already contained – as a Directly Associated Activity (DAA) - a 995 MWth net rated input biomass boiler.

Both boilers are fuelled on a mix of Grade A waste wood (as defined in PAS 111:2012) and virgin wood. They can consume fuel at a rate of more than 50kg/hour. This means that they are classified as Small Waste Incinerator Plant (SWIP) under Section 5.1 Part B(v) part 2 of schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016 (EPR). As the boilers have net rated thermal inputs of less than 1 MW they are not classified as Medium Combustion Plant (MCP) under the Medium Combustion Plant Directive.

This variation brings the 990 kWth boiler into the permit for the first time, and reclassifies the 995 kWth boiler from a DAA to a Section 5.1 SWIP.

### 1.2. Our decision

We have decided to issue the variation for Evenjobb Poultry Farm operated by E Davies, C Davies and M Davies.

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 the appropriate level of environmental protection is provided.

## 2. Receipt of the application

The application was received on 08/04/2024 as a minor technical variation (The applicant confirmed that the application was a normal variation and not a minor technical variation).

In order for us to be able to consider the application duly made, we needed more information. We requested the following:

- Site plan showing the location of the 990 kWth biomass boiler.
- Confirmation that the wood accepted on the site is treated to the PAS 111:2012 standard.

A letter requesting this information was sent to the applicant on 04/06/2024. Upon receipt of this information, on 04/06/2024, we were able to consider the application duly made. 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.

## 3. Confidential information

The applicant made a claim for no claim for commercial confidentiality, and we have not received information in relation to the application that appears to be confidential in relation to any party.

## 4. Legislation

The variation 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 the decision on this application is consistent with its

general purpose of pursuing the sustainable management of natural resources (SMNR) in relation to Wales and applying the principles of SMNR. In particular, NRW acknowledges that it is a principle of sustainable management to take action to prevent significant damage to ecosystems. We consider that, in issuing the variation 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. 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.

As the EPR regulator in Wales, NRW are required to determine any duly made permit application. This means that we must decide either to grant, or to refuse the variation based upon an objective assessment of the proposals against the detailed legal requirements of EPR. Our public participation statement<sup>1</sup> gives more information on what can, and cannot, be taken into account when making our permitting decision.

The application, and this decision document, only considers the permitting of the facility under EPR as described throughout the document. We only assess the installation and its impacts and cannot take into consideration indirect impacts which are not as a direct result of activity within the installation boundary.

Any proposed development and wider associated activities will be required to be compliant with all relevant and applicable law, for example, environmental law, health and safety law, planning law. This other legislation acts largely independently of EPR (although they may be inter-related). Such other matters are beyond both the scope of this document, and of our regulatory remit and expertise and are not relevant to our EPR permitting decision. Ensuring compliance with all other regulation and obtaining any required consents (such as planning permission) is the responsibility of those undertaking the development and is regulated by the relevant appropriate authority for each.

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

## 5. Consultation

No consultation has been carried out on this application because as it is not required for this type of variation. This decision was made in accordance the Environment Permitting Regulations (EPR), our statutory Public Participation Statement<sup>2</sup> and our Regulatory Guidance.

## 6. Requests for information

Further information was requested during determination by way of a Schedule 5 Notice requiring the applicant to provide further information relating to rate of consumption of waste wood in kg/hour.

The Schedule 5 Notice was sent on 01/08/2024 with a deadline for response of 16/08/2024.

The applicant's response to the Schedule 5 Notice was provided on 08/08/2024 The additional information supplied satisfied the requirements of the Schedule 5 Notice.

A copy of the notice and responses are available on the public register.

## 7. The Installation

### 7.1. The permitted activities

The regulated facility is currently an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations:

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

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

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- Operation of biomass boilers (below 1 MWth).

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

## 7.2. Changes to the installation

The applicant applied to add an existing biomass boiler to the permit. This boiler has been operating on site since 2015 but had not previously been listed in the permit. The boiler is below the 1 MWth threshold for Medium Combustion Plant and therefore is not subject to the Medium Combustion Plant Directive.

However, during the determination it was identified that the site receives and uses the waste wood as fuel for the biomass boiler (at a rate of 255kg/hour) and as such the boiler would fall under the following activity:

- Section 5.1 Part B (a) (v) The incineration in a small waste incineration plant with an aggregate capacity of 50kg or more per hour of the following waste: (v) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings.

The waste wood received on site are classified as waste with associate European waste code (EWC)<sup>3</sup>, 03 01 05, 15 01 03 and 19 12 07. The applicant has referred the waste wood as “grade A” (see PAS 111:2012 for definition) in the application.

The waste wood is classed as “biomass” as per the definition given in Point 31(b)(v) of Article 3 of the Industrial Emissions Directive 2010 (DIRECTIVE 2010/75/EU) (IED). Therefore, Chapter IV of IED does not apply to this boiler as Point 2(a)(i) of Article 42 excludes plants that burn biomass (as defined in Point 3(b) of Article 3) from the requirements of Chapter IV.

We have also reclassified a biomass that is already listed in the permit from a DAA to a Section 5.1 SWIP for the same reasons as outlined above. Also, for the same reasons as outlined above, Chapter IV of IED does not apply to this boiler.

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<sup>3</sup> [Guidance on the classification and assessment of waste \(1st Edition v1.2.GB\) Technical Guidance WM3](#)



## 8. Operation of the installation

### 8.1. Operator competence

The applicant is the sole operator of the Installation. We are satisfied that the applicant is the person who will have control over the operation of the Installation after the permit the variation is issued; and that they 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<sup>4</sup>.

The operator satisfies the criteria in RGN 5 on Operator Competence<sup>5</sup>

### 8.2. Environmental Management System

There are no changes to the environmental management system as a result of the variation.

### 8.3. Operating techniques

There are no changes to the operating techniques as a result of the variation. The site has a waste acceptance criteria and operating techniques for the handling of waste wood received at the site. The acceptance of waste wood on site was assessed and integrated into the permit as part of a previous variation.

## 9. The site

### 9.1. Site Plan

The applicant has provided an updated plan showing the extent of the site of the facility and the new emission points. The update plan will be included in the permit and the operator will be required to carry on the permitted activities within the site boundary.

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<sup>4</sup> [RGN 1 Understanding the meaning of 'operator' \(naturalresources.wales\)](#)

<sup>5</sup> [regulatory-guidance-note-5-operator-competence.pdf \(naturalresources.wales\)](#)

## 10. Environmental Risk Assessment

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, water, sewer and discharges to ground or groundwater, global warming potential and generation of waste. All these factors have been considered during our determination and the relevant risks from this proposal are discussed in this and other sections of this document.

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 ensuring a high level of protection.

### 10.1. Assessment of impact on air quality

The applicant did not carry out an air quality impact assessment. However, given the small scale of the biomass boiler (below 1 MWth) there is a low risk of emissions of the boiler to cause damage to the environment or human health. There are no sites designated for their ecological status within the 750 metre risk screening distance used for 1-2 MWth boilers that use woody biomass as fuel. We consider this screening distance to be appropriate as the biomass boilers would be using woody biomass as fuel and are smaller than 1 MWth and as such lower risk, therefore the risk screening distance of 750 meters is consider to be a conservative approach.

#### Emission limits

Emission limits for the incineration or combustion of waste wood are set out in the following guidance document: *Environmental permitting technical guidance PG5/1(21) Reference document for the incineration or combustion of waste wood*.

The biomass boilers are below 1 MWth and therefore are not subject to the requirements of the Medium Combustion Plant Directive (MCPD).

## 11. Impact on National Site Network Sites, SSSIs and non-statutory sites

A screening distance of 750 meters was used to identify relevant protected conservation sites which could be at risk from the proposal. The 750 meters screening distance applies to combustion plant with a net rated thermal input of between 1 and 2 MW which burn woody biomass as fuel. We consider this screening distance to be appropriate as the biomass boilers would be using woody biomass as fuel and are smaller than 1 MWth and as such lower risk, therefore the risk screening distance of 750 meters is appropriate for a biomass boiler of this scale. We consider this to be a conservative approach.

There are no designated national network sites, Sites of Special Scientific Interest (SSSI) or non-statutory conservation sites within 750 metres of the boilers.

## 12. The Permit Conditions

### 12.1. Updating permit conditions during consolidation

We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit.

### 12.2. Monitoring and emission limits

As the biomass boilers are classed as SWIPs they are subject to the following guidance: *Environmental permitting technical guidance PG5/1(21) Reference document for the incineration or combustion of waste wood*<sup>6</sup>.

This guidance sets out monitoring and emission limits that are applicable for this kind of site. We have set out the monitoring and reporting requirements in the permit for the emissions set out in the guidance.

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<sup>6</sup> [Environmental permitting technical guidance PG5\\_1 Final Edit.pdf](#)

### 12.3. Reporting

We have added the requirements for reporting for the new biomass boilers in Table S4.1 and Table S4.4 in the permit. We have set out the reporting requirements in line with the guidance: *Environmental permitting technical guidance PG5/1(2 1) Reference document for the incineration or combustion of waste wood*<sup>7</sup>.

### 12.4. Raw Materials

There are no changes to raw materials specified in table S2.1.

### 12.5. Waste Types

There are no changes to waste types outlined in the permit as a result of the variation.

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<sup>7</sup> [Environmental permitting technical guidance PG5\\_1 Final Edit.pdf](#)