

**Natural Resources Wales permitting decisions**

# Upper Maenllwyd Farm Broiler Unit Decision Document

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DRAFT

## **New bespoke permit**

**The application number is: PAN-005788**

**The applicant /operator is: Mr Gwyn Jones and Mrs Kathleen Jones trading under the farming partnership Gwyn Jones and Partners**

**The Installation is located at: Upper Maenllwyd Farm Broiler Unit, Upper Maenllwyd Farm, Kerry, Newtown, Powys, SY16 4NB**

We have decided to grant the permit for Upper Maenllwyd Farm Broiler Unit operated by Mr Gwyn Jones and Mrs Kathleen Jones trading under the farming partnership Gwyn Jones and Partners.

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

## Key issues of the decision

### Receipt of application

The Application was received on 01 July 2019 and was duly made as of 26 September 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 the determination.

### Confidential information

No claim for confidentiality was made by the applicant.

### Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.

### 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 – Planners**
- **Powys County Council – Public Protection**
- **Food Standards Agency**

- **Health and Safety Executive**

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 **01/10/2019** and ended on **30/10/2019**. No responses were received.

An advert was also placed on our website, this started on 01/10/2019 and ended on 30/10/2019. No responses were received.

On completion of the draft determination, we advertised this draft determination on our website from xx/xx/xxxx until xx/xx/xxxx.

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 extent/nature of the facilities taking place at the site required clarification. The decision on the facility was taken in accordance with RGN interpretation of installation.

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 following directly associated activities.

- Schedule 1, Part 2, Chapter 6, Section 6.9, Part A(1) (a) Rearing of poultry or pigs intensively in an installation with more than (i) 40, 000 places for poultry

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

## 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 plan and drainage plan which includes all discharge points and location of all directly associated activities.

Under the proposal, two new poultry houses would be constructed on a green-field site in an adjacent field to the south-west of the existing buildings at Upper Maenllwyd Farm. At either ends of the proposed site is the Afon Mule (north side) and a single track road (south side) which joins the B4368. The sheds will provide accommodation for up to 112,000 broiler chickens for meat production. Each shed will be ventilated using high velocity ridge extract fans and summer cooling fans. The broiler chickens will be grown in 7.6 cycles per year with a cycle length of approximately 7 weeks. 30 % of the chicks will be thinned at day 32 and then all cleared at day 39/40, there is approximately a 7-day turnaround between the cycles where there will be no birds on site.

Upper Maenllwyd Farm is surrounded predominantly by pasture and wooded areas, within the direct vicinity there are a number of residential and commercial properties, in addition to other farms. The closest village of Llanmerewig is approximately 1 km to the north-west. Abermule is approximately 2.5 km to the north.

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 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 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. Where the Process Contribution (PC) is below 1 % of the relevant ammonia critical level and nitrogen critical load no further assessment is required and there is no likely significant effect or damage to the scientific interest.

The following screening distances for the different sites have been used:

- 5 km from the installation for SAC, SPA, RAMSAR sites
- 2 km from the installation for SSSI, NNRs, LNRs, AW sites

The following sites were included in the assessment:

- Montgomery Canal SAC (*UK00303213*) and SSSI (*32WPP*) approximately 2.7 km north-west of the proposed site
- Hollybush Pastures SSSI *32WK6* approximately 3.5 km north-west of the proposed site

### Montgomery Canal SAC

A OGN200 Form 1 (Habitats Regulations Assessment) was completed. A critical level of 3.0 µg-NH<sub>3</sub>/m<sup>3</sup> and critical load of 10 kg-N/ha/y (deposition velocity of 0.03 m/s) has been assumed for Montgomery Canal SAC, this was checked using APIS and confirmed by conservation specialists. The process contribution is < 1% of the

ammonia critical level and the nitrogen deposition critical load and therefore screens out and no significant impact is considered likely.

### **Montgomery Canal SSSI**

A CRoW (Countryside and Rights of Way Act) 2000 Appendix 4 was completed. A critical level of  $3.0 \mu\text{g-NH}_3/\text{m}^3$  and critical load of  $10 \text{ kg-N/ha/y}$  (deposition velocity of  $0.03 \text{ m/s}$ ) has been assumed for Montgomery Canal SSSI, this was checked using APIS and confirmed by conservation specialists. The process contribution is  $< 1 \%$  of the ammonia critical level and the nitrogen deposition critical load therefore it screened out and is not likely to damage the Montgomery Canal SSSI.

### **Hollybush Pastures SSSI**

A CRoW (Countryside and Rights of Way Act) 2000 Appendix 4 was completed. A critical level of  $3.0 \mu\text{g-NH}_3/\text{m}^3$  and critical load of  $10 \text{ kg-N/ha/y}$  (deposition velocity of  $0.03 \text{ m/s}$ ) has been assumed for Hollybush Pastures SSSI, this was checked using APIS. The process contribution is  $< 1 \%$  of the ammonia critical level and the nitrogen deposition critical load therefore it screened out and is not likely to damage the Hollybush Pastures SSSI.

### **AW sites**

There are approximately 50 Ancient Woodland (AW) sites within 2 km of the proposed site. The process contribution (PC) is  $< 100 \%$  of the ammonia critical level and the nitrogen deposition critical load for all the AW sites and screens out, therefore no significant impact is considered likely. This decision was made in accordance with OGN041.

We consider that the application will not affect any features of any of the sites.

## **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 and EPR 6.09 'how to comply with your environmental permit for intensive farming'. 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. There is a discharge to the Afon Mule via a balancing pond of clean, uncontaminated rainwater from shed roofs and yard areas.

### **Odour**

The Environment Agency's H4 Odour Management Guidance is widely accepted and used in regulatory odour impact assessments. NRW has adopted this guidance. As set out in the guidance, the modelling method commonly used in the UK calculates a 98th percentile of hourly average odour concentrations over a year. The results are expressed as odour units.

Odour unit values are determined by a standard method given in; BS EN13725; 2003 Air quality. Determination of odour concentration by dynamic olfactometry. One odour unit, 1

OU<sub>E</sub>/m<sup>3</sup> (European Odour Unit per meter cube of air) is the point of detection. The exposure 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, the benchmark of 3 OU<sub>E</sub>/m<sup>3</sup> has been used to assess the potential impact of odour on nearby sensitive receptors.

The applicant submitted an Odour Air Dispersion Modelling report that used ADMS Version 5.2 software. This report has been reviewed by NRW Air Quality Modelling and Risk Assessment Team. NRW specialists concluded through their own check modelling that predictions of the odour is likely to be higher than the applicant has predicted at two receptor sites. NRW specialists predicted the odour benchmark of 3 OU<sub>E</sub>/m<sup>3</sup> is likely to be exceeded at two receptor sites, named receptor 2 approximately 160 m to the north-east and receptor 5 approximately 250 m to east-southeast as shown in figure 1 below. Both of these receptors have been identified as residential and not having an association with Upper Maenllwyd Farm.

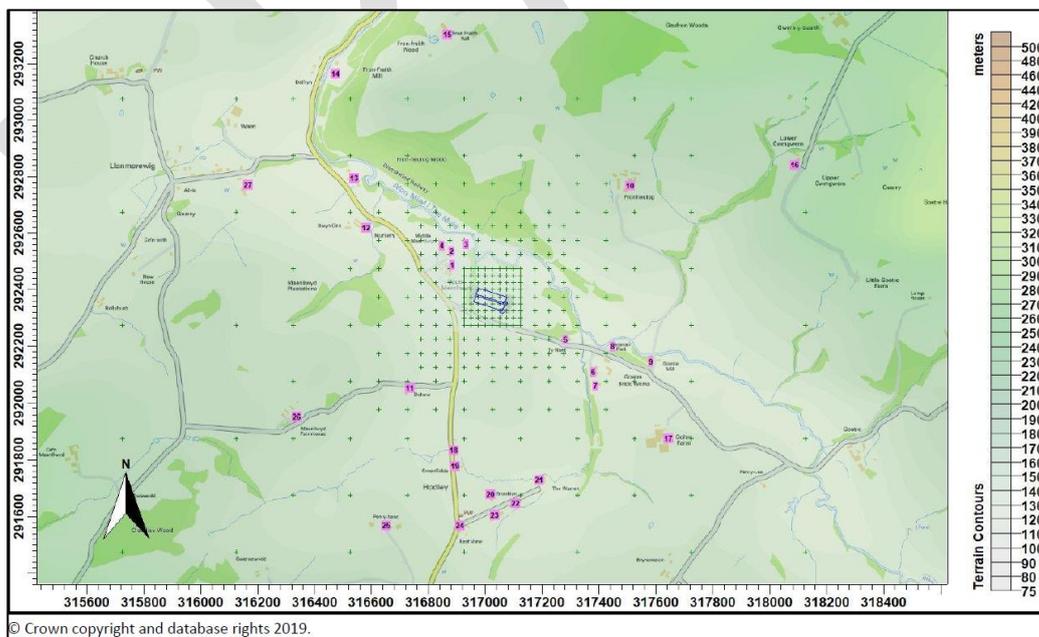


Figure 1: Map showing receptor sites

According to the Environment Agency's H4 Odour Management Guidance there are a series of decisions involved in assessing the impact of odour which are, Is there serious pollution? And, Is the operator taking appropriate measures?

H4 states: 'There is no single method of reliably measuring or assessing odour pollution and any conclusion is best based on a number of pieces of evidence. Whether or not odour emissions amount to serious pollution depends on a number of factors.' The FIDOR acronym is a useful tool describing the factors that will determine the degree of odour pollution:

- **F**requency of detection
- **I**ntensity as perceived
- **D**uration of exposure
- **O**ffensiveness
- **R**eceptor sensitivity

The frequency and duration can be assessed in this application from emissions and process control data, wind direction data, as this is a new installation there are no complaints or odour diary data available. Wind direction data shows the prevailing wind is from the south-east therefore directed away from receptor 5, where the highest exceedance of the benchmark is predicted. The maximum odour emissions are expected to be during the when the houses are cleared out at the end of each crop cycle, this activity takes approximately two hours to complete and will occur approximately 7.6 times per year. The modelling reports results as 98<sup>th</sup> percentile hourly mean, this is the hourly mean odour concentration that is equalled or exceeded for 2 % over the year, therefore predicted exceedances are likely for only 2 % of the year, a very small frequency. Intensity of the odour has been predicted to be above the benchmark at two receptor sites, this indicates the likelihood of unacceptable odour pollution. Offensiveness of this odour is classified as moderately offensive at stated above. Receptor sensitivity or location is to be considered carefully, in this case it can be assumed:

- Receptors are residential and are likely to be sensitive to odour
- Degree of pollution increases with the size of exposed population. There are two residential receptors where the benchmark is exceeded which is a relatively

small size of population that is exposed. Therefore there may not be a justifiable expenditure on control measures.

Due to the factors considered above it has been decided there is not unreasonable odour which would amount to serious pollution likely to be caused.

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 'how to comply with your environmental permit for intensive farming' and are satisfied that the techniques represent appropriate measures for the installation. The operator has identified house clean out as the primary concerning source of odour emissions and have detailed appropriate measures that will be in place to reduce odour emissions. The operator has stated de-littering will be avoided at weekends and during summer months where odour emissions would be at their highest. The operator has stated the odour management plan will be reviewed every year and they have a complaints procedure in place for odour complaints. When determining what the appropriate measures will be for a site we will factor in needs, costs and benefits. Simply put, the higher the level of pollution the more measures you will be expected to take and the greater the justifiable financial investment will be. In this case due to low level of pollution primarily due to the small amount of exposed population significant financial investment is not justified for further control measures.

The techniques described in the documents submitted as part 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 this condition will be sufficiently protective in conjunction with the measures described by the Applicant for minimising odour production at the installation.**

## 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 'how to comply with your environmental permit for intensive farming' and H3 guidance 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 is not required as part of 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.

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 'how to comply with your environmental permit for intensive farming' and are satisfied that the techniques represent measures for the installation. The techniques described in the documents submitted as part 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.

Permit condition 3.4.1 requires that emissions from the activities shall be free from noise and vibrations at levels likely to cause pollution outside of 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 EPR 6.09 'how to comply with your environmental permit for intensive farming.'

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

## **The permit conditions**

### **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.

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

#### 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	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

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