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Natural Resources Wales permitting decisions

**Mr David Jones
Upper Esgair Poultry Unit
Decision Document**

Variation

The application number is: PAN-002814

The variation number is: EPR/AP3733WS/V003

The Operator is: Mr David Jones

The Installation is located at: Upper Esgair Farm, Llanbadarn-Fynydd, Llandrindod Wells, Powys, LD1 6YB

We have decided to issue the variation for Upper Esgair Poultry Unit operated by Mr David Jones.

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

Variation	2
The application number is: PAN-002814	2
The variation number is: EPR/AP3733WS/V003	2
The Operator is: Mr David Jones	2
The Installation is located at: Upper Esgair Farm, Llanbadarn-Fynydd, Llandrindod Wells, Powys, LD1 6YB	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	7
4.3 Operation of the Installation – general issues	8
5 Minimising the Installation’s environmental impact	9
5.1 Assessment of Impact on Air Quality	10
5.2 Assessment of odour impact	10
5.3 Assessment of impact to surface and ground water	11
5.4 Fugitive emissions	11
5.5 Assessment of noise impact	11
5.6 Impact on Habitats sites, SSSIs, non-statutory conservation sites etc.....	12
6 Setting ELVs and other Permit conditions	13
6.1 Translating BAT into Permit conditions	Error! Bookmark not defined.
6.2 Monitoring	13
6.3 Reporting	13
ANNEX 1: Consultation Responses	14
A) Advertising and Consultation on the Application	14

1)	Consultation Responses from Statutory and Non-Statutory Bodies.....	14
2)	Consultation Responses from Members of the Public and Community Organisations.....	14
a)	Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils	14
b)	Representations from Community and Other Organisations.....	14
c)	Representations from Individual Members of the Public	15

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 19 June 2018 and was duly made on 27 July 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 [Date] and end on [Date].

3 The Legal Framework

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 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 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.

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 includes;

- Fuel Storage
- Feed Silos
- Dirty Water Tanks

4.1.2 The Site

The site lies to the north of Llanbadarn-Fynydd, Powys, approximately 11km south of Newtown at grid reference SO 09470 79218. The surrounding area is hilly with some woodland. The predominant land use is grassland and grazing.

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.

4.1.3 What the Installation does

As a result of this variation the installation will house a total of 128,000 free range layers. To accommodate the extra bird numbers two of the houses will be converted into multi-tier house with a belt manure removal system which will run twice weekly. The remaining two sheds will remain as they did prior to this variation. Birds will be housed at a point of lay and depopulated at the end of their egg laying cycle. This will be done on an all-in, all-out basis. There will be approximately one cycle per annum. Birds are allowed to range by means of pop holes at the base of the sides of the houses.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

There will be four poultry houses, with a combined capacity for 128,000 birds. The working area where vehicles operate is laid to concrete and hard standing. Ventilation is controlled by temperature, and all houses will have high velocity roof mounted extraction fans. Water is via a nipple drinking system fitted with cups to reduce leakage and spills, leading to drier litter. Feed is delivered in covered lorries and stored on site in vermin proof steel galvanised bins. Manure will be removed from the houses twice a week by a belt system on the upgraded multi-tier houses. Dirty wash water will be directed to an underground storage tank prior to being spread on operator controlled land.

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

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; 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 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.

4.3.3 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.

4.3.4 Operating techniques

The operating techniques at the site have been changed and have been incorporated into the permit.

The site will run according to the application documents the applicant has sent in for this variation. The operating techniques table (S1.2) in the permit has been updated as a result of this variation.

4.3.5 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.

4.3.6 Energy efficiency

We are satisfied that the Applicant will ensure that energy is used in the most efficient way possible.

4.3.7 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.

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. 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.

The applicant has submitted an odour management plan to assess the impact of odour from the poultry houses. The operator has identified potential odour sources from the houses and will have measures in place to reduce both the odour and the odour risks that could potentially come from the farm.

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 and includes twice daily olfactory checks. 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 as one of the supporting documents.

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 roofs and yard areas will drain to soakaways running along the lengths of the poultry houses. Any lightly contaminated yard wash will be directed to sealed underground tanks.

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 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, including dust, and to prevent pollution from fugitive emissions.

5.5 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, ventilation fans, feeding systems, alarm systems, set up and clean out and maintenance .

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. Silencers will be fitted to feed delivery lorries. 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. Shed clean out and washing will be completed during normal working hours, trailers will be parked as close as they can to the sheds to reduce loader travel. All maintenance and servicing will be completed during normal working hours and will only be in operation in an emergency.

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 as one of the supporting documents the applicant has submitted with this variation.

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.

5.6 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.

The following sites have been considered:

SAC (within 10km)

River Wye SAC (0.84km to the West)

SSSI (within 5km)

River Ithon SSSI (0.84km to the West)

Caeau Bryn-Du SSSI (2.4km to the South)

Llymwynt Brook Pastures SSSI (2.4km to the South East)

Rhosydd Nant-yr-Henfron SSSI (4.41km to the South West)

Gweubydd Esgairdraenllwyn SSSI (2.6km to the North West)

Gweunydd Camnant SSSI (3.85km to the North)

River Teme SSSI (4.8km to the North East)

Several areas of ancient semi natural woodland (within 2km).

The applicant has carried out detailed modelling of the potential impact of dispersion and deposition of Ammonia from the site. The applicant has also shown the existing process contribution (PC) against the proposed PC to nearby sensitive receptors.

The majority of the area surrounding the site will exceed the 100% for ancient woodlands and 1% for the SACs and SSSIs. Although it can be noted that even in the preliminary modelling the figures do show a reduction in the impact of ammonia on these sites.

The detailed modelling shows that the impacts on ammonia will still exceed the 100% at nearby ancient woodlands. The applicant has assessed the woodlands against a strict critical level (CLE) of $1\mu\text{g}/\text{m}^3$, after checking our mapping tool, the critical level

can be risen to a less stringent $3\mu\text{g}/\text{m}^3$. With this adjustment there are only 2 areas of woodland that exceed the 100%. It must be said that the areas are 0.25ha and 0.93ha. The applicant has agreed to a woodland management plan for an area of woodland which equates to 1.27ha. This will be done by preventing any sheep or cattle from grazing and allowing the natural regeneration within the woodland.

The modelling results show that the River Ithon SSSI / River Wye SAC currently exceeds the 1% CLe and Critical Load (CLo). As a result of this variation the CLe and CLo would still exceed the 1%, but, although the number of birds will be increasing by 28,000 the figures compared to current practice are lower. This is due to the applicant upgrading two of the sheds into multi-tier sheds.

OGN Form 1 and CRoW Appendix 4 have been completed and forwarded onto our internal Natural Resource Management team for consultation. Full details of the assessment carried out of the potential effect of ammonia emissions from the proposed site on the SAC and SSSIs detailed above are detailed in the forms.

Our conclusions were that although the proposal is likely to have a significant effect, as the installation has been running since for several years, this variation will show a reduction in emissions and will have a better impact on the environment than current the current practice.

6 Setting ELVs and other Permit conditions

6.1 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 hens and laying hens in non-caged housing. 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.

6.2 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.

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
Management plans	Concerns are covered in the permit document
Dusts and Bio-aerosols	Concerns covered in permit conditions
Storage of onsite liquids	Use of BAT techniques in place
Noise nuisance	Storage areas are properly bunded
Environmental Management Systems	Concerns covered in permit conditions

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
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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