

Natural Resources Wales permitting decisions

Pen Cae Free Range Poultry Unit Decision Document

New bespoke permit

The application number is: PAN-010284

The applicant is: PE and GR Jones T/A Pen Cae Poultry

The installation is located at: Pen Cae Free Range Poultry Unit, Pen Cae, Trelystan, Welshpool, Powys, SY21 8JA

We have decided to grant the permit for Pen Cae Free Range Poultry Unit operated by Mr Philip Edward Jones and Mrs Gillian Ruth Jones.

The permit number is **EPR/CB3092HQ**.

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

1 Our decision

We are minded to grant the permit to the applicant. This will allow it to operate the installation subject to the conditions in the permit.

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 Environmental Permitting Regulation 2016 (EPR) and is subject to the requirements of the Industrial Emissions Directive (IED).

The permit contains many conditions taken from our Environmental Permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the EPR and other relevant legislation. This document does not therefore include an explanation for these template conditions. Where they are included in the permit, we have considered the application and accepted the details are sufficient and satisfactory to make the template conditions appropriate.

2 How we reached our decision

2.1 Receipt of application

The application was received at Natural Resources Wales (NRW) on 11th May 2020 and was accepted as duly made on 20th July 2020. 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.

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

2.2 Consultation

We carried out consultation on the application in accordance with EPR, IED, our statutory Public Participation Statement (PPS) and our Regulatory Guidance.

We advertised the application by a notice placed on our website, which contained all the information required by EPR/IED, including advising people where and when they could see a copy of the application. The consultation started on 22/07/2020 and ended on 19/08/2020 (20 working days).

A copy of the application and all other documents relevant to our determination are available for the public to view. Anyone wishing to see these documents could arrange for copies to be made.

We sent a link to the application to the following bodies, which includes those with whom we have “Working Together Agreements” (WTAs):

- **Public Health Wales (PHW)**
- **Food Standards Agency (FSA)**
- **Powys County Council**

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly.

On completion of the draft determination, we advertised this draft determination on our website from 03/02/2021 until 03/03/2021. 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 1. We have taken all relevant representations into consideration in reaching our determination.

2.3 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 Regulatory Guidance Note (RGN) 1 Understanding the meaning of operator.

3 The legal framework

The permit will be granted, under Regulation 13 of 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 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 (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 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 EPR because it carries out an activity listed in Schedule 1 Part 2 of 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.

- Dirty water tank
- Fuel tank

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

4.1.2 The site

The site of the existing and planned free range egg laying houses (National Grid Reference 327543, 306102) at Trelystan are in an isolated rural area, approximately 2.9km to the east of the village of Leighton in Powys. The surrounding land is used primarily for arable and livestock farming, although there are some areas of semi-natural woodlands and grassland. The site is at an altitude of around 340m, with the land rising towards mountains to the west and falling towards Brockton Brook to the east.

The operator has provided a plan which we consider is satisfactory, showing the extent of the site. In addition the operator has provided a site layout/drainage plan. A plan is included in the permit and the operator is required to carry out the permitted activities within the site boundary.

4.1.3 What the Installation does

There are currently two poultry houses at Trelystan, providing accommodation for up to 32,000 egg laying chickens. There are pop holes on the sides of the houses, which provide daytime access to outside ranging areas. These poultry houses are naturally ventilated. The birds' droppings collect within the houses and are removed at the end of each flock cycle, which is approximately once per year.

Under the proposal, a new poultry house will be constructed on land to the south-east of the existing poultry houses; this house will provide accommodation for an additional 32,000 laying chickens. Again, there will be pop holes on the side of the house which will provide daytime access to outside ranging areas. The new house will be ventilated by high speed ridge mounted fans. The birds' droppings will be removed by a belt collection system, approximately twice weekly.

Bird droppings will be transferred directly to a covered trailer for removal from the site, transferred directly to a manure spreader to be applied to land locally, or stored temporarily on the farm in a purpose built sealed manure store.

Pen Cae Free Range Poultry Unit will operate as a free range egg production unit with the capacity for 64,000 birds per crop cycle.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

There will be three poultry houses, with a combined capacity for 64,000 birds. All the houses will have pop holes on the sides. The two existing houses are naturally ventilated, whereas the new house will be ventilated by high speed ridge mounted fans.

The working area where vehicles operate is laid to concrete and hard standing. Water is via a nipple drinking system fitted with cups to reduce leakage and spills, leading to drier litter. Feed is delivered from a UKASTA accredited feed mill and blown into bulk feed bins adjacent to the houses. From the feed bins, the feed is piped into the houses and is distributed to the birds via a pan feeding system. No liquid feed is stored at the site. The silos are sited away from the site traffic and protected from collision damage by guard rails.

Fallen stock will be stored securely in vermin proof containers awaiting regular collection by a licenced renderer. Records of dates, quantities and destinations will be held on site. Manure is removed from the two existing houses approximately once per year, at the end of each flock cycle. Manure will be removed from the new house via a belt collection system, approximately twice weekly. Litter is used on operator-controlled land or sold to third parties, sometimes used as fuel for an anaerobic digester. Any litter that is exported from the installation has records kept of the quantities, destination and the date of transfer. A purpose-built covered manure store (steel framed building) temporarily stores any manure not transported off site immediately. Contingency arrangements are in place with surrounding farms to accept the manure in the case of an emergency. As part of a response to a request for further information from NRW, the applicant submitted a Manure Management Plan (MMP). Areas around buildings will be kept free from build-up of manure, slurry and spilt feed.

The poultry unit is cleaned out in its entirety at the end of each production cycle. The site will then be pressure washed, disinfected and dried out prior to the cycle beginning again. All wash waters will be contained in sealed underground tanks. Wash water tanks along with sediment traps will be emptied and removed with litter.

A pest control contract will be in place using a specialist contractor. Appropriate actions will be put in place to prevent and control flies should a nuisance arise.

Diesel fuel storage is in a bunded tank, the tank will be regularly inspected. The bund will meet the requirements of the Water Resources (Control of Pollution) SSAFO (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. The tank will be regularly inspected.

The poultry unit at Pen Cae will comply with all Best Available Techniques (BAT) conclusions relevant to poultry farms. As part of a response to a request for further information from NRW, the applicant submitted a report detailing how they will meet various BAT conclusions.

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 applicant has included a site closure plan with their application detailing the steps that will be taken on the event of the facility closing.

A site condition report has also been completed providing a baseline for the site at the time of the permit application. No pollution incidents have previously occurred at the

site. We consider that the description provided is satisfactory. The decision was taken in accordance with our guidance on site condition reports – guidance and templates (H5).

4.3 Operation of the installation – general issues

4.3.1 Administrative issues

A partnership, comprising of two individuals (Mr Philip Edward Jones and Mrs Gillian Ruth Jones) will be the operator of the installation. We are satisfied that the applicants will have control over the operation of the installation; and that the applicants will be able to operate the installation so as to comply with the conditions included in the permit. This decision was taken in accordance with EPR RGN 1 on Understanding the Meaning of Operator.

4.3.2 Relevant convictions

NRW's COLINS 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. 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. 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 EPR 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 1.1.1(a) 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. The plan 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 itself does not have a secure boundary fence. All fuel stores, poultry houses and all store rooms are kept locked and secure, preventing any unauthorised access. Having considered the information submitted in the application, we are satisfied that appropriate infrastructure and procedures will be in place to ensure that the site remains secure.

4.3.6 Off-site conditions

Based on the information submitted in the application, we do not consider that it is necessary to impose offsite conditions.

4.3.7 Operating techniques

Birds will be housed at point of lay and depopulated at the end of the birds egg laying cycle; this will be done on an 'all-in all-out' basis. As mentioned above there will be three poultry houses, all with pop holes on the sides providing daytime access to outside ranging areas. The two existing houses are naturally ventilated, whereas the new house will be ventilated by high speed ridge mounted fans. The fans on the new house will be fitted with back draft shutters to prevent draft and unnecessary heat loss, and the shed is accessed via the control room, which prevents drafts. A computer automatically controls ventilation so that temperature is maintained for the age of the birds.

Water is via a nipple drinking system fitted with cups to reduce leakage and spills, leading to drier litter. Feed is delivered from a UKASTA accredited feed mill and blown

into bulk feed silos adjacent to the houses. From the feed bins, the feed is piped into the houses and is distributed to the birds via a pan feeding system.

The unit will utilise multiphase feeding with a diet formulation adapted to the specific requirements of the production period.

Fallen stock will be stored securely in vermin proof containers awaiting regular collection by a licenced renderer. Manure is removed from the two existing houses approximately once per year, at the end of each flock cycle. Manure will be removed from the new house via a belt collection system, approximately twice weekly. Litter is used on operator-controlled land or sold to third parties, sometimes used as fuel for an anaerobic digester. A purpose-built covered manure store (steel framed building) temporarily stores any manure not transported off site immediately.

The poultry unit is cleaned out in its entirety at the end of each production cycle. The site will then be pressure washed, disinfected and dried out prior to the cycle beginning again. All wash waters will be contained in sealed underground tanks. Wash water tanks along with sediment traps will be emptied and removed with litter.

We have reviewed the techniques proposed by the applicant and compared these with the relevant guidance notes. We are satisfied that the techniques represent appropriate measures for the installation in line with BAT standards in Sector Guidance Note (SGN) EPR 6.09 'How to comply with your environmental permit for intensive farming'.

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.

4.3.8 Energy efficiency

We are satisfied that the applicant will ensure that energy is used in the most efficient way possible. The housing is well insulated and the sheds have a damp proof course. The fans on the new house will be fitted with back draft shutters to prevent draft and

unnecessary heat loss, and the shed is accessed via the control room, which prevents drafts. The ventilation management system controls the ventilation rates depending on the health and welfare needs of the birds and outside weather conditions. The sheds and concrete flooring will be maintained in good condition; cracks and open seams will be repaired. Nipple drinking system reduces spillage of water. The ventilation fans in the new shed have been selected so that they are the appropriate power and size for the shed. The computer control system runs the ventilation at maximum efficiency, i.e. one fan operating at full capacity rather than two operating at half their capacity. The fans will be regularly maintained and cleared of debris. The standby generator is regularly maintained in accordance with the manufacturers' instructions to ensure it operates efficiently.

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

This requirement addresses wastes produced at the facility.

The installation is part of a large volume low margin industry where waste minimisation is fundamental for productivity and profitability, consequently the management of the process is designed to minimise losses and waste generation.

As mentioned above, manure is removed from the two existing houses approximately once per year, and manure will be removed from the new house via a belt collection system, approximately twice weekly. Litter is used on operator-controlled land or sold to third parties, sometimes used as fuel for an anaerobic digester. Any litter that is exported from the installation has records kept of the quantities, destination and the date of transfer. A purpose-built covered manure store (steel framed building) temporarily stores any manure not transported off site immediately. Contingency arrangements are in place with surrounding farms to accept the manure in the case of an emergency. At the end of each production cycle, the site will be pressure washed, disinfected and dried out. All wash waters will be contained in sealed underground tanks. Wash water tanks along with sediment traps will be emptied and removed with litter.

Inorganic waste generated by the farm will mainly consist of paper, plastic and glass. Plastic waste will normally be in two forms; wrapping from bales of wood shavings and

bottles from used disinfectants and detergents. The amount of plastic waste will be minimised through good managerial techniques. By good management of the litter quality, fewer bales of wood shaving will be needed, thus lowering the amount of plastic wrapping discarded. Large empty plastic bottles from detergents will be 'recycled' and used for foot dip containers or smaller rubbish bins for the storerooms.

Poultry carcasses are, under normal circumstances, collected and stored in sealed containers awaiting regular collection under the fallen stock scheme by a licensed collection agent. As a contingency plan or if an outbreak of high mortality should arise, carcasses will be placed in sealed containers and removed, as detailed in the emergency plan.

In the event of high mortality caused by disease, the operator will follow the guidance of the allocated veterinarian dealing with the outbreak. The mortality would be disposed of at an approved landfill site under the advice of that veterinarian, after consideration of weather conditions and geographical haulage parameters.

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 such as intensive farming 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 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

The following sections of this document explain how we have considered 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. Modelling has been carried out based on emissions from the two existing poultry houses, the proposed additional poultry house, and ranging areas.

There are some isolated residences and commercial properties in the area surrounding the site of the poultry houses at Trelystan, and the modelling report has

captured a total of four sensitive receptors. The closest residence is at Mulsop Farm, which is approximately 250m to the south of the proposed new poultry house. The results of the modelling predict the highest maximum odour concentrations at Mulsop Farm.

The meteorological data used in the study is obtained from assimilation and short term forecast fields of the Numerical Weather Prediction (NWP) system known as the Global Forecast System (GFS). There are no nearby traditional observation meteorological datasets that could be considered representative of the area around Trelystan. Observational meteorological data from Lake Vyrnwy and Shawbury have been used, however, as explained in the modelling report and confirmed by NRW Air Quality Specialists, due to distance and differences in local topography, observed meteorological data at the Lake Vyrnwy and Shawbury monitoring stations are unlikely to be representative of prevailing conditions at the proposed facility. It is justifiable therefore that odour concentration results for both Lake Vyrnwy Calms Terrain and Shawbury Calms Terrain have not been considered in the final conclusions of the report.

The modelling indicates that odour exposure from the proposed facility would be below the odour benchmark for moderately offensive odours at all residential receptors considered. We are satisfied that the risk of odour pollution at nearby receptors is not significant. 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 also 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:

- No on site milling and mixing.
- Feed delivery will be sealed to minimise atmospheric dust. Any feed spillage around bin is immediately swept up. Condition of feed bins is checked frequently so that any leaks or damage can be identified.
- The ventilation system will be regularly adjusted according to the age and requirements of the flock. The ventilation will be designed to efficiently remove moisture from the house.
- Insulated walls and ceilings to prevent condensation. Concrete floors to prevent water ingress. Stocking density at optimum level to prevent overcrowding.
- Carcasses are placed in sealed containers awaiting regular collection by a licensed renderer.
- Litter is carefully placed into trailers close to the house entrances. Trailers are sheeted before being transported off site. De-littering will be avoided at weekends during summer months.
- House clean out (disinfection and fumigation) carried out by specialist contractors using DEFRA approved chemicals observing correct dilution rates.

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. 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. Only clean, uncontaminated rainwater from roofs and yard areas will drain to soakaways. Any lightly contaminated yard wash will be directed to a sealed underground tank.

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

There are no 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 a sealed underground tank.

5.5 Fugitive emissions

The applicant has assessed the risk of fugitive emissions from the site. Potential sources of fugitive emissions include dust emissions to air and pests. If flies become an issue, manure will be treated with pesticide and covered with a polythene sheet.

Feed spillages will be cleared up promptly to help prevent rodent issues.

To minimise dust emissions feed is stored in purpose built covered feed silos located next to the layer sheds. No milling or mixing of feed takes place at the farm, all feed is delivered to the farm by lorry from a UKASTA accredited feed mill. Feed is piped from the silos to the sheds minimising dust emissions. Suitable bedding will be used and litter is removed carefully during cleanout.

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 Noise assessment

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, small vehicle movements, ventilation fans, the alarm system, feed transferring from lorries to bins, and bird catching.

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.

All vehicles are required to be driven onto and offsite with due consideration for neighbours. Timed delivery restrictions can be implemented (07:00 and 20:00hrs) to minimise disturbance. All vehicles are regularly maintained to reduce engine noise. Roadways are free from potholes and maintained in good order. Vehicles are driven slowly on site. Extraction fans are efficient and regularly maintained. The alarm system is tested weekly (Mondays mid-morning to reduce disturbance). Noise during bird catching is minimised by careful bird handling by trained catchers.

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.

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 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 noise produced 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:

Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites:

Montgomery Canal SAC – Site code UK0030213

Granllyn SAC – Site code UK0030158

Midland Meres and Mosses Ramsar (England) – Site code UK11043

Sites of Special Scientific Interest (SSSIs):

Gwaun Bryn (Bryn Pasture) – SSSI Code 32WZE

Gwaith Brics Buttington (Buttington Brickworks) – SSSI Code 33WPY

Gungrog Flash – SSSI Code 32WWW

Montgomery Canal – SSSI Code 32WPP

Leighton Bat Roosts – SSSI Code 32WWY

Kingswood Meadow – SSSI Code 32WH3

Marton Pool, Chirbury (England), part of Midland Meres and Mosses Ramsar

We also considered the potential impacts on nearby ancient woodlands (within 2km). There are no local wildlife sites, local nature reserves or national nature reserves within 2km of the livestock units.

The applicant has carried out detailed modelling of the potential impact of dispersion and deposition of ammonia from the site. The modelling report concludes that the maximum predicted annual ammonia concentration will be 0.024µg/m³ for Montgomery Canal SAC, 0.005µg/m³ for Granllyn SAC, and 0.023µg/m³ for Midland Meres and Mosses Ramsar. These are the predicted maximum process

contributions (PCs) from the livestock units. These values represent 0.8% of the critical level of $3.0\mu\text{g}/\text{m}^3$ for Montgomery Canal, 0.2% of the critical level of $3.0\mu\text{g}/\text{m}^3$ for Granllyn, and 0.8% of the critical level of $3.0\mu\text{g}/\text{m}^3$ for Midland Meres and Mosses, and as such are considered not likely to have a significant effect (anything below 1% of the critical level is considered not likely to have a significant effect).

For intensive farming installations, NRW's position is that in combination effects are only taken into account if the process contribution exceeds 1% of the critical level. For Montgomery Canal SAC, Granllyn SAC and Midland Meres and Mosses Ramsar, the process contribution is below 1% of the critical level, therefore in combination was not required.

Gwaun Bryn SSSI is the nearest SSSI to the proposed facility (2.1km North West), and this is the only SSSI for which the PC from the livestock unit exceeds 1% of the critical level of $3.0\mu\text{g}/\text{m}^3$ at 1.9%. However, the background ammonia concentration in the area is $2.05\mu\text{g}/\text{m}^3$. A PC of 1.9% of the critical level is $0.057\mu\text{g}/\text{m}^3$, bringing the background concentration up to $2.107\mu\text{g}/\text{m}^3$. This is below $3.0\mu\text{g}/\text{m}^3$ and is acceptable. A 5km search of Gwaun Bryn revealed that there are no sites which needed to be considered in a cumulative assessment for the SSSI. It could therefore be concluded that the PC from the livestock units is not considered to have a significant effect on Gwaun Bryn SSSI, either alone or in combination with other sites.

As part of a response to a request for further information from NRW, the applicant submitted a report showing how they have considered any negative effects on nearby ancient woodlands. As a mitigation measure, the operator proposes to plant new trees to create a total of 0.6 hectares of new woodland.

HRA consultation:

OGN Form 1 and CRoW Appendix 4 were completed and forwarded onto our internal Natural Resource Management (NRM) team and Natural England for consultation and notification. Full details of the assessment carried out of the potential effect of ammonia emissions from the proposed site on the Natura 2000 / Ramsar and SSSI sites detailed above are detailed in the forms. Our conclusions were that the proposal

is not likely to have a significant effect on any of these sites. The forms are available from our public register.

Following consultation with internal colleagues, a request was made to the applicant to provide further information on manure management, bird movements, ranging areas and drainage. As a result of this request the applicant submitted further information on manure management, an updated drainage plan, and a plan showing bird movements and ranging areas. It came to light that the installation plan submitted with the application did not include all the relevant ranging areas and did not include a sealed manure store which will receive any manure not immediately exported off site. Consequently, the installation plan and green line boundary were updated to include these.

Due to inconsistencies in the information supplied by the applicant about drainage and ranging area management, the following pre-operational condition (PO1) has been included in the permit:

'Birds shall not be free ranging until the drainage and ranging area management arrangements outlined in the permit application have been approved by an NRW site officer, either by site visit or via photographic evidence'.

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 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

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. These monitoring requirements have been introduced in order to demonstrate compliance with the 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.

6.3 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 Food Standards Agency	
Brief summary of issues raised:	Summary of action taken / how this has been covered
1. If the application is approved the applicants will also need to register with the local authority to obtain approval as an Animal Produce Establishment to enable them to pack and grade eggs.	1. Not within scope of EPR

2) Consultation responses from members of the public and community organisations

None received.

a) Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils

None received

b) Representations from community and other organisations

None received

c) Representations from individual members of the public

None received

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