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Gwyn Jones and Partners Upper Maenllwyd Broiler Unit Decision Document

Variation

The Variation number is: **EPR/BB3590FS/V002**
The Applicant / Operator is: **Gwyn Jones and Partners**
The Facility is located at: **Upper Maenllwyd Farm, Kerry, Newtown,**
Powys, SY16 4NB

We have decided to issue the variation for Upper Maenllwyd Broiler Unit operated by Mr Gwyn Jones and Mrs Kathleen Jones trading as 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

Table of Contents

Contents

Variation	2
Purpose of this document	2
Structure of this document	2
Table of Contents	3
Contents	3
Key issues of the decision	4
1 Our decision	4
2 How we reached our decision	4
2.1 Receipt of Application	4
2.2 Consultation on the Application	5
2.3 Requests for Further Information	5
3 The Legal Framework	5
4 The Facility	6
4.1 Description of the Facility and related issues	6
4.2 Operation of the Facility – general issues	7
5 Minimising the Facility’s environmental impact	8
5.1 Assessment of Impact on Air Quality	9
6 Setting ELVs and other Permit conditions	9
6.1 Monitoring	9
6.2 Reporting	10

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.

Permit number EPR/BB3590FS currently permits Gwyn Jones and Partners to Operate a regulated facility which is subject principally to the Environmental Permitting Regulations 2016 (EPR) and is subject to the requirements of the Industrial Emissions Directive (IED). The existing permit allows the rearing of up to 112,000 broiler birds. This normal variation is to vary this permit to install a Ground Source Heat Pump (GSHP). As a result of this variation, there will be no changes to the permit conditions. The addition of the Ground Source Heat pump will be implemented to the permit via an addition of a Directly Associated Activity in Schedule 1 and an additional Operating Technique in Table S1.2.

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 EPR 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. This document should be read in conjunction with the application and supporting information and permit.

2 How we reached our decision

2.1 Receipt of Application

The Application was accepted as duly made on 05/10/21. 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 a claim for no claim for commercial confidentiality. We have not received information in relation to the Application that appears to be confidential in relation to any party.

2.2 Consultation on the Application

There was no requirement to carry out a consultation on the Application.

2.3 Requests for Further Information

In order for us to be able to consider the Application duly made, we needed more information. We requested further information relating to a revised site plan, information relating to the Ground Source Heat Pump and amendment to Form C3. Upon receipt of this information we were able to consider the application Duly Made.

A copy of the information notice and e-mails requesting further information were placed on our public register as were the responses when received.

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 (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 Facility 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.

Environment Wales Act 2016 – Biodiversity and resilience of ecosystems duty

Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions. NRW is satisfied that in this case we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for an EPR permit.

4 The Facility

4.1 Description of the Facility and related issues

4.1.1 The permitted activities

The Installation is subject to the EPR because it carries out an activity listed in Schedule 1 Part 2 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 include:

- Ground Source Heat Pump
- Feed silos
- Dirty water storage
- Fuel storage
- Chemical storage

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

4.1.2 The Site

The site is situated approximately 2.5 km north-east of the village of Kerry near Newtown in Powys. The surrounding area is predominantly pasture, although there are some arable fields and wooded areas nearby.

The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility, in the case of this variation the site boundary has not changed. In addition, the operator has provided a site layout/drainage plan which includes discharge points and the location of the GSHP.

A plan is included in the permit and the operator is required to carry on the permitted activities within the installation boundary indicated in green.

4.1.3 What the Installation does

The Installation comprises of two broiler houses, with capacity for 112,000 broiler birds which will be ventilated by high speed roof fans. Following this variation, these broiler sheds will be heated by a closed loop Ground Source Heat Pump. As per the existing operation the birds will be grown in 7.6 cycles per year and the cycle length is approximately 7 weeks. Bird thinning will start to 30% of chicks at day 32 and they will be cleared at day 39/40. There is approximately a 7-day turnaround between the cycles where there will be no birds on site.

4.2 Operation of the Facility – general issues

4.2.1 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 will be able to operate the Installation so as to comply with the conditions included in the Permit.

Relevant Convictions

NRW's COLINS Database has been checked to ensure that all relevant convictions have been declared.

No relevant convictions were found, since the original permit was issued.

4.2.2 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 included sections on normal operations, maintenance schedule and records, incidents and abnormal operations, complaints system, accidents, training 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 Facility, and that sufficient resources are available to the Operator to ensure compliance with all the Permit conditions.

4.2.3 Operating techniques

We have reviewed the techniques proposed by the operator 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 EPR 6.09. In addition, an updated Environmental Management System has been supplied with this variation that outlines procedures to mitigate environmental damage.

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

5 Minimising the Facility'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 points 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 documents.

For an installation of this kind, the principal emissions are:

- Ammonia
- Dust
- Odour
- Noise
- Effluent discharges

5.1 Assessment of Impact on Air Quality

Air quality modelling was not required as part of this variation to the permit. We are satisfied that air emissions from changes proposed in this variation are not set to change therefore are not likely to pose a significant or increased risk to the environment or human health.

6 Setting ELVs and other Permit conditions

There has been no changes to the monitoring or reporting as part of this variation. 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 best available techniques (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.

6.1 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. 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. We made this decision in accordance with EPR 6.09 *“How to Comply with your Permit for Intensive Farming”*.