



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Natural Resources Wales permitting decisions

Philip Rogers and Simon Rogers Upper Heath Poultry Unit Decision Document

Bespoke permit

The application number is: PAN-002234

The Applicant / Operator is: Philip Rogers and Simon Rogers

The Installation is located at: Upper Heath Poultry Unit, Upper Heath Farm, Presteigne, Powys, LD8 2HG

We have decided to grant the permit for Upper Heath Poultry Unit operated by Philip Rogers and Simon Rogers.

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 2 the consultation and web publicising responses

Table of Contents

Contents

Bespoke permit	2
The application number is: PAN-002234	2
The Applicant / Operator is: Philip Rogers and Simon Rogers	2
The Installation is located at: Upper Heath Poultry Unit, Upper Heath Farm, Presteigne, Powys, LD8 2HG	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	6
4.1 Description of the Installation and related issues	6
4.2 The site and its protection	8
4.3 Operation of the Installation – general issues	8
5 Minimising the Installation’s environmental impact.....	10
5.1 Assessment of Impact on Air Quality	11
5.2 Assessment of odour impact.....	11
5.3 Assessment of impact to surface and ground water	12
5.4 Emissions to sewer	12
5.5 Fugitive emissions	13
5.6 Assessment of noise impact	13
5.7 Impact on Habitats sites, SSSIs, non-statutory conservation sites etc.....	13
6 Setting ELVs and other Permit conditions	14
6.1 Translating BAT into Permit conditions.....	14
6.2 Monitoring	14
6.3 Reporting	14
ANNEX 1: Consultation Responses	16
A) Advertising and Consultation on the Application	16

1)	Consultation Responses from Statutory and Non-Statutory Bodies.....	16
2)	Consultation Responses from Members of the Public and Community Organisations.....	16
a)	Representations from Local MP, Assembly Member (AM), Councillors and Parish / Town / Community Councils	16
b)	Representations from Community and Other Organisations.....	16
c)	Representations from Individual Members of the Public	17

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 10 January 2018 and was duly made on 30 January 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.

2.2.1 Draft Permit Consultation

We are now carrying out a consultation on our draft decision. This consultation will begin on 14/06/18 and end on 12/07/18.

3 The Legal Framework

The Permit will be granted, under Regulation 13 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

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 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 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 include:

- Dirty water storage
- Biomass Boilers
- Feed Silos

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

4.1.2 The Site

The site lies approximately 2km East of Presteigne at grid reference SN 33252 63332. 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

The facility will comprise of two poultry houses, with capacity for 90,000 broiler places. Birds will be housed at day old and depopulated with 35% of the birds thinned at around thirty-three days and the remainder taken at approximately thirty nine days of age with approximately nine days empty, which will give 7.5 cycles per annum, producing around 700,000 birds per annum. The birds will be delivered and removed on an “All In, All Out” basis, which means that the entire flock will be removed from both houses before a new flock cycle begins. As a result, there will be no overlap between different flocks of birds.

The birds will be housed in two buildings each of which will be constructed to the best environmental standards. The buildings will be equipped with high velocity roof vents and will be heated by a biomass boiler with a total thermal input of 600kwh.

After the birds are removed the litter will be removed and stored on operator controlled land outside the installation boundary. The buildings will then be cleaned, disinfected and dried prior to the next re-stocking of birds. All wash waters will be collected in the dirty water tanks.

4.2 The site and its protection

4.2.1 Proposed site design: potentially polluting substances and prevention measures

There are two poultry houses, with a combined capacity for 90,000 birds. The working area where vehicles operate is laid to concrete and hard standing. Ventilation is controlled by temperature, and both houses 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 at the end of every cycle. 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.

A site condition report has been completed providing a baseline for the site at the time of the permit application. It is noted that the land has previously been used for general agriculture use. 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

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 Relevant convictions

Our Enforcement 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 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.

4.3.4 Accident management

In order to ensure that the management system proposed by the Applicant sufficiently manages the residual risk of accidents, permit condition 1.1.1a 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.

4.3.3 Site security

The site itself does not have a secure boundary fence. 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 procedures will be in place to ensure that the site remains secure.

4.3.5 Operating techniques

The operator will now use a biomass boiler to heat up the sheds prior to the bird arriving on site. This will be to a specified temperature for bird welfare. The length of the cycle and number of empty days will also change to a crop cycle of thirty nine days and nine days empty where the operator will be cleaning and preparing the sheds for the next cycle. The birds will continue to be thinned at around day thirty-three.

Ammonia emissions will be reduced by reduced protein feed, maintaining good litter conditions with dry matter content above 60%.

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.

4.3.6 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.

4.3.7 Energy efficiency

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

4.3.8 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. Modelling has been carried out based on emissions from the two poultry houses and areas of the ranging area most likely to be used frequently.

The results of the modelling predict the highest maximum odour concentrations at the buildings directly associated with Upper Heath. There was a total of 23 receptors screened in the modelling report. Only Upper Heath Farm was above the benchmark of 3 odour units with a figure of 3.67 ouE/m³. As this receptor is directly associated with the farm we can identify it as a less sensitive receptor and raise the benchmark to a higher figure.

All the other receptors came in well below the benchmark of 30UE/m³. Over 18 of the receptors had a figure below 10UE/m³.

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 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. .

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

There are no point source emissions to water from the installation.

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 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

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

sealed underground tank prior to being spread on operator controlled land. There are no emissions to sewer.

5.5 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.

5.6 Assessment of noise impact

The potential noise impacts from the installation were assessed and found to be satisfactory at the time of the original permit application. This variation makes no change to the predicted noise emissions and therefore this matter has not been reviewed further at this stage.

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:

SSSI (within 5km)

River Lugg SSSI (975m North)

Flintsham & Titley Pools (3.7km South)

Byton and Coombe Moors (2.8km East)

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

We have completed the AST Assessment tool to determine the potential impact of dispersion and deposition of Ammonia from the site at the three SSSIs. It is to be noted that the AST assessment tool is highly conservative and it is highly likely that if the applicant were to provide to us modelling the figure could decrease significantly.

The screening tool concludes that the maximum predicted NH₃ process contributions (PCs) from the poultry units are 0.4% at Flintsham & Titley Pools, 0.7% at Byton and Combe Moors and 3.3% at the River Lugg. It can also be noted that it has generally been accepted by the Environment Agency that the use of heat exchanges can result

in a reduction of ammonia emissions of up to ~35%. This would bring the figure for the River Lugg down to ~2.14% of the PC.

Speaking to our species team we have concluded that the sites can be assessed against $3\mu\text{g}/\text{m}^3$ as there are no Lichens and Bryophytes found in this area. I'd move to

Only the River Lugg SSSI exceeds the 1% of the CL_e. As the AST assessment is highly conservative, we believe there was no need for detailed modelling.

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 the proposal is not likely to have a significant effect on any of these sites. The forms were sent to our internal Natural Resource Management team for consultation. The forms are available from our public register.

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 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.

6.2 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 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.

6.3 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.

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	N/A

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

c) Representations from Individual Members of the Public

Response Received from Members of the public	
Brief summary of issues raised:	Summary of action taken / how this has been covered
Concerns regarding Odour, Manure management plans/spreading	The odour emissions from the installation have been modelled and the modelling assessed by NRW. Further detail on this can be found in section 5.2 above. In addition and to safeguard for potential odour impacts, the permit includes conditions 3.3.1 and 3.3.2 to address any odour impacts should they occur. The manure management plan is not required and will not be controlled by this permit, as the spreading would take place outside of the installation boundary. NRW will continue to work, in association with other authorities, with land owners and farmers to help ensure the nutrients in manures are applied following best practice and where it is clear this is not the case and results in pollution, we will take the appropriate action.
Monitoring – no monitoring taken place at the site	Permit condition 3.1.3 covers groundwater monitoring every 5 years and 10 years for soil. Do the operating techniques/ odour management plan state that monitoring will be carried out? May be worth adding that this is done.
Concerns that the site is in an Nitrate Vulnerable Zones (NVZ).	The applicant, when applying had stated that the poultry site was located within an NVZ. This was a mistake by the applicant as we had checked our database and we can confirm the poultry site does not lie within a NVZ
Flood Risk, Dust, Clean water soakaways, Noise	The only change in the operating of the poultry unit is the use of biomass boilers to heat the two sheds. The concerns are covered in the previous decision document. A Flood Consequence Assessment has been provided in the planning stage. The applicant would need to build any building to the specification of the planners.

Increased poultry numbers	Ammonia modelling was done using AST Assessment Tool. This gives a highly conservative figure. Due to the operator using a biomass boiler to dry the litter, this in turn would lead to less ammonia emissions. This is explained in section 5.7 in this document.
Energy Generation	The original application had gas fired boilers to heat up the sheds. It will now be done through one biomass boiler with a total thermal input of 600kwh. The boiler will only be used to heat up the two sheds. By using the biomass boiler, it will reduce the total ammonia produced by the site by approximately 35%. We have received a new plan with the biomass boiler and store included in the site boundary. This can be seen in schedule 7 of the permit.
Site visit for decision	There will be no site visit to inform the decision. We will advertise the documents on our website for 28 days once they are ready for consultation.
EIA, Cumulative Impact on habitats	Due to the use of biomass boilers to dry up the litter the cumulative impact would be the same as 80,000 birds. The biomass boiler will be used to keep the litter dry. In turn this will reduce the ammonia emissions by around ~35% this will offset the increase in bird numbers in this variation.
Ammonia impacts	Explained in the section 5.7 above.
Traffic Impact and extra HGV Lorries	Concern is covered in the previous decision document.
Water Extraction – borehole for extraction.	The borehole licence will be regulated by another permitting team in NRW. They will assess all relevant impacts on the environment. Therefore for this application, we cannot comment further on this.
No planting of hedges or woodlands has taken place since the permit was granted	Due to the planting of hedges and woodlands being off-site we cannot comment further.

Planning concerns	These concerns are being disregarded as these are directed towards the planning department and they are not relevant to the permitting remit.
-------------------	---