

Natural Resources Wales permitting decisions

Decision Document – Penpound Poultry Unit

Bespoke permit application

The application number is: PAN-000935 (AB3691ZB)

The Applicant / Operator is: Mr Raymond Powell

The Installation is located at: Penpound Poultry Unit, Penpound, Newbridge on Wye, Llandrindod Wells, Powys, LD1 6HR

We have decided to grant the permit for Penpound Poultry Unit operated by Raymond Powell.

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
- the consultation and web publicising responses

Table of Contents

Contents

Natural Resources Wales permitting decisions	1
Bespoke permit application	2
The application number is: PAN-000935 (AB3691ZB)	2
The Applicant / Operator is: Raymond Powell	2
The Installation is located at: Penpound Poultry Unit, Penpound, Newbridge on Wye, Llandrindod Wells, Powys, LD1 6HR	2
Purpose of this document	2
Structure of this document	3
Table of Contents	4
Contents	4
Key issues of the decision	6
Receipt of application	6
Consultation	6
Operator	7
The facility	7
European Directives	7
The site	7
Site condition report	8
Biodiversity, Heritage, Landscape and Nature Conservation	8
Environmental Risk Assessment	9
Air	9
Water	10
Odour	10
Noise	11
Fugitive emissions	12
Operating techniques	12
Incorporating the application	12
Environment management system	12
Relevant convictions	13
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	14

Key issues of the decision

Receipt of application

Consultation

The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.

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

We sent copies of the Application to the following bodies, which includes those with whom we have “Working Together Agreements”:

- **Food Standards Agency**
- **Health Protection Agency**
- **Public Health Wales**
- **Powys County Council – Environmental Health**
- **Powys County Council – Planners**

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

The consultation started on 17/11/2016 and ended on 15/12/2016.

An advert was also placed on our website, this started on 16/11/2016 and ended on 14/12/2016.

On completion of the draft determination, we advertised this draft determination on our website from 13 October 2017 Until 10 November 2017. 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 3. We have taken all relevant representations into consideration in reaching our determination.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.

The facility

The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities.

- Intensive rearing of poultry with a maximum of 100,000 broiler birds;
Section 6.9 A(1)(a)(i) Rearing of poultry or pigs intensively in an installation with more than 40,000 places for poultry

Dirty water tank
Air Emissions Scrubbing unit
Fuel storage
Chemical Storage

European Directives

All applicable European directives have been considered in the determination of the application.

The site

The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. 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.

Site condition report

The operator has provided a description of the condition of the site.

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

Biodiversity, Heritage, Landscape and Nature Conservation

The site 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.

Specifically we looked at the potential impacts on:

Seventeen SSSI's were identified within the 5km screening distance from the proposed installation.

Concerns were raised by a member of the public during the application consultation and this led to a review of the potential impacts from ammonia releases to atmosphere on the closest, and therefore potentially most impacted SSSI's, (these being Aberithon and Bedw Turbaries, and, Rhos Dwfnant). We reviewed the potential ammonia contribution from the installation along with the existing background ammonia concentration in the locality and the sensitivity of the interest features of the SSSI's themselves.

This led to discussions with the agents for the applicant and then to amendments to the permit application to include ammonia scrubbing of emissions to substantially reduce the emissions (minimum 90% reduction).

The permit includes limits on the emissions and also monitoring and reporting.

The updated modelled impacts of ammonia on the nearest SSSI's were satisfactory following the inclusion of the scrubbing.

Natura 2000 sites were also reviewed. Four were identified within the 10km screening distance. The nearest being the River Wye SAC which lies 840 metres to the east and 1.15 km to the west. The modelled impacts of the potential ammonia emissions on the SAC were considered in combination and found to not exceed the screening threshold. This was carried out before the introduction of ammonia scrubbing into the application which will have greatly reduced these emissions, removing the need for "in combination" considerations.

The possibility of Great Crested Newts being present on site was also considered. The applicant was required to commission an investigation and report. This did not identify the presence of Newts but did recommend certain precautions at pre-construction. These have been required in the permit as a pre-operational condition.

Environmental Risk Assessment

Air

The Applicant has assessed the Installation's potential emissions to air against the relevant air quality standards, and the potential impact upon human health. These assessments predict the potential effects on local air quality from the Installation's emissions.

We are in agreement with this approach.

Emission limits

In order to ensure that the ammonia scrubbing unit continues to operate efficiently and thus protect the nearby SSSI's from impacts we have included an annual emission limit and also emission monitoring. The annual emission limit being 340Kg (as NH₃) per annum.

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. The only water discharge proposed is for the drainage of clean, uncontaminated rainwater from roofs and yard areas to soakaway in the adjacent field

Odour

The applicant submitted an odour modelling report and the nearest property, Penpound is owned by the applicant though rented out to a third party at present. The modelling results gave a range in maximum predicted odours at the farm of 1.63, 1.79, 2.35 and 3.5 odour units. The mean of these results is well within the guidance levels for this type of installation (3 Odour units). In addition, these results were calculated on the original emissions, prior to the re-submission of the application with the ammonia scrubbing. As well as reducing the ammonia concentrations, this scrubbing also reduces odour by 50%. Therefore the odour concentrations are now expected to be significantly lower and well within the guideline figures.

The applicant has described a detailed series of measures that will be put into place to minimise odour emissions in the odour management plan. We have compared the measures proposed for the site to the BAT standards in EPR 6.09 and are satisfied that the techniques represent appropriate measures for the installation. The techniques described in the documents submitted in support of the application have been incorporated into table S1.2 of the permit as operating techniques. Permit condition 2.3.1 requires the operator to operate the installation in accordance with the techniques listed in Table S1.2 of the permit.

Odour is controlled at intensive agriculture sites in several ways, from the design of the building to the handling of manure. Permit condition 3.3.1 requires that emissions from the activities are free from odour at levels likely to cause pollution outside the site. We are satisfied that this condition will be sufficiently protective in conjunction

with the measures described by the Applicant for minimising odour production at the installation.

We are satisfied that the risk from the permitted facility of odour pollution at nearby receptors is not significant.

Noise

The applicant has described a detailed series of measures that will be put into place to minimise noise emissions in the noise management plan. We have compared the measures proposed for the site to the BAT standards in EPR 6.09 and are satisfied that the techniques represent appropriate measures for the installation. The techniques described in the documents submitted in support of the application have been incorporated into table S1.2 of the permit as operating techniques. Permit condition 2.3.1 requires the operator to operate the installation in accordance with the techniques listed in Table S1.2 of the permit.

We are satisfied that vibration is unlikely to be an issue at the installation. The nature of the intensive farming operation means that there are no significant sources of vibration on site. Therefore vibration 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) Regulations 2016 and is a matter for the local planning authority.

Permit condition 3.4.1 requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site. This will be checked during NRW site inspections and if this is not the case, we will take appropriate action.

Noise is not generally a source of complaints for the intensive farming sector in Wales. This conclusion is supported by information on noise complaints from NRW's own databases.

In summary, we are satisfied that pollution due to noise will be managed to acceptable levels. We consider the permit conditions and operating techniques to be sufficiently protective and are satisfied that the operational measures taken to minimise noise are compliant satisfactory.

Fugitive emissions

Based upon the information in the application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise fugitive emissions and to prevent pollution from fugitive emissions.

Operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.

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

Incorporating the application

We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.

These descriptions are specified in the Operating Techniques table in the permit.

Environment management system

There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.

Relevant convictions

Our Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.

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.

1) Consultation Responses from Statutory and Non-Statutory Bodies

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

We received one detailed representation from a member of the public. This representation raised specific issues regarding potential impacts of ammonia emissions on nearby SSSI's if the site were to be permitted. With regard to the Aberithon and Bedw Turbaries SSSI it described existing background concentrations of Ammonia, the critical level of ammonia and the presence of lichens and Bryophytes sensitive to ammonia. Thus drawing the conclusion that the potential additional loading from the proposed installation would do damage to these interest features of the SSSI. It spoke similarly about the Rhos Dwfnant and Gwaunydd Dwfnant sites. It also described the presence of great crested newts in the locality.	We reviewed the application in light of these comments and decided that we would not permit the initially proposed air emissions. This led the applicant to propose installing and operating exhaust air scrubbers to greatly reduce the aerial emissions of ammonia. The permit has been conditioned accordingly to reflect the operation of these scrubbers and to limit within the permit the emissions of ammonia. In addition the applicant was required to commission an investigation and report into the possible presence of great crested Newts. This report found none in the immediate locality but did suggest some precautionary measures for the proposed development regarding potential newt disturbance. These have also been included in the permit.
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